

By: Senator(s) Gollott, Younger

To: Tourism; Finance

SENATE BILL NO. 2906

1 AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO
 2 RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE IN FAVOR OF THE
 3 LEGAL MANUFACTURE, SALE, DISTRIBUTION, POSSESSION AND
 4 TRANSPORTATION OF ALCOHOLIC BEVERAGES EXCEPT IN COUNTIES THAT VOTE
 5 TO INSTITUTE PROHIBITION AFTER HOLDING AN ELECTION ON THE MATTER;
 6 TO AMEND SECTIONS 67-1-7, 67-1-9, 67-1-11, 67-1-13, 67-1-14,
 7 67-1-15, 67-1-51, 67-1-57, 67-1-85, 67-1-91, 67-9-1, 27-71-15 AND
 8 97-31-47, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
 9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 67-1-3, Mississippi Code of 1972, is
 12 amended as follows:

13 67-1-3. From and after January 1, 2020, the policy of this
 14 state is * * * declared to be a renunciation of prohibition in
 15 favor of the legal manufacture, sale, distribution, possession and
 16 transportation of intoxicating liquor; and the provisions against
 17 such manufacture, sale, distribution, possession and
 18 transportation of * * * alcoholic beverages in this state, except
 19 in counties that vote to institute prohibition after holding an
 20 election on the matter. The purpose and intent of this chapter is
 21 to * * * provide the laws under which alcoholic beverages may be



22 legally sold, manufactured, possessed and distributed in this
23 state.

24 All laws and parts of laws in conflict with this chapter are
25 repealed only to the extent of such conflict; however, except as
26 is provided in this chapter, all laws prohibiting the manufacture,
27 sale, distribution and possession of alcoholic beverages, which
28 are not in conflict with this chapter shall remain in full force
29 and effect * * * in counties * * * wherein a prohibition on the
30 manufacture, sale, distribution and possession of alcoholic
31 beverages * * * shall hereafter be authorized as a result of an
32 election held * * * after January 1, 2020, as * * * provided in
33 this chapter.

34 **SECTION 2.** Section 67-1-7, Mississippi Code of 1972, is
35 amended as follows:

36 67-1-7. (1) Except as otherwise provided in * * * this
37 chapter, the manufacture, sale, distribution, possession and
38 transportation of alcoholic beverages shall be lawful * * * in
39 this state * * *, except in such counties that vote to institute
40 prohibition after holding an election on the matter as provided in
41 this chapter. Except as otherwise provided in Section 67-1-51 for
42 holders of a caterer's permit, the manufacture, sale and
43 distribution of alcoholic beverages shall not be permissible or
44 lawful in counties except in (a) incorporated municipalities
45 located within such counties, (b) qualified resort areas within
46 such counties approved as such by the * * * department, or (c)



47 clubs within such counties, whether within a municipality or not.
48 The manufacture, sale, distribution and possession of native wines
49 shall be lawful in any location within any such county except
50 those locations where the manufacture, sale or distribution is
51 prohibited by law other than this section or by regulations of the
52 commission.

53 (2) Notwithstanding the foregoing, within any state park or
54 any state park facility that has been declared a qualified resort
55 area by the commission, and within any qualified resort area as
56 defined under Section 67-1-5(o)(iii), an on-premises retailer's
57 permit may be issued for the qualified resort area, and the
58 permittee may lawfully sell alcoholic beverages for consumption on
59 his licensed premises regardless of whether or not the county or
60 municipality in which the qualified resort area is located has
61 voted * * * to institute prohibition, and it shall be lawful to
62 receive, store, sell, possess and consume alcoholic beverages on
63 the licensed premises, and to sell, distribute and transport
64 alcoholic beverages to the licensed premises.

65 **SECTION 3.** Section 67-1-9, Mississippi Code of 1972, is
66 amended as follows:

67 67-1-9. (1) It shall be unlawful for any person to
68 manufacture, distill, brew, sell, possess, import into this state,
69 export from the state, transport, distribute, warehouse, store,
70 solicit, take order for, bottle, rectify, blend, treat, mix or
71 process any alcoholic beverage except as authorized in this



72 chapter. However, nothing contained herein shall prevent
73 importers, wineries and distillers of alcoholic beverages from
74 storing such alcoholic beverages in private bonded warehouses
75 located within the State of Mississippi for the ultimate use and
76 benefit of the Department of Revenue as provided in Section
77 67-1-41. The department is hereby authorized to promulgate rules
78 and regulations for the establishment of such private bonded
79 warehouses and for the control of alcoholic beverages stored in
80 such warehouses. Additionally, nothing herein contained shall
81 prevent any duly licensed practicing physician or dentist from
82 possessing or using alcoholic liquor in the strict practice of his
83 profession, or prevent any hospital or other institution caring
84 for sick and diseased persons, from possessing and using alcoholic
85 liquor for the treatment of bona fide patients of such hospital or
86 other institution. Any drugstore employing a licensed pharmacist
87 may possess and use alcoholic liquors in the combination of
88 prescriptions of duly licensed physicians. The possession and
89 dispensation of wine by an authorized representative of any church
90 for the purpose of conducting any bona fide rite or religious
91 ceremony conducted by such church shall not be prohibited by this
92 chapter.

93 (2) Any person, upon conviction of any provision of this
94 section, shall be punished as follows:

95 (a) By a fine of not less than One Hundred Dollars
96 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by



97 imprisonment in the county jail not less than one (1) week nor
98 more than three (3) months, or both, for the first conviction
99 under this section.

100 (b) By a fine of not less than One Hundred Dollars
101 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
102 imprisonment in the county jail not less than sixty (60) days, nor
103 more than six (6) months, or both fine and imprisonment, for the
104 second conviction for violating this section.

