

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1088: Alcoholic beverages; allow individuals to purchase wine from a winery and have the wine shipped to a package retailer in this state.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11           **SECTION 1.** Section 67-1-41, Mississippi Code of 1972, is  
12 amended as follows:  
13           67-1-41. (1) The department is hereby created a wholesale  
14 distributor and seller of alcoholic beverages, not including malt  
15 liquors, within the State of Mississippi. It is granted the \* \* \*  
16 sole right to import and sell \* \* \* ~~intoxicating liquors~~ alcoholic  
17 beverages at wholesale within the state, and no person who is  
18 granted the right to sell, distribute or receive \* \* \*  
19 ~~intoxicating liquors~~ alcoholic beverages at retail shall purchase  
20 any \* \* \* ~~intoxicating liquors~~ alcoholic beverages from any source  
21 other than the department except as authorized in subsections  
22 (4) \* \* \* ~~and,~~ (9) and (11) of this section. The department may  
23 establish warehouses, purchase \* \* \* ~~intoxicating liquors~~

24 alcoholic beverages in such quantities and from such sources as it  
25 may deem desirable and sell the \* \* \*~~intoxicating liquors~~  
26 alcoholic beverages to authorized permittees within the state  
27 including, at the discretion of the department, any retail  
28 distributors operating within any military post or qualified  
29 resort areas within the boundaries of the state, keeping a correct  
30 and accurate record of all such transactions and exercising such  
31 control over the distribution of alcoholic beverages as seem right  
32 and proper in keeping with the provisions or purposes of this  
33 chapter.

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

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

44 (4) The department may promulgate rules and regulations  
45 which authorize on-premises retailers to purchase limited amounts  
46 of alcoholic beverages from package retailers and for package  
47 retailers to purchase limited amounts of alcoholic beverages from  
48 other package retailers. The department shall develop and provide

49 forms to be completed by the on-premises retailers and the package  
50 retailers verifying the transaction. The completed forms shall be  
51 forwarded to the department within a period of time prescribed by  
52 the department.

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

59 (6) The department shall maintain all forms to be completed  
60 by applicants necessary for licensure by the department at all  
61 district offices of the department.

62 (7) The department may promulgate rules which authorize the  
63 manufacturer of an alcoholic beverage or wine to import, transport  
64 and furnish or give a sample of alcoholic beverages or wines to  
65 the holders of package retailer's permits, on-premises retailer's  
66 permits, native wine retailer's permits and temporary retailer's  
67 permits who have not previously purchased the brand of that  
68 manufacturer from the department. For each holder of the  
69 designated permits, the manufacturer may furnish not more than  
70 five hundred (500) milliliters of any brand of alcoholic beverage  
71 and not more than three (3) liters of any brand of wine.

72 (8) The department may promulgate rules disallowing open  
73 product sampling of alcoholic beverages or wines by the holders of

74 package retailer's permits and permitting open product sampling of  
75 alcoholic beverages by the holders of on-premises retailer's  
76 permits. Permitted sample products shall be plainly identified  
77 "sample" and the actual sampling must occur in the presence of the  
78 manufacturer's representatives during the legal operating hours of  
79 on-premises retailers.

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

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

94 (11) (a) An individual resident of this state who is at  
95 least twenty-one (21) years of age may purchase wine from a winery  
96 and have the purchase shipped into this state so long as it is  
97 shipped to a package retailer permittee in Mississippi; however,  
98 the permittee shall pay to the department all taxes, fees and

99 surcharges on the wine that are imposed upon the sale of wine  
100 shipped by the department. No credit shall be provided to the  
101 permittee for any taxes paid to another state as a result of the  
102 transaction. Package retailers may charge a service fee for  
103 receiving and handling shipments from wineries on behalf of the  
104 purchasers. The department shall develop and provide forms to be  
105 completed by the package retailer permittees verifying the  
106 transaction. The completed forms shall be forwarded to the  
107 department within a period of time prescribed by the department.

108 (b) The purchaser of wine that is to be shipped to a  
109 package retailer's store shall be required to get the prior  
110 approval of the package retailer before any wine is shipped to the  
111 package retailer. A purchaser is limited to no more than ten (10)  
112 cases of wine per year to be shipped to a package retailer. A  
113 package retailer shall notify a purchaser of wine within two (2)  
114 days after receiving the shipment of wine. If the purchaser of  
115 the wine does not pick up or take the wine from the package  
116 retailer within thirty (30) days after being notified by the  
117 package retailer, the package retailer may sell the wine as part  
118 of his inventory.

