

By: Representatives Lamar, Hines

To: Ways and Means

HOUSE BILL NO. 1088

1 AN ACT TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT AN INDIVIDUAL MAY PURCHASE WINE FROM A WINERY AND
3 HAVE THE WINE PURCHASED SHIPPED INTO THIS STATE SO LONG AS IT IS
4 SHIPPED TO A PACKAGE RETAILER PERMITTEE IN THIS STATE; TO PROVIDE
5 THAT THE PACKAGE RETAILER PERMITTEE SHALL PAY TO THE DEPARTMENT OF
6 REVENUE ALL TAXES, FEES AND SURCHARGES ON THE WINE THAT ARE
7 IMPOSED UPON THE SALE OF WINE SHIPPED BY THE DEPARTMENT; TO AMEND
8 SECTIONS 67-1-43, 67-1-45, AND 67-1-51, MISSISSIPPI CODE OF 1972,
9 IN CONFORMITY THERETO; TO BRING FORWARD SECTION 27-71-7,
10 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE LEVY OF AN EXCISE
11 TAX AND MARKUP ON ALCOHOLIC BEVERAGES SOLD BY THE DEPARTMENT OF
12 REVENUE, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
13 PURPOSES.

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

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

17 67-1-41. (1) The department is hereby created a wholesale
18 distributor and seller of alcoholic beverages, not including malt
19 liquors, within the State of Mississippi. It is granted the
20 * * *~~sole right to import and sell * * *intoxicating liquors~~
21 alcoholic beverages at wholesale within the state, and no person
22 who is granted the right to sell, distribute or
23 receive * * *~~intoxicating liquors~~ alcoholic beverages at retail



24 shall purchase any * * *~~intoxicating liquors~~ alcoholic beverages
25 from any source other than the department except as authorized in
26 subsections (4) * * *~~and,~~ (9) and (11) of this section. The
27 department may establish warehouses, purchase * * *~~intoxicating~~
28 ~~liquors~~ alcoholic beverages in such quantities and from such
29 sources as it may deem desirable and sell the * * *~~intoxicating~~
30 ~~liquors~~ alcoholic beverages to authorized permittees within the
31 state including, at the discretion of the department, any retail
32 distributors operating within any military post or qualified
33 resort areas within the boundaries of the state, keeping a correct
34 and accurate record of all such transactions and exercising such
35 control over the distribution of alcoholic beverages as seem right
36 and proper in keeping with the provisions or purposes of this
37 chapter.

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

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



48 (4) The department may promulgate rules and regulations
49 which authorize on-premises retailers to purchase limited amounts
50 of alcoholic beverages from package retailers and for package
51 retailers to purchase limited amounts of alcoholic beverages from
52 other package retailers. The department shall develop and provide
53 forms to be completed by the on-premises retailers and the package
54 retailers verifying the transaction. The completed forms shall be
55 forwarded to the department within a period of time prescribed by
56 the department.

57 (5) The department may promulgate rules which authorize the
58 holder of a package retailer's permit to permit individual retail
59 purchasers of packages of alcoholic beverages to return, for
60 exchange, credit or refund, limited amounts of original sealed and
61 unopened packages of alcoholic beverages purchased by the
62 individual from the package retailer.

63 (6) The department shall maintain all forms to be completed
64 by applicants necessary for licensure by the department at all
65 district offices of the department.

66 (7) The department may promulgate rules which authorize the
67 manufacturer of an alcoholic beverage or wine to import, transport
68 and furnish or give a sample of alcoholic beverages or wines to
69 the holders of package retailer's permits, on-premises retailer's
70 permits, native wine retailer's permits and temporary retailer's
71 permits who have not previously purchased the brand of that
72 manufacturer from the department. For each holder of the



73 designated permits, the manufacturer may furnish not more than
74 five hundred (500) milliliters of any brand of alcoholic beverage
75 and not more than three (3) liters of any brand of wine.

76 (8) The department may promulgate rules disallowing open
77 product sampling of alcoholic beverages or wines by the holders of
78 package retailer's permits and permitting open product sampling of
79 alcoholic beverages by the holders of on-premises retailer's
80 permits. Permitted sample products shall be plainly identified
81 "sample" and the actual sampling must occur in the presence of the
82 manufacturer's representatives during the legal operating hours of
83 on-premises retailers.