105 (c) By a fine of not less than One Hundred Dollars
106 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
107 imprisonment in the State Penitentiary not less than one (1) year,
108 nor more than five (5) years, or both fine and imprisonment, for
109 conviction the third time under this section for the violation
110 thereof after having been twice convicted of its violation.

111 (3) Nothing in this * * * chapter shall make it unlawful to
112 transport bottles or containers of alcoholic beverages that are
113 legally purchased in this state if the bottles or containers are
114 unopened and are being transported on state or federal highway.

115 **SECTION 4.** Section 67-1-11, Mississippi Code of 1972, is
116 amended as follows:

117 67-1-11. (1) Notwithstanding any provision of this
118 chapter, * * * prohibition may be instituted in a county by an
119 election called and held in * * * the county * * * as provided in
120 this section.



121 (2) Upon presentation and filing of a * * * petition
122 requesting * * * that prohibition be instituted in the county
123 signed by at least twenty percent (20%) or fifteen hundred
124 (1,500), whichever number is the lesser, of the qualified electors
125 of the county, it shall be the duty of the board of supervisors to
126 call an election at which there shall be submitted to the
127 qualified electors of the county the question of whether or not
128 the sale, distribution and possession of alcoholic liquors shall
129 be * * * prohibited in * * * the county * * *. * * * The election
130 shall be held and conducted by the county election commissioners
131 on a date fixed by the order of the board of supervisors, which
132 date shall not be more than sixty (60) days from the date of the
133 filing of * * * the petition. Notice * * * of the election shall
134 be given by publishing * * * notice once each week for at least
135 three (3) consecutive weeks in some newspaper published in * * *
136 the county or, if no newspaper * * * is published * * * in the
137 county, by * * * publication in a newspaper in an adjoining county
138 and having a general circulation in the county * * *. The
139 election shall be held not earlier than fifteen (15) days from the
140 first publication of * * * the notice.

141 (3) * * * The election shall be held and conducted as far as
142 may be possible in the same manner as is provided by law for the
143 holding of general elections. The ballots used * * * at the
144 election shall contain a brief statement of the proposition
145 submitted and, on separate lines, the words "I vote * * * to



146 continue to allow the manufacture, sale, distribution and
147 possession of alcoholic beverages in _____ County () "I
148 vote * * * to prohibit the manufacture, sale, distribution and
149 possession of alcoholic beverages in _____ County ()" with
150 appropriate boxes in which the voters may express their choice.
151 All qualified electors may vote by marking the ballot with a cross
152 (x) or check (√) mark opposite the words of their choice.

153 (4) The election commissioners shall canvass and determine
154 the results of * * * the election, and shall certify * * * the
155 results to the board of supervisors which shall adopt and spread
156 upon its minutes an order declaring * * * the results. If, * * *
157 at the election, a majority of the qualified electors
158 participating * * * in the election vote in * * * against
159 prohibiting the manufacture, sale, distribution and possession of
160 alcoholic beverages, * * * the manufacture, sale, distribution and
161 possession of alcoholic beverages therein shall * * * remain
162 lawful * * * in the county. If, on the other hand, a majority of
163 the qualified electors participating in the election * * *
164 vote * * * in favor of prohibiting the manufacture, sale,
165 distribution and possession of alcoholic beverages, * * * all laws
166 prohibiting and regulating the manufacture, sale, distribution and
167 possession of intoxicating liquor shall * * * be in full force and
168 effect * * * in the county. In either case, no further election
169 shall be held in * * * the county under the provisions of this
170 chapter for a period of two (2) years from the date of the prior



171 election and then only upon the filing of a petition
172 requesting * * * the election signed by at least twenty percent
173 (20%) or fifteen hundred (1,500), whichever number is the lesser,
174 of the qualified electors of the county * * *.

175 **SECTION 5.** Section 67-1-13, Mississippi Code of 1972, is
176 amended as follows:

177 67-1-13. (1) When * * * prohibition has been instituted in
178 any county as a result of an election called and held as provided
179 in Section 67-1-11, the * * * manufacture, sale, distribution,
180 possession and transportation of alcoholic beverages in the county
181 may be allowed by an election called and held upon a petition
182 filed with the board of supervisors requesting * * * the election
183 signed by at least twenty percent (20%) or fifteen hundred (1500),
184 whichever number is the lesser, of the qualified electors of the
185 county as is otherwise provided in Section 67-1-11, all of the
186 provisions of which shall be fully applicable * * *. However,
187 nothing * * * in this section shall authorize or permit the
188 calling and holding of any election under this chapter in any
189 county more often than once every two (2) years. If in * * * the
190 election, a majority of the qualified electors participating * * *
191 vote * * * in favor of allowing the manufacture, sale,
192 distribution, possession and transportation of alcoholic beverages
193 in the county, then the * * * manufacture, sale, distribution,
194 possession and transportation of alcoholic beverages in the county
195 shall be allowed in * * * the county.



196 (2) Notwithstanding an election * * * instituting
197 prohibition * * * in a * * * county, the holder of a native wine
198 producer's permit or a native wine retailer's permit is allowed to
199 continue to operate under * * * those permits and to renew * * *
200 those permits. Possession of native wines and personal property
201 related to the activities of the native wine permit holder which
202 would otherwise be unlawful * * * in the county shall be allowed
203 subject to regulations of the Alcoholic Beverage Control Division.