119 (c) Shipments of wine into this state under this  
120 section shall be made by a duly licensed carrier. It shall be the  
121 duty of every common or contract carrier, and of every firm or  
122 corporation that shall bring, carry or transport wine from outside  
123 the state for delivery inside the state to package retailer

124 permittees on behalf of consumers, to prepare and file with the  
125 department, on a schedule as determined by the department, of  
126 known wine shipments containing the name of the common or contract  
127 carrier, firm or corporation making the report, the period of time  
128 covered by said report, the name and permit number of the winery,  
129 the name and permit number of the package retailer permittee  
130 receiving such wine, the weight of the package delivered to each  
131 package retailer permittee, a unique tracking number, and the date  
132 of delivery. Reports received by the department shall be made  
133 available by the department to the public via the Mississippi  
134 Public Records Act process in the same manner as other state  
135 alcohol filings.

136 Upon the department's request, any records supporting the  
137 report shall be made available to the department within a  
138 reasonable time after the department makes a written request for  
139 such records. Any records containing information relating to such  
140 reports shall be kept and preserved for a period of two (2) years,  
141 unless their destruction sooner is authorized, in writing, by the  
142 department, and shall be open and available to inspection by the  
143 department upon the department's written request. Reports shall  
144 also be made available to any law enforcement or regulatory body  
145 in the state in which the railroad company, express company,  
146 common or contract carrier making the report resides or does  
147 business.

148       Any common or contract carrier that willfully fails to make  
149 reports, as provided by this section or any of the rules and  
150 regulations of the department for the administration and  
151 enforcement of this section, is subject to a notification of  
152 violation. In the case of a continuing failure to make reports,  
153 the common or contract carrier is subject to possible license  
154 suspension and revocation at the department's discretion.

155           (d) A winery that ships wine under this section shall  
156 be deemed to have consented to the jurisdiction of the courts of  
157 this state, of the department, of any other state agency regarding  
158 the enforcement of this section, and of any related law, rules or  
159 regulations.

160           (e) Any person who makes, participates in, transports,  
161 imports or receives a shipment in violation of this section is  
162 guilty of a misdemeanor and, upon conviction thereof, shall be  
163 punished by a fine of One Thousand Dollars (\$1,000.00) or  
164 imprisonment in the county jail for not more than six (6) months,  
165 or both. Each shipment shall constitute a separate offense.

166           (12) If any provision of this chapter, or its application to  
167 any person or circumstance, is determined by a court to be invalid  
168 or unconstitutional, the remaining provisions shall be construed  
169 in accordance with the intent of the Legislature to further limit  
170 rather than expand commerce in alcoholic beverages to protect the  
171 health, safety, and welfare of the state's residents, and to  
172 enhance strict regulatory control over taxation, distribution and

173 sale of alcoholic beverages through the three-tier regulatory  
174 system imposed by this chapter upon all alcoholic beverages to  
175 curb relationships and practices calculated to stimulate sales and  
176 impair the state's policy favoring trade stability and the  
177 promotion of temperance.

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

180       67-1-43. Any authorized retail distributor who shall  
181 purchase or receive intoxicating liquor from any source except  
182 from the \* \* \* ~~commission~~ department, unless authorized by rules  
183 and regulations of the \* \* \* ~~commission~~ department promulgated  
184 under \* \* \* ~~subsection (4)~~ of Section 67-1-41, shall be guilty of  
185 a misdemeanor and upon conviction thereof shall be punished by a  
186 fine of not less than Five Hundred Dollars (\$500.00), nor more  
187 than Two Thousand Dollars (\$2,000.00), to which may be added  
188 imprisonment in the county jail for not more than six (6) months.  
189 Any authorization of such person to sell intoxicating beverages  
190 may be revoked as provided by law.