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

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



98 (11) An individual may purchase wine from a winery and have
99 the purchase shipped into this state so long as it is shipped to a
100 package retailer permittee in Mississippi; however, the permittee
101 shall pay to the department all taxes, fees and surcharges on the
102 wine that are imposed upon the sale of wine shipped by the
103 department. No credit shall be provided to the permittee for any
104 taxes paid to another state as a result of the transaction. The
105 department shall develop and provide forms to be completed by the
106 package retailer permittees verifying the transaction. The
107 completed forms shall be forwarded to the department within a
108 period of time prescribed by the department.

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

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



122 **SECTION 3.** Section 67-1-45, Mississippi Code of 1972, is
123 amended as follows:

124 67-1-45. No manufacturer, rectifier or distiller
125 of * * *~~intoxicating liquor~~ alcoholic beverages shall sell or
126 attempt to sell any such * * *~~intoxicating liquor~~ alcoholic
127 beverages, except malt liquor, within the State of Mississippi,
128 except to the * * *commission department, or * * *~~to the holder of~~
129 ~~a research permit~~ as provided in Section 67-1-41. A producer of
130 native wine may sell native wines to the * * *~~commission~~
131 department or to consumers at the location of the native winery or
132 its immediate vicinity.

133 Any violation of this section by any manufacturer, rectifier
134 or distiller shall be punished by a fine of not less than Five
135 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
136 (\$2,000.00), to which may be added imprisonment in the county jail
137 not to exceed six (6) months.

138 **SECTION 4.** Section 67-1-51, Mississippi Code of 1972, is
139 amended as follows:

140 67-1-51. (1) Permits which may be issued by the department
141 shall be as follows:

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



147 the same, and to sell * * *~~exclusively to the department~~ as
148 provided by this chapter.

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

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

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

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

162 (b) **Package retailer's permit.** Except as otherwise
163 provided in this paragraph and Section 67-1-52, a package
164 retailer's permit shall authorize the holder thereof to operate a
165 store exclusively for the sale at retail in original sealed and
166 unopened packages of alcoholic beverages, including native wines,
167 not to be consumed on the premises where sold. Alcoholic
168 beverages shall not be sold by any retailer in any package or
169 container containing less than fifty (50) milliliters by liquid
170 measure. A package retailer's permit, with prior approval from
171 the department, shall authorize the holder thereof to sample new



172 product furnished by a manufacturer's representative or his
173 employees at the permitted place of business so long as the
174 sampling otherwise complies with this chapter and applicable
175 department regulations. Such samples may not be provided to
176 customers at the permitted place of business. In addition to the
177 sale at retail of packages of alcoholic beverages, the holder of a
178 package retailer's permit is authorized to sell at retail
179 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
180 other beverages commonly used to mix with alcoholic beverages.
181 Nonalcoholic beverages sold by the holder of a package retailer's
182 permit shall not be consumed on the premises where sold.

183 (c) **On-premises retailer's permit.** Except as otherwise
184 provided in subsection (5) of this section, an on-premises
185 retailer's permit shall authorize the sale of alcoholic beverages,
186 including native wines, for consumption on the licensed premises
187 only; however, a patron of the permit holder may remove one (1)
188 bottle of wine from the licensed premises if: (i) the patron
189 consumed a portion of the bottle of wine in the course of
190 consuming a meal purchased on the licensed premises; (ii) the
191 permit holder securely reseals the bottle; (iii) the bottle is
192 placed in a bag that is secured in a manner so that it will be
193 visibly apparent if the bag is opened; and (iv) a dated receipt
194 for the wine and the meal is available. Such a permit shall be
195 issued only to qualified hotels, restaurants and clubs, and to
196 common carriers with adequate facilities for serving passengers.



197 In resort areas, whether inside or outside of a municipality, the
198 department, in its discretion, may issue on-premises retailer's
199 permits to such establishments as it deems proper. An on-premises
200 retailer's permit when issued to a common carrier shall authorize
201 the sale and serving of alcoholic beverages aboard any licensed
202 vehicle while moving through any county of the state; however, the
203 sale of such alcoholic beverages shall not be permitted while such
204 vehicle is stopped in a county that has not legalized such sales.
205 If an on-premises retailer's permit is applied for by a common
206 carrier operating solely in the water, such common carrier must,
207 along with all other qualifications for a permit, (i) be certified
208 to carry at least one hundred fifty (150) passengers and/or
209 provide overnight accommodations for at least fifty (50)
210 passengers and (ii) operate primarily in the waters within the
211 State of Mississippi which lie adjacent to the State of
212 Mississippi south of the three (3) most southern counties in the
213 State of Mississippi and/or on the Mississippi River or navigable
214 waters within any county bordering on the Mississippi River.