204 **SECTION 6.** Section 67-1-14, Mississippi Code of 1972, is
205 amended as follows:

206 67-1-14. (1) * * * A municipality located in a county which
207 has voted * * * to institute prohibition under Section 67-1-11 may
208 allow the manufacture, sale, distribution, possession and
209 transportation of alcoholic beverages in the municipality by an
210 election * * * called and held in * * * the municipality in the
211 manner and with the results hereinafter provided.

212 (2) (a) Any municipality in this state having a population
213 of not less than five thousand (5,000) according to the latest
214 federal census and which is located in a county which has
215 voted * * * to institute prohibition, or any municipality that is
216 a county seat and which is located in a county which has
217 voted * * * to institute prohibition, may, at an election held for
218 the purpose under the election laws applicable to * * * the
219 municipality, either allow or prohibit * * * the manufacture,
220 sale, distribution, possession and transportation of alcoholic



221 beverages in the municipality, except as otherwise provided under
222 Section 67-9-1 * * *. An election to determine whether * * * the
223 manufacture, sale, distribution, possession and transportation of
224 alcoholic beverages shall be allowed in * * * a municipality
225 located in a county that has voted to institute prohibition shall
226 be ordered by the municipal governing authorities upon the
227 presentation of a petition to * * * the governing authorities
228 containing the names of at least twenty percent (20%) of the duly
229 qualified voters of * * * the municipality asking for such
230 election. In like manner, an election to determine whether such
231 sale and possession shall be prohibited in municipalities wherein
232 its sale is permitted by law shall be ordered by the municipal
233 governing authorities upon the presentation of a petition to * * *
234 the governing authorities containing the names of at least twenty
235 percent (20%) of the duly qualified voters of * * * the
236 municipality asking for * * * the election. No election on either
237 question shall be held by any one (1) municipality more often than
238 once in two (2) years.

239 Thirty (30) days' notice shall be given to the qualified
240 electors of such municipality, in the manner prescribed by law,
241 upon the question of either * * * allowing or prohibiting * * *
242 the manufacture, sale, distribution, possession and transportation
243 of alcoholic beverages in the municipality. The notice * * *
244 shall contain a statement of the question to be voted on at the
245 election. The ballots to be used in the election shall have the



246 following words printed thereon: "For the legal sale of alcoholic
247 liquors" and the words "Against the legal sale of alcoholic
248 liquors" next below. In marking his ballot the voter shall make a
249 cross (X) opposite the words of his choice.

250 If in the election a majority of the qualified electors
251 voting in the election shall vote "for the legal sale of alcoholic
252 liquors," then the municipal governing authorities shall pass the
253 necessary order permitting the legal sale of such alcoholic
254 beverages in such municipality. If in the election a majority of
255 the qualified electors voting in the election shall vote "against
256 the legal sale of alcoholic liquors," then the municipal governing
257 authorities shall pass the necessary order prohibiting the sale of
258 alcoholic beverages in such municipality.

259 (b) The provisions of this subsection shall also apply
260 to any municipality having a population of not less than six
261 thousand (6,000) according to the latest federal census, a portion
262 of which is located in a county which has voted against coming out
263 from under the dry law and a portion of which is located in a
264 county which has voted in favor of coming out from under the dry
265 law. For the purpose of determining whether or not such a
266 municipality meets the threshold population of six thousand
267 (6,000) which will qualify the municipality to hold an election
268 under this subsection, the entire population of the municipality
269 shall be considered; however, the petition to hold the election
270 authorized in this subsection shall be ordered by the municipal



271 governing authorities upon the presentation of a petition to such
272 governing authorities containing the names of at least twenty
273 percent (20%) of the duly qualified voters of such municipality
274 who reside in that portion of the municipality located in a county
275 which has voted against coming out from under the dry law and the
276 election shall be held only in that portion of the municipality.
277 In all other respects, the authority for the holding of elections
278 and the manner in which such elections shall be conducted shall be
279 as prescribed in paragraph (a) of this subsection; and, after
280 proper certification of election results, the municipal governing
281 authorities shall pass the appropriate order to permit or prohibit
282 the legal sale of alcoholic beverages in that portion of the
283 municipality located in a county which has voted against coming
284 out from under the dry law.

285 * * *

286 **SECTION 7.** Section 67-1-15, Mississippi Code of 1972, is
287 amended as follows:

288 67-1-15. In any county having two (2) judicial districts,
289 each such judicial district shall be construed to be a political
290 subdivision or subdivision of government on the same basis as a
291 county, and as such, a judicial district will be entitled to all
292 of the rights, privileges, and immunities as a county for the
293 purposes of * * * instituting prohibition under the provisions of
294 this chapter.



295 **SECTION 8.** Section 67-1-51, Mississippi Code of 1972, is
296 amended as follows:

297 67-1-51. (1) Permits which may be issued by the department
298 shall be as follows:

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

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

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

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

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

318 (b) **Package retailer's permit.** Except as otherwise
319 provided in this paragraph and Section 67-1-52, a package



320 retailer's permit shall authorize the holder thereof to operate a
321 store exclusively for the sale at retail in original sealed and
322 unopened packages of alcoholic beverages, including native wines,
323 not to be consumed on the premises where sold. Alcoholic
324 beverages shall not be sold by any retailer in any package or
325 container containing less than fifty (50) milliliters by liquid
326 measure. A package retailer's permit, with prior approval from
327 the department, shall authorize the holder thereof to sample new
328 product furnished by a manufacturer's representative or his
329 employees at the permitted place of business so long as the
330 sampling otherwise complies with this chapter and applicable
331 department regulations. Such samples may not be provided to
332 customers at the permitted place of business. In addition to the
333 sale at retail of packages of alcoholic beverages, the holder of a
334 package retailer's permit is authorized to sell at retail
335 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
336 other beverages commonly used to mix with alcoholic beverages.
337 Nonalcoholic beverages sold by the holder of a package retailer's
338 permit shall not be consumed on the premises where sold.

