

By: Representatives Powell, Shanks

To: Ways and Means

HOUSE BILL NO. 981

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
 2 DEFINE THE TERM "GROCERY STORE"; TO AMEND SECTION 67-1-51,
 3 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE
 4 TO ISSUE GROCERY STORE WINE-ONLY RETAILER'S PERMITS THAT AUTHORIZE
 5 THE HOLDER THEREOF TO SELL WINE AT RETAIL AT A GROCERY STORE IN
 6 ORIGINAL SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE
 7 PREMISES WHERE SOLD; TO PROVIDE THAT THE HOLDER OF A PACKAGE
 8 RETAILER'S PERMIT MAY SELL OTHER PRODUCTS AND MERCHANDISE, EXCEPT
 9 BEER, BUT MUST DERIVE AT LEAST 50% OF THE REVENUE OF THE LICENSED
 10 PREMISES FROM THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN ORIGINAL
 11 SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE LICENSED
 12 PREMISES; TO AUTHORIZE A PERSON TO OWN OR CONTROL ANY INTEREST IN
 13 NO MORE THAN SIX PACKAGE RETAILER'S PERMITS; TO AMEND SECTION
 14 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE LICENSE TAX
 15 REQUIRED FOR GROCERY STORE WINE-ONLY RETAILER'S PERMITS; TO AMEND
 16 SECTIONS 67-1-41, 67-1-75, 67-1-83 AND 67-1-85, MISSISSIPPI CODE
 17 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

21 67-1-5. For the purposes of this chapter and unless
 22 otherwise required by the context:

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



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

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

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

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

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

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



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

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

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

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

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

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



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

85 (m) "Restaurant" means:

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



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

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

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

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



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

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

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

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

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



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

152 (o) "Qualified resort area" means any area or locality
153 outside of the limits of incorporated municipalities in this state
154 commonly known and accepted as a place which regularly and
155 customarily attracts tourists, vacationists and other transients
156 because of its historical, scenic or recreational facilities or
157 attractions, or because of other attributes which regularly and
158 customarily appeal to and attract tourists, vacationists and other
159 transients in substantial numbers; however, no area or locality
160 shall so qualify as a resort area until it has been duly and
161 properly approved as such by the department. The department may
162 not approve an area as a qualified resort area after July 1, 2018,
163 if any portion of such proposed area is located within two (2)
164 miles of a convent or monastery that is located in a county
165 traversed by Interstate 55 and U.S. Highway 98. A convent or
166 monastery may waive such distance restrictions in favor of
167 allowing approval by the department of an area as a qualified
168 resort area. Such waiver shall be in written form from the owner,
169 the governing body, or the appropriate officer of the convent or
170 monastery having the authority to execute such a waiver, and the
171 waiver shall be filed with and verified by the department before
172 becoming effective.



173 (i) The department may approve an area or locality
174 outside of the limits of an incorporated municipality that is in
175 the process of being developed as a qualified resort area if such
176 area or locality, when developed, can reasonably be expected to
177 meet the requisites of the definition of the term "qualified
178 resort area." In such a case, the status of qualified resort area
179 shall not take effect until completion of the development.

180 (ii) The term includes any state park which is
181 declared a resort area by the department; however, such
182 declaration may only be initiated in a written request for resort
183 area status made to the department by the Executive Director of
184 the Department of Wildlife, Fisheries and Parks, and no permit for
185 the sale of any alcoholic beverage, as defined in this chapter,
186 except an on-premises retailer's permit, shall be issued for a
187 hotel, restaurant or bed and breakfast inn in such park.

188 (iii) The term includes:

189 1. The clubhouses associated with the state
190 park golf courses at the Lefleur's Bluff State Park, the John Kyle
191 State Park, the Percy Quin State Park and the Hugh White State
192 Park;

193 2. The clubhouse and associated golf course
194 where the golf course is adjacent to one or more planned
195 residential developments and the golf course and all such
196 developments collectively include at least seven hundred fifty
197 (750) acres and at least four hundred (400) residential units;



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

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

207 5. Any facility that is located in a
208 municipality that is bordered by the Pearl River, traversed by
209 Mississippi Highway 25, adjacent to the boundaries of the Jackson
210 International Airport and is located in a county which has voted
211 against coming out from under the dry law; however, any such
212 facility may only be located in areas designated by the governing
213 authorities of such municipality;