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

193       67-1-45. No manufacturer, rectifier or distiller of \* \* \*  
194 ~~intoxicating liquor~~ alcoholic beverages shall sell or attempt to  
195 sell any such \* \* \* ~~intoxicating liquor~~ alcoholic beverages,  
196 except malt liquor, within the State of Mississippi, except to  
197 the \* \* \* ~~commission~~ department, or \* \* \* ~~to the holder of a~~



198 ~~research permit~~ as provided in Section 67-1-41. A producer of  
199 native wine may sell native wines to the \* \* \*~~commission~~  
200 department or to consumers at the location of the native winery or  
201 its immediate vicinity.

202 Any violation of this section by any manufacturer, rectifier  
203 or distiller shall be punished by a fine of not less than Five  
204 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars  
205 (\$2,000.00), to which may be added imprisonment in the county jail  
206 not to exceed six (6) months.

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

209 67-1-51. (1) Permits which may be issued by the department  
210 shall be as follows:

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

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

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

223 mixing, blending, flavoring or reducing in proof of distilled  
224 spirits and alcohol.

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

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

231               (b) **Package retailer's permit.** Except as otherwise  
232 provided in this paragraph and Section 67-1-52, a package  
233 retailer's permit shall authorize the holder thereof to operate a  
234 store exclusively for the sale at retail in original sealed and  
235 unopened packages of alcoholic beverages, including native wines,  
236 not to be consumed on the premises where sold. Alcoholic  
237 beverages shall not be sold by any retailer in any package or  
238 container containing less than fifty (50) milliliters by liquid  
239 measure. A package retailer's permit, with prior approval from  
240 the department, shall authorize the holder thereof to sample new  
241 product furnished by a manufacturer's representative or his  
242 employees at the permitted place of business so long as the  
243 sampling otherwise complies with this chapter and applicable  
244 department regulations. Such samples may not be provided to  
245 customers at the permitted place of business. In addition to the  
246 sale at retail of packages of alcoholic beverages, the holder of a  
247 package retailer's permit is authorized to sell at retail

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

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

273 vehicle is stopped in a county that has not legalized such sales.  
274 If an on-premises retailer's permit is applied for by a common  
275 carrier operating solely in the water, such common carrier must,  
276 along with all other qualifications for a permit, (i) be certified  
277 to carry at least one hundred fifty (150) passengers and/or  
278 provide overnight accommodations for at least fifty (50)  
279 passengers and (ii) operate primarily in the waters within the  
280 State of Mississippi which lie adjacent to the State of  
281 Mississippi south of the three (3) most southern counties in the  
282 State of Mississippi and/or on the Mississippi River or navigable  
283 waters within any county bordering on the Mississippi River.

284           (d) **Solicitor's permit.** A solicitor's permit shall  
285 authorize the holder thereof to act as salesman for a manufacturer  
286 or wholesaler holding a proper permit, to solicit on behalf of his  
287 employer orders for alcoholic beverages, and to otherwise promote  
288 his employer's products in a legitimate manner. Such a permit  
289 shall authorize the representation of and employment by one (1)  
290 principal only. However, the permittee may also, in the  
291 discretion of the department, be issued additional permits to  
292 represent other principals. No such permittee shall buy or sell  
293 alcoholic beverages for his own account, and no such beverage  
294 shall be brought into this state in pursuance of the exercise of  
295 such permit otherwise than through a permit issued to a wholesaler  
296 or manufacturer in the state.

297                   (e) **Native wine retailer's permit.** Except as otherwise  
298 provided in subsection (5) of this section, a native wine  
299 retailer's permit shall be issued only to a holder of a Class 3  
300 manufacturer's permit, and shall authorize the holder thereof to  
301 make retail sales of native wines to consumers for on-premises  
302 consumption or to consumers in originally sealed and unopened  
303 containers at an establishment located on the premises of or in  
304 the immediate vicinity of a native winery.

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

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

312           Class 1. A temporary one-day permit may be issued to bona  
313 fide nonprofit civic or charitable organizations authorizing the  
314 sale of alcoholic beverages, including native wine, for  
315 consumption on the premises described in the temporary permit  
316 only. Class 1 permits may be issued only to applicants  
317 demonstrating to the department, by a statement signed under  
318 penalty of perjury submitted ten (10) days prior to the proposed  
319 date or such other time as the department may determine, that they  
320 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
321 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.