339 (c) **On-premises retailer's permit.** Except as otherwise
340 provided in subsection (5) of this section, an on-premises
341 retailer's permit shall authorize the sale of alcoholic beverages,
342 including native wines, for consumption on the licensed premises
343 only; however, a patron of the permit holder may remove one (1)
344 bottle of wine from the licensed premises if: (i) the patron



345 consumed a portion of the bottle of wine in the course of
346 consuming a meal purchased on the licensed premises; (ii) the
347 permit holder securely reseals the bottle; (iii) the bottle is
348 placed in a bag that is secured in a manner so that it will be
349 visibly apparent if the bag is opened; and (iv) a dated receipt
350 for the wine and the meal is available. Such a permit shall be
351 issued only to qualified hotels, restaurants and clubs, and to
352 common carriers with adequate facilities for serving passengers.
353 In resort areas, whether inside or outside of a municipality, the
354 department, in its discretion, may issue on-premises retailer's
355 permits to such establishments as it deems proper. An on-premises
356 retailer's permit when issued to a common carrier shall authorize
357 the sale and serving of alcoholic beverages aboard any licensed
358 vehicle while moving through any county of the state; however, the
359 sale of such alcoholic beverages shall not be permitted while such
360 vehicle is stopped in a county that has * * * instituted
361 prohibition. If an on-premises retailer's permit is applied for
362 by a common carrier operating solely in the water, such common
363 carrier must, along with all other qualifications for a permit,
364 (i) be certified to carry at least one hundred fifty (150)
365 passengers and/or provide overnight accommodations for at least
366 fifty (50) passengers and (ii) operate primarily in the waters
367 within the State of Mississippi which lie adjacent to the State of
368 Mississippi south of the three (3) most southern counties in the



369 State of Mississippi and/or on the Mississippi River or navigable
370 waters within any county bordering on the Mississippi River.

371 (d) **Solicitor's permit.** A solicitor's permit shall
372 authorize the holder thereof to act as salesman for a manufacturer
373 or wholesaler holding a proper permit, to solicit on behalf of his
374 employer orders for alcoholic beverages, and to otherwise promote
375 his employer's products in a legitimate manner. Such a permit
376 shall authorize the representation of and employment by one (1)
377 principal only. However, the permittee may also, in the
378 discretion of the department, be issued additional permits to
379 represent other principals. No such permittee shall buy or sell
380 alcoholic beverages for his own account, and no such beverage
381 shall be brought into this state in pursuance of the exercise of
382 such permit otherwise than through a permit issued to a wholesaler
383 or manufacturer in the state.

384 (e) **Native wine retailer's permit.** Except as otherwise
385 provided in subsection (5) of this section, a native wine
386 retailer's permit shall be issued only to a holder of a Class 3
387 manufacturer's permit, and shall authorize the holder thereof to
388 make retail sales of native wines to consumers for on-premises
389 consumption or to consumers in originally sealed and unopened
390 containers at an establishment located on the premises of or in
391 the immediate vicinity of a native winery.

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



394 permit shall permit the purchase and resale of alcoholic
395 beverages, including native wines, during legal hours on the
396 premises described in the temporary permit only.

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

399 Class 1. A temporary one-day permit may be issued to bona
400 fide nonprofit civic or charitable organizations authorizing the
401 sale of alcoholic beverages, including native wine, for
402 consumption on the premises described in the temporary permit
403 only. Class 1 permits may be issued only to applicants
404 demonstrating to the department, by a statement signed under
405 penalty of perjury submitted ten (10) days prior to the proposed
406 date or such other time as the department may determine, that they
407 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
408 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
409 Class 1 permittees shall obtain all alcoholic beverages from
410 package retailers located in the county in which the temporary
411 permit is issued. Alcoholic beverages remaining in stock upon
412 expiration of the temporary permit may be returned by the
413 permittee to the package retailer for a refund of the purchase
414 price upon consent of the package retailer or may be kept by the
415 permittee exclusively for personal use and consumption, subject to
416 all laws pertaining to the illegal sale and possession of
417 alcoholic beverages. The department, following review of the



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

420 Class 2. A temporary permit, not to exceed seventy (70)
421 days, may be issued to prospective permittees seeking to transfer
422 a permit authorized in paragraph (c) of this subsection. A Class
423 2 permit may be issued only to applicants demonstrating to the
424 department, by a statement signed under the penalty of perjury,
425 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
426 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
427 67-1-59. The department, following a preliminary review of the
428 statement provided by the applicant and the requirements of the
429 applicable statutes and regulations, may issue the permit.

430 Class 2 temporary permittees must purchase their alcoholic
431 beverages directly from the department or, with approval of the
432 department, purchase the remaining stock of the previous
433 permittee. If the proposed applicant of a Class 1 or Class 2
434 temporary permit falsifies information contained in the
435 application or statement, the applicant shall never again be
436 eligible for a retail alcohol beverage permit and shall be subject
437 to prosecution for perjury.