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



222 discretion of the department, be issued additional permits to
223 represent other principals. No such permittee shall buy or sell
224 alcoholic beverages for his own account, and no such beverage
225 shall be brought into this state in pursuance of the exercise of
226 such permit otherwise than through a permit issued to a wholesaler
227 or manufacturer in the state.

228 (e) **Native wine retailer's permit.** Except as otherwise
229 provided in subsection (5) of this section, a native wine
230 retailer's permit shall be issued only to a holder of a Class 3
231 manufacturer's permit, and shall authorize the holder thereof to
232 make retail sales of native wines to consumers for on-premises
233 consumption or to consumers in originally sealed and unopened
234 containers at an establishment located on the premises of or in
235 the immediate vicinity of a native winery.

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

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

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



247 only. Class 1 permits may be issued only to applicants
248 demonstrating to the department, by a statement signed under
249 penalty of perjury submitted ten (10) days prior to the proposed
250 date or such other time as the department may determine, that they
251 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
252 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
253 Class 1 permittees shall obtain all alcoholic beverages from
254 package retailers located in the county in which the temporary
255 permit is issued. Alcoholic beverages remaining in stock upon
256 expiration of the temporary permit may be returned by the
257 permittee to the package retailer for a refund of the purchase
258 price upon consent of the package retailer or may be kept by the
259 permittee exclusively for personal use and consumption, subject to
260 all laws pertaining to the illegal sale and possession of
261 alcoholic beverages. The department, following review of the
262 statement provided by the applicant and the requirements of the
263 applicable statutes and regulations, may issue the permit.

264 Class 2. A temporary permit, not to exceed seventy (70)
265 days, may be issued to prospective permittees seeking to transfer
266 a permit authorized in paragraph (c) of this subsection. A Class
267 2 permit may be issued only to applicants demonstrating to the
268 department, by a statement signed under the penalty of perjury,
269 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
270 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
271 67-1-59. The department, following a preliminary review of the



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

274 Class 2 temporary permittees must purchase their alcoholic
275 beverages directly from the department or, with approval of the
276 department, purchase the remaining stock of the previous
277 permittee. If the proposed applicant of a Class 1 or Class 2
278 temporary permit falsifies information contained in the
279 application or statement, the applicant shall never again be
280 eligible for a retail alcohol beverage permit and shall be subject
281 to prosecution for perjury.

282 Class 3. A temporary one-day permit may be issued to a
283 retail establishment authorizing the complimentary distribution of
284 wine, including native wine, to patrons of the retail
285 establishment at an open house or promotional event, for
286 consumption only on the premises described in the temporary
287 permit. A Class 3 permit may be issued only to an applicant
288 demonstrating to the department, by a statement signed under
289 penalty of perjury submitted ten (10) days before the proposed
290 date or such other time as the department may determine, that it
291 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
292 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
293 A Class 3 permit holder shall obtain all alcoholic beverages from
294 the holder(s) of a package retailer's permit located in the county
295 in which the temporary permit is issued. Wine remaining in stock
296 upon expiration of the temporary permit may be returned by the



297 Class 3 temporary permit holder to the package retailer for a
298 refund of the purchase price, with consent of the package
299 retailer, or may be kept by the Class 3 temporary permit holder
300 exclusively for personal use and consumption, subject to all laws
301 pertaining to the illegal sale and possession of alcoholic
302 beverages. The department, following review of the statement
303 provided by the applicant and the requirements of the applicable
304 statutes and regulations, may issue the permit. No retailer may
305 receive more than twelve (12) Class 3 temporary permits in a
306 calendar year. A Class 3 temporary permit shall not be issued to
307 a retail establishment that either holds a merchant permit issued
308 under paragraph (1) of this subsection, or holds a permit issued
309 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
310 the holder to engage in the business of a retailer of light wine
311 or beer.