322 Class 1 permittees shall obtain all alcoholic beverages from  
323 package retailers located in the county in which the temporary  
324 permit is issued. Alcoholic beverages remaining in stock upon  
325 expiration of the temporary permit may be returned by the  
326 permittee to the package retailer for a refund of the purchase  
327 price upon consent of the package retailer or may be kept by the  
328 permittee exclusively for personal use and consumption, subject to  
329 all laws pertaining to the illegal sale and possession of  
330 alcoholic beverages. The department, following review of the  
331 statement provided by the applicant and the requirements of the  
332 applicable statutes and regulations, may issue the permit.

333 Class 2. A temporary permit, not to exceed seventy (70)  
334 days, may be issued to prospective permittees seeking to transfer  
335 a permit authorized in paragraph (c) of this subsection. A Class  
336 2 permit may be issued only to applicants demonstrating to the  
337 department, by a statement signed under the penalty of perjury,  
338 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
339 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
340 67-1-59. The department, following a preliminary review of the  
341 statement provided by the applicant and the requirements of the  
342 applicable statutes and regulations, may issue the permit.

343 Class 2 temporary permittees must purchase their alcoholic  
344 beverages directly from the department or, with approval of the  
345 department, purchase the remaining stock of the previous  
346 permittee. If the proposed applicant of a Class 1 or Class 2

347 temporary permit falsifies information contained in the  
348 application or statement, the applicant shall never again be  
349 eligible for a retail alcohol beverage permit and shall be subject  
350 to prosecution for perjury.

351 Class 3. A temporary one-day permit may be issued to a  
352 retail establishment authorizing the complimentary distribution of  
353 wine, including native wine, to patrons of the retail  
354 establishment at an open house or promotional event, for  
355 consumption only on the premises described in the temporary  
356 permit. A Class 3 permit may be issued only to an applicant  
357 demonstrating to the department, by a statement signed under  
358 penalty of perjury submitted ten (10) days before the proposed  
359 date or such other time as the department may determine, that it  
360 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
361 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
362 A Class 3 permit holder shall obtain all alcoholic beverages from  
363 the holder(s) of a package retailer's permit located in the county  
364 in which the temporary permit is issued. Wine remaining in stock  
365 upon expiration of the temporary permit may be returned by the  
366 Class 3 temporary permit holder to the package retailer for a  
367 refund of the purchase price, with consent of the package  
368 retailer, or may be kept by the Class 3 temporary permit holder  
369 exclusively for personal use and consumption, subject to all laws  
370 pertaining to the illegal sale and possession of alcoholic  
371 beverages. The department, following review of the statement

372 provided by the applicant and the requirements of the applicable  
373 statutes and regulations, may issue the permit. No retailer may  
374 receive more than twelve (12) Class 3 temporary permits in a  
375 calendar year. A Class 3 temporary permit shall not be issued to  
376 a retail establishment that either holds a merchant permit issued  
377 under paragraph (1) of this subsection, or holds a permit issued  
378 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
379 the holder to engage in the business of a retailer of light wine  
380 or beer.

381 (g) **Caterer's permit.** A caterer's permit shall permit  
382 the purchase of alcoholic beverages by a person engaging in  
383 business as a caterer and the resale of alcoholic beverages by  
384 such person in conjunction with such catering business. No person  
385 shall qualify as a caterer unless forty percent (40%) or more of  
386 the revenue derived from such catering business shall be from the  
387 serving of prepared food and not from the sale of alcoholic  
388 beverages and unless such person has obtained a permit for such  
389 business from the Department of Health. A caterer's permit shall  
390 not authorize the sale of alcoholic beverages on the premises of  
391 the person engaging in business as a caterer; however, the holder  
392 of an on-premises retailer's permit may hold a caterer's permit.  
393 When the holder of an on-premises retailer's permit or an  
394 affiliated entity of the holder also holds a caterer's permit, the  
395 caterer's permit shall not authorize the service of alcoholic  
396 beverages on a consistent, recurring basis at a separate, fixed