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



443 permit. A Class 3 permit may be issued only to an applicant
444 demonstrating to the department, by a statement signed under
445 penalty of perjury submitted ten (10) days before the proposed
446 date or such other time as the department may determine, that it
447 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
448 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
449 A Class 3 permit holder shall obtain all alcoholic beverages from
450 the holder(s) of a package retailer's permit located in the county
451 in which the temporary permit is issued. Wine remaining in stock
452 upon expiration of the temporary permit may be returned by the
453 Class 3 temporary permit holder to the package retailer for a
454 refund of the purchase price, with consent of the package
455 retailer, or may be kept by the Class 3 temporary permit holder
456 exclusively for personal use and consumption, subject to all laws
457 pertaining to the illegal sale and possession of alcoholic
458 beverages. The department, following review of the statement
459 provided by the applicant and the requirements of the applicable
460 statutes and regulations, may issue the permit. No retailer may
461 receive more than twelve (12) Class 3 temporary permits in a
462 calendar year. A Class 3 temporary permit shall not be issued to
463 a retail establishment that either holds a merchant permit issued
464 under paragraph (1) of this subsection, or holds a permit issued
465 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
466 the holder to engage in the business of a retailer of light wine
467 or beer.



468 (g) **Caterer's permit.** A caterer's permit shall permit
469 the purchase of alcoholic beverages by a person engaging in
470 business as a caterer and the resale of alcoholic beverages by
471 such person in conjunction with such catering business. No person
472 shall qualify as a caterer unless forty percent (40%) or more of
473 the revenue derived from such catering business shall be from the
474 serving of prepared food and not from the sale of alcoholic
475 beverages and unless such person has obtained a permit for such
476 business from the Department of Health. A caterer's permit shall
477 not authorize the sale of alcoholic beverages on the premises of
478 the person engaging in business as a caterer; however, the holder
479 of an on-premises retailer's permit may hold a caterer's permit.
480 When the holder of an on-premises retailer's permit or an
481 affiliated entity of the holder also holds a caterer's permit, the
482 caterer's permit shall not authorize the service of alcoholic
483 beverages on a consistent, recurring basis at a separate, fixed
484 location owned or operated by the caterer, on-premises retailer or
485 affiliated entity and an on-premises retailer's permit shall be
486 required for the separate location. All sales of alcoholic
487 beverages by holders of a caterer's permit shall be made at the
488 location being catered by the caterer, and, except as otherwise
489 provided in subsection (5) of this section, such sales may be made
490 only for consumption at the catered location. The location being
491 catered may be anywhere within a county or judicial district that
492 has * * * not instituted prohibition. * * * The sales shall be



493 made pursuant to any other conditions and restrictions which apply
494 to sales made by on-premises retail permittees. The holder of a
495 caterer's permit or his employees shall remain at the catered
496 location as long as alcoholic beverages are being sold pursuant to
497 the permit issued under this paragraph (g), and the permittee
498 shall have at the location the identification card issued by the
499 Alcoholic Beverage Control Division of the department. No unsold
500 alcoholic beverages may be left at the catered location by the
501 permittee upon the conclusion of his business at that location.
502 Appropriate law enforcement officers and Alcoholic Beverage
503 Control Division personnel may enter a catered location on private
504 property in order to enforce laws governing the sale or serving of
505 alcoholic beverages.

506 (h) **Research permit.** A research permit shall authorize
507 the holder thereof to operate a research facility for the
508 professional research of alcoholic beverages. Such permit shall
509 authorize the holder of the permit to import and purchase limited
510 amounts of alcoholic beverages from the department or from
511 importers, wineries and distillers of alcoholic beverages for
512 professional research.

513 (i) **Alcohol processing permit.** An alcohol processing
514 permit shall authorize the holder thereof to purchase, transport
515 and possess alcoholic beverages for the exclusive use in cooking,
516 processing or manufacturing products which contain alcoholic
517 beverages as an integral ingredient. An alcohol processing permit



518 shall not authorize the sale of alcoholic beverages on the
519 premises of the person engaging in the business of cooking,
520 processing or manufacturing products which contain alcoholic
521 beverages. The amounts of alcoholic beverages allowed under an
522 alcohol processing permit shall be set by the department.

523 (j) **Hospitality cart permit.** A hospitality cart permit
524 shall authorize the sale of alcoholic beverages from a mobile cart
525 on a golf course that is the holder of an on-premises retailer's
526 permit. The alcoholic beverages sold from the cart must be
527 consumed within the boundaries of the golf course.

528 (k) **Special service permit.** A special service permit
529 shall authorize the holder to sell commercially sealed alcoholic
530 beverages to the operator of a commercial or private aircraft for
531 en route consumption only by passengers. A special service permit
532 shall be issued only to a fixed-base operator who contracts with
533 an airport facility to provide fueling and other associated
534 services to commercial and private aircraft.

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



543 (m) **Temporary alcoholic beverages charitable auction**
544 **permit.** A temporary permit, not to exceed five (5) days, may be
545 issued to a qualifying charitable nonprofit organization that is
546 exempt from taxation under Section 501(c)(3) or (4) of the
547 Internal Revenue Code of 1986. The permit shall authorize the
548 holder to sell alcoholic beverages for the limited purpose of
549 raising funds for the organization during a live or silent auction
550 that is conducted by the organization and that meets the following
551 requirements: (i) the auction is conducted in an area of the
552 state where * * * prohibition has not been instituted; (ii) if the
553 auction is conducted on the premises of an on-premises retailer's
554 permit holder, then the alcoholic beverages to be auctioned must
555 be stored separately from the alcoholic beverages sold, stored or
556 served on the premises, must be removed from the premises
557 immediately following the auction, and may not be consumed on the
558 premises; (iii) the permit holder may not conduct more than two
559 (2) auctions during a calendar year; (iv) the permit holder may
560 not pay a commission or promotional fee to any person to arrange
561 or conduct the auction.

562 (n) **Event venue retailer's permit.** An event venue
563 retailer's permit shall authorize the holder thereof to purchase
564 and resell alcoholic beverages, including native wines, for
565 consumption on the premises during legal hours during events held
566 on the licensed premises if food is being served at the event by a
567 caterer who is not affiliated with or related to the permittee.