312 (g) **Caterer's permit.** A caterer's permit shall permit
313 the purchase of alcoholic beverages by a person engaging in
314 business as a caterer and the resale of alcoholic beverages by
315 such person in conjunction with such catering business. No person
316 shall qualify as a caterer unless forty percent (40%) or more of
317 the revenue derived from such catering business shall be from the
318 serving of prepared food and not from the sale of alcoholic
319 beverages and unless such person has obtained a permit for such
320 business from the Department of Health. A caterer's permit shall
321 not authorize the sale of alcoholic beverages on the premises of



322 the person engaging in business as a caterer; however, the holder
323 of an on-premises retailer's permit may hold a caterer's permit.
324 When the holder of an on-premises retailer's permit or an
325 affiliated entity of the holder also holds a caterer's permit, the
326 caterer's permit shall not authorize the service of alcoholic
327 beverages on a consistent, recurring basis at a separate, fixed
328 location owned or operated by the caterer, on-premises retailer or
329 affiliated entity and an on-premises retailer's permit shall be
330 required for the separate location. All sales of alcoholic
331 beverages by holders of a caterer's permit shall be made at the
332 location being catered by the caterer, and, except as otherwise
333 provided in subsection (5) of this section, such sales may be made
334 only for consumption at the catered location. The location being
335 catered may be anywhere within a county or judicial district that
336 has voted to come out from under the dry laws or in which the
337 sale, distribution and possession of alcoholic beverages is
338 otherwise authorized by law. Such sales shall be made pursuant to
339 any other conditions and restrictions which apply to sales made by
340 on-premises retail permittees. The holder of a caterer's permit
341 or his employees shall remain at the catered location as long as
342 alcoholic beverages are being sold pursuant to the permit issued
343 under this paragraph (g), and the permittee shall have at the
344 location the identification card issued by the Alcoholic Beverage
345 Control Division of the department. No unsold alcoholic beverages
346 may be left at the catered location by the permittee upon the



347 conclusion of his business at that location. Appropriate law
348 enforcement officers and Alcoholic Beverage Control Division
349 personnel may enter a catered location on private property in
350 order to enforce laws governing the sale or serving of alcoholic
351 beverages.

352 (h) **Research permit.** A research permit shall authorize
353 the holder thereof to operate a research facility for the
354 professional research of alcoholic beverages. Such permit shall
355 authorize the holder of the permit to import and purchase limited
356 amounts of alcoholic beverages from the department or from
357 importers, wineries and distillers of alcoholic beverages for
358 professional research.

359 (i) **Alcohol processing permit.** An alcohol processing
360 permit shall authorize the holder thereof to purchase, transport
361 and possess alcoholic beverages for the exclusive use in cooking,
362 processing or manufacturing products which contain alcoholic
363 beverages as an integral ingredient. An alcohol processing permit
364 shall not authorize the sale of alcoholic beverages on the
365 premises of the person engaging in the business of cooking,
366 processing or manufacturing products which contain alcoholic
367 beverages. The amounts of alcoholic beverages allowed under an
368 alcohol processing permit shall be set by the department.

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



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

374 (k) **Special service permit.** A special service permit
375 shall authorize the holder to sell commercially sealed alcoholic
376 beverages to the operator of a commercial or private aircraft for
377 en route consumption only by passengers. A special service permit
378 shall be issued only to a fixed-base operator who contracts with
379 an airport facility to provide fueling and other associated
380 services to commercial and private aircraft.

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

389 (m) **Temporary alcoholic beverages charitable auction**
390 **permit.** A temporary permit, not to exceed five (5) days, may be
391 issued to a qualifying charitable nonprofit organization that is
392 exempt from taxation under Section 501(c)(3) or (4) of the
393 Internal Revenue Code of 1986. The permit shall authorize the
394 holder to sell alcoholic beverages for the limited purpose of
395 raising funds for the organization during a live or silent auction
396 that is conducted by the organization and that meets the following



397 requirements: (i) the auction is conducted in an area of the
398 state where the sale of alcoholic beverages is authorized; (ii) if
399 the auction is conducted on the premises of an on-premises
400 retailer's permit holder, then the alcoholic beverages to be
401 auctioned must be stored separately from the alcoholic beverages
402 sold, stored or served on the premises, must be removed from the
403 premises immediately following the auction, and may not be
404 consumed on the premises; (iii) the permit holder may not conduct
405 more than two (2) auctions during a calendar year; (iv) the permit
406 holder may not pay a commission or promotional fee to any person
407 to arrange or conduct the auction.