397 location owned or operated by the caterer, on-premises retailer or  
398 affiliated entity and an on-premises retailer's permit shall be  
399 required for the separate location. All sales of alcoholic  
400 beverages by holders of a caterer's permit shall be made at the  
401 location being catered by the caterer, and, except as otherwise  
402 provided in subsection (5) of this section, such sales may be made  
403 only for consumption at the catered location. The location being  
404 catered may be anywhere within a county or judicial district that  
405 has voted to come out from under the dry laws or in which the  
406 sale, distribution and possession of alcoholic beverages is  
407 otherwise authorized by law. Such sales shall be made pursuant to  
408 any other conditions and restrictions which apply to sales made by  
409 on-premises retail permittees. The holder of a caterer's permit  
410 or his employees shall remain at the catered location as long as  
411 alcoholic beverages are being sold pursuant to the permit issued  
412 under this paragraph (g), and the permittee shall have at the  
413 location the identification card issued by the Alcoholic Beverage  
414 Control Division of the department. No unsold alcoholic beverages  
415 may be left at the catered location by the permittee upon the  
416 conclusion of his business at that location. Appropriate law  
417 enforcement officers and Alcoholic Beverage Control Division  
418 personnel may enter a catered location on private property in  
419 order to enforce laws governing the sale or serving of alcoholic  
420 beverages.

421           (h)   **Research permit.** A research permit shall authorize  
422 the holder thereof to operate a research facility for the  
423 professional research of alcoholic beverages. Such permit shall  
424 authorize the holder of the permit to import and purchase limited  
425 amounts of alcoholic beverages from the department or from  
426 importers, wineries and distillers of alcoholic beverages for  
427 professional research.

428           (i)   **Alcohol processing permit.** An alcohol processing  
429 permit shall authorize the holder thereof to purchase, transport  
430 and possess alcoholic beverages for the exclusive use in cooking,  
431 processing or manufacturing products which contain alcoholic  
432 beverages as an integral ingredient. An alcohol processing permit  
433 shall not authorize the sale of alcoholic beverages on the  
434 premises of the person engaging in the business of cooking,  
435 processing or manufacturing products which contain alcoholic  
436 beverages. The amounts of alcoholic beverages allowed under an  
437 alcohol processing permit shall be set by the department.

438           (j)   **Hospitality cart permit.** A hospitality cart permit  
439 shall authorize the sale of alcoholic beverages from a mobile cart  
440 on a golf course that is the holder of an on-premises retailer's  
441 permit. The alcoholic beverages sold from the cart must be  
442 consumed within the boundaries of the golf course.

443           (k)   **Special service permit.** A special service permit  
444 shall authorize the holder to sell commercially sealed alcoholic  
445 beverages to the operator of a commercial or private aircraft for

446 en route consumption only by passengers. A special service permit  
447 shall be issued only to a fixed-base operator who contracts with  
448 an airport facility to provide fueling and other associated  
449 services to commercial and private aircraft.

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

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

471 sold, stored or served on the premises, must be removed from the  
472 premises immediately following the auction, and may not be  
473 consumed on the premises; (iii) the permit holder may not conduct  
474 more than two (2) auctions during a calendar year; (iv) the permit  
475 holder may not pay a commission or promotional fee to any person  
476 to arrange or conduct the auction.

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

495 determination shall be made on a per event basis. An event may  
496 not last longer than two (2) consecutive days per week.

497           (o) **Temporary theatre permit.** A temporary theatre  
498 permit, not to exceed five (5) days, may be issued to a charitable  
499 nonprofit organization that is exempt from taxation under Section  
500 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
501 a theatre facility that features plays and other theatrical  
502 performances and productions. Except as otherwise provided in  
503 subsection (5) of this section, the permit shall authorize the  
504 holder to sell alcoholic beverages, including native wines, to  
505 patrons of the theatre during performances and productions at the  
506 theatre facility for consumption during such performances and  
507 productions on the premises of the facility described in the  
508 permit. A temporary theatre permit holder shall obtain all  
509 alcoholic beverages from package retailers located in the county  
510 in which the permit is issued. Alcoholic beverages remaining in  
511 stock upon expiration of the temporary theatre permit may be  
512 returned by the permittee to the package retailer for a refund of  
513 the purchase price upon consent of the package retailer or may be  
514 kept by the permittee exclusively for personal use and  
515 consumption, subject to all laws pertaining to the illegal sale  
516 and possession of alcoholic beverages.