568 The caterer must serve at least three (3) entrees. The permit may
569 only be issued for venues that can accommodate two hundred (200)
570 persons or more. The number of persons a venue may accommodate
571 shall be determined by the local fire department and such
572 determination shall be provided in writing and submitted along
573 with all other documents required to be provided for an
574 on-premises retailer's permit. The permittee must derive the
575 majority of its revenue from event-related fees, including, but
576 not limited to, admission fees or ticket sales for live
577 entertainment in the building. "Event-related fees" do not
578 include alcohol, beer or light wine sales or any fee which may be
579 construed to cover the cost of alcohol, beer or light wine. This
580 determination shall be made on a per event basis. An event may
581 not last longer than two (2) consecutive days per week.

582 (o) **Temporary theatre permit.** A temporary theatre
583 permit, not to exceed five (5) days, may be issued to a charitable
584 nonprofit organization that is exempt from taxation under Section
585 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
586 a theatre facility that features plays and other theatrical
587 performances and productions. Except as otherwise provided in
588 subsection (5) of this section, the permit shall authorize the
589 holder to sell alcoholic beverages, including native wines, to
590 patrons of the theatre during performances and productions at the
591 theatre facility for consumption during such performances and
592 productions on the premises of the facility described in the



593 permit. A temporary theatre permit holder shall obtain all
594 alcoholic beverages from package retailers located in the county
595 in which the permit is issued. Alcoholic beverages remaining in
596 stock upon expiration of the temporary theatre permit may be
597 returned by the permittee to the package retailer for a refund of
598 the purchase price upon consent of the package retailer or may be
599 kept by the permittee exclusively for personal use and
600 consumption, subject to all laws pertaining to the illegal sale
601 and possession of alcoholic beverages.

602 (p) **Charter ship operator's permit.** Subject to the
603 provisions of this paragraph (p), a charter ship operator's permit
604 shall authorize the holder thereof and its employees to serve,
605 monitor, store and otherwise control the serving and availability
606 of alcoholic beverages to customers of the permit holder during
607 private charters under contract provided by the permit holder. A
608 charter ship operator's permit shall authorize such action by the
609 permit holder and its employees only as to alcoholic beverages
610 brought onto the permit holder's ship by customers of the permit
611 holder as part of such a private charter. All such alcoholic
612 beverages must be removed from the charter ship at the conclusion
613 of each private charter. A charter ship operator's permit shall
614 not authorize the permit holder to sell, charge for or otherwise
615 supply alcoholic beverages to customers, except as authorized in
616 this paragraph (p). For the purposes of this paragraph (p),
617 "charter ship operator" means a common carrier that (i) is



618 certified to carry at least one hundred fifty (150) passengers
619 and/or provide overnight accommodations for at least fifty (50)
620 passengers, (ii) operates only in the waters within the State of
621 Mississippi, which lie adjacent to the State of Mississippi south
622 of the three (3) most southern counties in the State of
623 Mississippi, and (iii) provides charters under contract for tours
624 and trips in such waters.

625 (q) **Distillery retailer's permit.** The holder of a
626 Class 1 manufacturer's permit may obtain a distillery retailer's
627 permit. A distillery retailer's permit shall authorize the holder
628 thereof to sell at retail alcoholic beverages by the sealed and
629 unopened bottle from a retail location at the distillery for
630 off-premises consumption. The holder may only sell product
631 manufactured by the manufacturer at the distillery described in
632 the permit. The holder shall not sell at retail more than ten
633 percent (10%) of the alcoholic beverages produced annually at its
634 distillery. The holder shall not make retail sales of more than
635 two and twenty-five one-hundredths (2.25) liters, in the
636 aggregate, of the alcoholic beverages produced at its distillery
637 to any one (1) individual for consumption off the premises of the
638 distillery within a twenty-four-hour period. The hours of sale
639 shall be the same as those hours for package retailers under this
640 chapter. The holder of a distillery retailer's permit is not
641 required to purchase the alcoholic beverages authorized to be sold
642 by this paragraph from the department's liquor distribution



643 warehouse; however, if the holder does not purchase the alcoholic
644 beverages from the department's liquor distribution warehouse, the
645 holder shall pay to the department all taxes, fees and surcharges
646 on the alcoholic beverages that are imposed upon the sale of
647 alcoholic beverages shipped by the Alcoholic Beverage Control
648 Division of the Department of Revenue. In addition to alcoholic
649 beverages, the holder of a distillery retailer's permit may sell
650 at retail promotional products from the same retail location,
651 including shirts, hats, glasses, and other promotional products
652 customarily sold by alcoholic beverage manufacturers.

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

656 (3) Except as otherwise provided in this subsection, no
657 authority shall be granted to any person to manufacture, sell or
658 store for sale any intoxicating liquor as specified in this
659 chapter within four hundred (400) feet of any church, school,
660 kindergarten or funeral home. However, within an area zoned
661 commercial or business, such minimum distance shall be not less
662 than one hundred (100) feet.

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



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

673 The distance restrictions imposed in this subsection shall
674 not apply to the sale or storage of alcoholic beverages at a bed
675 and breakfast inn listed in the National Register of Historic
676 Places or to the sale or storage of alcoholic beverages in a
677 historic district that is listed in the National Register of
678 Historic Places, is a qualified resort area and is located in a
679 municipality having a population greater than one hundred thousand
680 (100,000) according to the latest federal decennial census.

681 (4) No person, either individually or as a member of a firm,
682 partnership, limited liability company or association, or as a
683 stockholder, officer or director in a corporation, shall own or
684 control any interest in more than one (1) package retailer's
685 permit, nor shall such person's spouse, if living in the same
686 household of such person, any relative of such person, if living
687 in the same household of such person, or any other person living
688 in the same household with such person own any interest in any
689 other package retailer's permit.