408 (n) **Event venue retailer's permit.** An event venue
409 retailer's permit shall authorize the holder thereof to purchase
410 and resell alcoholic beverages, including native wines, for
411 consumption on the premises during legal hours during events held
412 on the licensed premises if food is being served at the event by a
413 caterer who is not affiliated with or related to the permittee.
414 The caterer must serve at least three (3) entrees. The permit may
415 only be issued for venues that can accommodate two hundred (200)
416 persons or more. The number of persons a venue may accommodate
417 shall be determined by the local fire department and such
418 determination shall be provided in writing and submitted along
419 with all other documents required to be provided for an
420 on-premises retailer's permit. The permittee must derive the
421 majority of its revenue from event-related fees, including, but



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

428 (o) **Temporary theatre permit.** A temporary theatre
429 permit, not to exceed five (5) days, may be issued to a charitable
430 nonprofit organization that is exempt from taxation under Section
431 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
432 a theatre facility that features plays and other theatrical
433 performances and productions. Except as otherwise provided in
434 subsection (5) of this section, the permit shall authorize the
435 holder to sell alcoholic beverages, including native wines, to
436 patrons of the theatre during performances and productions at the
437 theatre facility for consumption during such performances and
438 productions on the premises of the facility described in the
439 permit. A temporary theatre permit holder shall obtain all
440 alcoholic beverages from package retailers located in the county
441 in which the permit is issued. Alcoholic beverages remaining in
442 stock upon expiration of the temporary theatre permit may be
443 returned by the permittee to the package retailer for a refund of
444 the purchase price upon consent of the package retailer or may be
445 kept by the permittee exclusively for personal use and



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

448 (p) **Charter ship operator's permit.** Subject to the
449 provisions of this paragraph (p), a charter ship operator's permit
450 shall authorize the holder thereof and its employees to serve,
451 monitor, store and otherwise control the serving and availability
452 of alcoholic beverages to customers of the permit holder during
453 private charters under contract provided by the permit holder. A
454 charter ship operator's permit shall authorize such action by the
455 permit holder and its employees only as to alcoholic beverages
456 brought onto the permit holder's ship by customers of the permit
457 holder as part of such a private charter. All such alcoholic
458 beverages must be removed from the charter ship at the conclusion
459 of each private charter. A charter ship operator's permit shall
460 not authorize the permit holder to sell, charge for or otherwise
461 supply alcoholic beverages to customers, except as authorized in
462 this paragraph (p). For the purposes of this paragraph (p),
463 "charter ship operator" means a common carrier that (i) is
464 certified to carry at least one hundred fifty (150) passengers
465 and/or provide overnight accommodations for at least fifty (50)
466 passengers, (ii) operates only in the waters within the State of
467 Mississippi, which lie adjacent to the State of Mississippi south
468 of the three (3) most southern counties in the State of
469 Mississippi, and (iii) provides charters under contract for tours
470 and trips in such waters.



471 (q) **Distillery retailer's permit.** The holder of a
472 Class 1 manufacturer's permit may obtain a distillery retailer's
473 permit. A distillery retailer's permit shall authorize the holder
474 thereof to sell at retail alcoholic beverages by the sealed and
475 unopened bottle from a retail location at the distillery for
476 off-premises consumption. The holder may only sell product
477 manufactured by the manufacturer at the distillery described in
478 the permit. The holder shall not sell at retail more than ten
479 percent (10%) of the alcoholic beverages produced annually at its
480 distillery. The holder shall not make retail sales of more than
481 two and twenty-five one-hundredths (2.25) liters, in the
482 aggregate, of the alcoholic beverages produced at its distillery
483 to any one (1) individual for consumption off the premises of the
484 distillery within a twenty-four-hour period. The hours of sale
485 shall be the same as those hours for package retailers under this
486 chapter. The holder of a distillery retailer's permit is not
487 required to purchase the alcoholic beverages authorized to be sold
488 by this paragraph from the department's liquor distribution
489 warehouse; however, if the holder does not purchase the alcoholic
490 beverages from the department's liquor distribution warehouse, the
491 holder shall pay to the department all taxes, fees and surcharges
492 on the alcoholic beverages that are imposed upon the sale of
493 alcoholic beverages shipped by the Alcoholic Beverage Control
494 Division of the Department of Revenue. In addition to alcoholic
495 beverages, the holder of a distillery retailer's permit may sell



496 at retail promotional products from the same retail location,
497 including shirts, hats, glasses, and other promotional products
498 customarily sold by alcoholic beverage manufacturers.