517           (p) **Charter ship operator's permit.** Subject to the  
518 provisions of this paragraph (p), a charter ship operator's permit  
519 shall authorize the holder thereof and its employees to serve,

520 monitor, store and otherwise control the serving and availability  
521 of alcoholic beverages to customers of the permit holder during  
522 private charters under contract provided by the permit holder. A  
523 charter ship operator's permit shall authorize such action by the  
524 permit holder and its employees only as to alcoholic beverages  
525 brought onto the permit holder's ship by customers of the permit  
526 holder as part of such a private charter. All such alcoholic  
527 beverages must be removed from the charter ship at the conclusion  
528 of each private charter. A charter ship operator's permit shall  
529 not authorize the permit holder to sell, charge for or otherwise  
530 supply alcoholic beverages to customers, except as authorized in  
531 this paragraph (p). For the purposes of this paragraph (p),  
532 "charter ship operator" means a common carrier that (i) is  
533 certified to carry at least one hundred fifty (150) passengers  
534 and/or provide overnight accommodations for at least fifty (50)  
535 passengers, (ii) operates only in the waters within the State of  
536 Mississippi, which lie adjacent to the State of Mississippi south  
537 of the three (3) most southern counties in the State of  
538 Mississippi, and (iii) provides charters under contract for tours  
539 and trips in such waters.

540           (q) **Distillery retailer's permit.** The holder of a  
541 Class 1 manufacturer's permit may obtain a distillery retailer's  
542 permit. A distillery retailer's permit shall authorize the holder  
543 thereof to sell at retail alcoholic beverages by the sealed and  
544 unopened bottle from a retail location at the distillery for

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

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

571           (3) Except as otherwise provided in this subsection, no  
572 authority shall be granted to any person to manufacture, sell or  
573 store for sale any intoxicating liquor as specified in this  
574 chapter within four hundred (400) feet of any church, school,  
575 kindergarten or funeral home. However, within an area zoned  
576 commercial or business, such minimum distance shall be not less  
577 than one hundred (100) feet.

578           A church or funeral home may waive the distance restrictions  
579 imposed in this subsection in favor of allowing issuance by the  
580 department of a permit, pursuant to subsection (1) of this  
581 section, to authorize activity relating to the manufacturing, sale  
582 or storage of alcoholic beverages which would otherwise be  
583 prohibited under the minimum distance criterion. Such waiver  
584 shall be in written form from the owner, the governing body, or  
585 the appropriate officer of the church or funeral home having the  
586 authority to execute such a waiver, and the waiver shall be filed  
587 with and verified by the department before becoming effective.

588           The distance restrictions imposed in this subsection shall  
589 not apply to the sale or storage of alcoholic beverages at a bed  
590 and breakfast inn listed in the National Register of Historic  
591 Places or to the sale or storage of alcoholic beverages in a  
592 historic district that is listed in the National Register of



593 Historic Places, is a qualified resort area and is located in a  
594 municipality having a population greater than one hundred thousand  
595 (100,000) according to the latest federal decennial census.

596 (4) No person, either individually or as a member of a firm,  
597 partnership, limited liability company or association, or as a  
598 stockholder, officer or director in a corporation, shall own or  
599 control any interest in more than one (1) package retailer's  
600 permit, nor shall such person's spouse, if living in the same  
601 household of such person, any relative of such person, if living  
602 in the same household of such person, or any other person living  
603 in the same household with such person own any interest in any  
604 other package retailer's permit.

605 (5) (a) In addition to any other authority granted under  
606 this section, the holder of a permit issued under subsection  
607 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
608 sell or otherwise provide alcoholic beverages and/or wine to a  
609 patron of the permit holder in the manner authorized in the permit  
610 and the patron may remove an open glass, cup or other container of  
611 the alcoholic beverage and/or wine from the licensed premises and  
612 may possess and consume the alcoholic beverage or wine outside of  
613 the licensed premises if: (i) the licensed premises is located  
614 within a leisure and recreation district created under Section  
615 67-1-101 and (ii) the patron remains within the boundaries of the  
616 leisure and recreation district while in possession of the  
617 alcoholic beverage or wine.

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

622 **SECTION 5.** This act shall take effect and be in force from  
623 and after January 1, 2021.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)  
Lamar

X (SIGNED)  
Harkins

X (SIGNED)  
Steverson

X (SIGNED)  
Doty

(NOT SIGNED)  
Massengill

X (SIGNED)  
Carter