690 (5) (a) In addition to any other authority granted under
691 this section, the holder of a permit issued under subsection
692 (1) (c), (e), (f), (g), (l), (n) and/or (o) of this section may



693 sell or otherwise provide alcoholic beverages and/or wine to a
694 patron of the permit holder in the manner authorized in the permit
695 and the patron may remove an open glass, cup or other container of
696 the alcoholic beverage and/or wine from the licensed premises and
697 may possess and consume the alcoholic beverage or wine outside of
698 the licensed premises if: (i) the licensed premises is located
699 within a leisure and recreation district created under Section
700 67-1-101 and (ii) the patron remains within the boundaries of the
701 leisure and recreation district while in possession of the
702 alcoholic beverage or wine.

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

707 **SECTION 9.** Section 67-1-57, Mississippi Code of 1972, is
708 amended as follows:

709 67-1-57. Before a permit is issued the department shall
710 satisfy itself:

711 (a) That the applicant, if an individual, or if a
712 partnership, each of the members of the partnership, or if a
713 corporation, each of its principal officers and directors, or if a
714 limited liability company, each member of the limited liability
715 company, is of good moral character and, in addition, enjoys a
716 reputation of being a peaceable, law-abiding citizen of the
717 community in which he resides, and is generally fit for the trust



718 to be reposed in him, is not less than twenty-one (21) years of
719 age, and has not been convicted of a felony in any state or
720 federal court.

721 (b) That, except in the case of an application for a
722 solicitor's permit, the applicant is the true and actual owner of
723 the business for which the permit is desired, and that he intends
724 to carry on the business authorized for himself and not as the
725 agent of any other person, and that he intends to superintend in
726 person the management of the business or that he will designate a
727 manager to manage the business for him. All managers must be
728 approved by the department prior to completing any managerial
729 tasks on behalf of the permittee and must possess all of the
730 qualifications required of a permittee; however, a felony
731 conviction, other than a crime of violence, does not automatically
732 disqualify a person from being approved as a manager if the person
733 was released from incarceration at least three (3) years prior to
734 application for approval as a manager. A felony conviction, other
735 than a crime of violence, may be considered by the department in
736 determining whether all other qualifications are met.

737 (c) That the applicant for a package retailer's permit,
738 if an individual, is a resident of the State of Mississippi. If
739 the applicant is a partnership, each member of the partnership
740 must be a resident of the state. If the applicant is a limited
741 liability company, each member of the limited liability company
742 must be a resident of the state. If the applicant is a



743 corporation, the designated manager of the corporation must be a
744 resident of the state.

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

748 (e) That the place for which the permit is to be issued
749 is within the corporate limits of an incorporated municipality or
750 qualified resort area or club which comes within the provisions of
751 this chapter.

752 (f) That the applicant is not indebted to the state for
753 any taxes, fees or payment of penalties imposed by any law of the
754 State of Mississippi or by any rule or regulation of the * * *
755 department.

756 (g) That the applicant is not in the habit of using
757 alcoholic beverages to excess and is not physically or mentally
758 incapacitated, and that the applicant has the ability to read and
759 write the English language.

760 (h) That the * * * department does not believe and has
761 no reason to believe that the applicant will sell or knowingly
762 permit any agent, servant or employee to unlawfully sell liquor
763 in * * * an area in which prohibition is instituted or in any
764 other manner contrary to law.

765 (i) That the applicant is not residentially domiciled
766 with any person whose permit or license has been cancelled for



767 cause within the twelve (12) months next preceding the date of the
768 present application for a permit.

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

773 (k) That there are not sufficient legal reasons to deny
774 a permit on the ground that the premises for which the permit is
775 sought has previously been operated, used or frequented for any
776 purpose or in any manner that is lewd, immoral or offensive to
777 public decency. In the granting or withholding of any permit to
778 sell alcoholic beverages at retail, the * * * department in
779 forming its conclusions may give consideration to any
780 recommendations made in writing by the district or county attorney
781 or county, circuit or chancery judge of the county, or the sheriff
782 of the county, or the mayor or chief of police of an incorporated
783 city or town wherein the applicant proposes to conduct his
784 business and to any recommendations made by representatives of
785 the * * * department.

786 (l) That the applicant and the applicant's key
787 employees, as determined by the * * * department, do not have a
788 disqualifying criminal record. In order to obtain a criminal
789 record history check, the applicant shall submit to the * * *
790 department a set of fingerprints from any local law enforcement
791 agency for each person for whom the records check is required.



792 The * * * department shall forward the fingerprints to the
793 Mississippi Department of Public Safety. If no disqualifying
794 record is identified at the state level, the Department of Public
795 Safety shall forward the fingerprints to the Federal Bureau of
796 Investigation for a national criminal history record check. Costs
797 for processing the set or sets of fingerprints shall be borne by
798 the applicant. The * * * department shall not deny employment to
799 an employee of the applicant prior to the identification of a
800 disqualifying record or other disqualifying information.

801 **SECTION 10.** Section 67-1-85, Mississippi Code of 1972, is
802 amended as follows:

803 67-1-85. (1) The holder of a package retailer's permit may
804 have signs, lighted or otherwise, on the outside of the premises
805 covered by his permit which advertise, announce or advise of the
806 sale of alcoholic beverages in or on said premises. Wherever the
807 sign is located on the premises, the name of the business shall
808 also include the permit number thereof, preceded by the words
809 "A.B.C. Permit No."