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

502 (3) Except as otherwise provided in this subsection, no
503 authority shall be granted to any person to manufacture, sell or
504 store for sale any intoxicating liquor as specified in this
505 chapter within four hundred (400) feet of any church, school,
506 kindergarten or funeral home. However, within an area zoned
507 commercial or business, such minimum distance shall be not less
508 than one hundred (100) feet.

509 A church or funeral home may waive the distance restrictions
510 imposed in this subsection in favor of allowing issuance by the
511 department of a permit, pursuant to subsection (1) of this
512 section, to authorize activity relating to the manufacturing, sale
513 or storage of alcoholic beverages which would otherwise be
514 prohibited under the minimum distance criterion. Such waiver
515 shall be in written form from the owner, the governing body, or
516 the appropriate officer of the church or funeral home having the
517 authority to execute such a waiver, and the waiver shall be filed
518 with and verified by the department before becoming effective.

519 The distance restrictions imposed in this subsection shall
520 not apply to the sale or storage of alcoholic beverages at a bed



521 and breakfast inn listed in the National Register of Historic
522 Places or to the sale or storage of alcoholic beverages in a
523 historic district that is listed in the National Register of
524 Historic Places, is a qualified resort area and is located in a
525 municipality having a population greater than one hundred thousand
526 (100,000) according to the latest federal decennial census.

527 (4) No person, either individually or as a member of a firm,
528 partnership, limited liability company or association, or as a
529 stockholder, officer or director in a corporation, shall own or
530 control any interest in more than one (1) package retailer's
531 permit, nor shall such person's spouse, if living in the same
532 household of such person, any relative of such person, if living
533 in the same household of such person, or any other person living
534 in the same household with such person own any interest in any
535 other package retailer's permit.

536 (5) (a) In addition to any other authority granted under
537 this section, the holder of a permit issued under subsection
538 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
539 sell or otherwise provide alcoholic beverages and/or wine to a
540 patron of the permit holder in the manner authorized in the permit
541 and the patron may remove an open glass, cup or other container of
542 the alcoholic beverage and/or wine from the licensed premises and
543 may possess and consume the alcoholic beverage or wine outside of
544 the licensed premises if: (i) the licensed premises is located
545 within a leisure and recreation district created under Section



546 67-1-101 and (ii) the patron remains within the boundaries of the
547 leisure and recreation district while in possession of the
548 alcoholic beverage or wine.

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

553 **SECTION 5.** Section 27-71-7, Mississippi Code of 1972, is brought
554 forward as follows:

555 27-71-7. (1) There is hereby levied and assessed an excise
556 tax upon each case of alcoholic beverages sold by the commission
557 to be collected from each retail licensee at the time of sale in
558 accordance with the following schedule:

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

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



570 (b) Until June 30, 1987, the revenue derived from this
571 three percent (3%) markup shall be deposited by the division in
572 the State Treasury to the credit of the "Alcoholism Treatment and
573 Rehabilitation Fund," a special fund which is hereby created in
574 the State Treasury, and shall be used by the Division of Alcohol
575 and Drug Abuse of the State Department of Mental Health and public
576 or private centers or organizations solely for funding of
577 treatment and rehabilitation programs for alcoholics and alcohol
578 abusers which are sponsored by the division or public or private
579 centers or organizations in such amounts as the Legislature may
580 appropriate to the division for use by the division or public or
581 private centers or organizations for such programs. Any tax
582 revenue in the fund which is not encumbered at the end of the
583 fiscal year shall lapse to the General Fund. It is the intent of
584 the Legislature that the State Department of Mental Health shall
585 continue to seek funds from other sources and shall use the funds
586 appropriated for the purposes of this section and Section 27-71-29
587 to match all federal funds which may be available for alcoholism
588 treatment and rehabilitation.

589 From and after July 1, 1987, the revenue derived from this
590 three percent (3%) markup shall be deposited by the division in
591 the State Treasury to the credit of the "Mental Health Programs
592 Fund," a special fund which is hereby created in the State
593 Treasury and shall be used by the State Department of Mental
594 Health for the service programs of the department. Any revenue in



595 the "Alcoholism Treatment and Rehabilitation Fund" which is not
596 encumbered at the end of Fiscal Year 1987 shall be deposited to
597 the credit of the "Mental Health Programs Fund."

598 **SECTION 6.** This act shall take effect and be in force from
599 and after July 1, 2020.