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

813 (3) It shall be lawful for publishers, broadcasters and
814 other kinds, types or forms of public and private advertising
815 media to advertise alcoholic beverages; however, no alcoholic
816 beverages may be advertised during, or within five (5) minutes



817 preceding or following, any television broadcast which consists
818 primarily of animated material intended for viewing by young
819 children.

820 (4) Notwithstanding the provisions of this section to the
821 contrary, it shall be unlawful to advertise alcoholic beverages by
822 means of signs, billboards or displays in * * * areas in which
823 prohibition is instituted.

824 **SECTION 11.** Section 67-1-91, Mississippi Code of 1972, is
825 amended as follows:

826 67-1-91. (1) It is hereby made the duty of every police and
827 peace officer and every district and county attorney and the
828 Alcoholic Beverage Control Division of the * * * Department of
829 Revenue to enforce the provisions of this chapter and to inform
830 against and diligently prosecute persons whom they have reasonable
831 cause to believe to be offenders against the provisions * * * of
832 this chapter. Every * * * officer refusing or neglecting to do so
833 shall be guilty of a misdemeanor, and the court, in addition to
834 imposing the penalty therefor, shall adjudge forfeiture of his
835 office.

836 (2) In any county or municipality where it is readily
837 apparent that local law enforcement authorities in cooperation
838 with the agents and inspectors provided by the * * * department
839 cannot control the illegal sale of alcoholic beverages, the * * *
840 department shall request such assistance as it may deem necessary
841 from the Mississippi Highway Safety Patrol; and it shall be the



842 duty of the Governor of the State of Mississippi to see that the
843 laws of the state are properly enforced by use of the additional
844 authority as herein provided.

845 (3) The officers, agents and representatives of the * * *
846 Department of Revenue and the Alcoholic Beverage Control Division
847 thereof are authorized and directed to strictly enforce the * * *
848 provisions of this chapter throughout the state * * *. The State
849 Highway Patrol, sheriffs, police departments, constables, and all
850 peace officers, and prosecuting attorneys, the Attorney General's
851 office, district attorneys, county attorneys, city attorneys, and
852 all others charged with upholding the law, as well as the
853 citizenry of this state, are hereby urged and directed to uphold
854 the dignity of the law, to foster public respect therefor and to
855 strictly enforce * * * this chapter in all cases while operating a
856 motor vehicle on the streets and highways of this state, and to
857 enforce the law and prosecute against the wrongful use of
858 intoxicating liquor in any county * * * by a permit holder or
859 licensee or anyone else under such circumstances and conditions as
860 would lead to a breakdown in public law or is violative of the
861 public sense of common decency, as well as to enforce the law
862 against gambling, organized crime, or social vice and corruption.

863 **SECTION 12.** Section 67-9-1, Mississippi Code of 1972, is
864 amended as follows:

865 67-9-1. Notwithstanding the provisions of any section of
866 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for



867 any person holding an alcohol processing permit to transport and
868 possess alcoholic beverages, light wine and beer, in any part of
869 the state, for his or her use in cooking, processing or
870 manufacturing products which contain alcoholic beverages as an
871 integral ingredient, in amounts as limited by the Alcoholic
872 Beverage Control Division of the * * * Department of Revenue. The
873 authority to transport and possess alcoholic beverages, light wine
874 and beer under this section exists regardless of whether (a) the
875 county * * * in which the transportation or possession takes place
876 has voted * * * to institute prohibition, or (b) the
877 transportation, storage, sale, distribution, receipt or
878 manufacture of light wine and beer otherwise is prohibited.

879 The provisions of this section shall not be construed as
880 amending, repealing or otherwise affecting any statute or any
881 lawfully adopted ordinance, rule or regulation that prohibits or
882 restricts the location at which, or the premises upon which,
883 alcoholic beverages, light wine or beer may be sold or consumed.

884 **SECTION 13.** Section 27-71-15, Mississippi Code of 1972, is
885 amended as follows:

886 27-71-15. Except as otherwise provided in Section 67-9-1 for
887 the transportation of limited amounts of alcoholic beverages for
888 the use of an alcohol processing permittee, if transportation
889 requires passage through a county which has * * * instituted
890 prohibition, * * * transportation shall be by a sealed
891 vehicle. * * * The seal shall remain unbroken until the



892 vehicle * * * has reached the place of business operated by the
893 permittee. The operator of any vehicle transporting alcoholic
894 beverages shall have in his possession an invoice issued by
895 the * * * department at the time of the wholesale sale covering
896 the merchandise transported by the vehicle. The * * * department
897 is authorized to issue regulations controlling the transportation
898 of alcoholic beverages.

899 When the restrictions imposed by this section and by the
900 regulation of the * * * department have not been violated, the
901 person transporting alcoholic beverages through a county * * *
902 instituted prohibition shall not be guilty of unlawful possession
903 and such merchandise shall be immune from seizure.

904 **SECTION 14.** Section 97-31-47, Mississippi Code of 1972, is
905 amended as follows:

906 97-31-47. Except as may be otherwise authorized by law, it
907 shall be unlawful for any transportation company, or any agent,
908 employee, or officer of such company, or any other person, or
909 corporation to transport into or deliver in this state in any
910 manner or by any means any spirituous, vinous, malt, or other
911 intoxicating liquors or drinks, or for any such person, company,
912 or corporation to transport any spirituous, malt, vinous, or
913 intoxicating liquors or drinks from one place within this state to
914 another place within the state, or from one (1) point within this
915 state to any point without the state, except in cases where this
916 chapter or Section 67-9-1 authorizes the transportation.



917 **SECTION 15.** This act shall take effect and be in force from
918 and after July 1, 2019.