214 6. Any municipality with a population in
215 excess of ten thousand (10,000) according to the latest federal
216 decennial census that is located in a county that is bordered by
217 the Pearl River and is not traversed by Interstate Highway 20,
218 with a population in excess of forty-five thousand (45,000)
219 according to the latest federal decennial census; however, the
220 governing authorities of such a municipality may by ordinance:

221 a. Specify the hours of operation of
222 facilities that offer alcoholic beverages for sale;



223 b. Specify the percentage of revenue
224 that facilities that offer alcoholic beverages for sale must
225 derive from the preparation, cooking and serving of meals and not
226 from the sale of beverages;

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

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

231 8. a. Land that is located in any county in
232 which Mississippi Highway 43 and Mississippi Highway 25 intersect
233 and:

234 A. Owned by the Pearl River Valley
235 Water Supply District, and/or

236 B. Located within the Reservoir
237 Community District, zoned commercial, east of Old Fannin Road,
238 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
239 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
240 Drive and/or Lake Vista Place, and/or

241 C. Located within the Reservoir
242 Community District, zoned commercial, west of Old Fannin Road,
243 south of Spillway Road and extending to the boundary of the
244 corporate limits of the City of Flowood, Mississippi;

245 b. The board of supervisors of such
246 county, with respect to B and C of this item 8, may by resolution
247 or other order:



248 A. Specify the hours of operation
249 of facilities that offer alcoholic beverages for sale,

250 B. Specify the percentage of
251 revenue that facilities that offer alcoholic beverages for sale
252 must derive from the preparation, cooking and serving of meals and
253 not from the sale of beverages, and

254 C. Designate the areas in which
255 facilities that offer alcoholic beverages for sale may be located;

256 9. Any facility located on property that is a
257 game reserve with restricted access that consists of at least
258 eight hundred (800) contiguous acres with no public roads, that
259 offers as a service hunts for a fee to overnight guests of the
260 facility, and has accommodations for at least fifty (50) overnight
261 guests;

262 10. Any facility that:

263 a. Consists of at least six thousand
264 (6,000) square feet being heated and cooled along with an
265 additional adjacent area that consists of at least two thousand
266 two hundred (2,200) square feet regardless of whether heated and
267 cooled,

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

270 c. Provides lodging accommodations
271 regardless of whether part of the facility and/or located adjacent
272 to or in close proximity to the facility, and



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

275 11. Any facility and related property:

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

281 b. Used for the purpose of providing
282 meals and hosting events, and

283 c. Used for the purpose of teaching
284 culinary arts courses and/or turf management and grounds keeping
285 courses, and/or outdoor recreation and leadership courses;

286 12. Any facility and related property that:

287 a. Consist of at least eight thousand
288 (8,000) square feet being heated and cooled,

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

290 c. Is used for the purpose of culinary
291 arts courses, and/or outdoor recreation and leadership courses;

292 13. The clubhouse and associated golf course
293 where the golf course is adjacent to one or more residential
294 developments and the golf course and all such developments
295 collectively include at least two hundred (200) acres and at least
296 one hundred fifty (150) residential units and are located a. in a
297 county that has voted against coming out from under the dry law;



298 and b. outside of but in close proximity to a municipality in such
299 county which has voted under Section 67-1-14, after January 1,
300 2013, to come out from under the dry law;

301 14. The clubhouse and associated eighteen
302 (18) hole golf course located in a municipality traversed by
303 Interstate Highway 55 and U.S. Highway 51 that has voted to come
304 out from under the dry law;

305 15. Land that is planned for mixed use
306 development and consists of at least two hundred (200) contiguous
307 acres with one or more planned residential developments
308 collectively planned to include at least two hundred (200)
309 residential units when completed and which land is located:

310 a. In a county that has voted to come
311 out from under the dry law,

312 b. Outside the corporate limits of any
313 municipality in such county and adjacent to or in close proximity
314 to a golf course located in a municipality in such county, and

315 c. Within one (1) mile of a state
316 institution of higher learning.

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

321 (p) "Native wine" means any product, produced in
322 Mississippi for sale, having an alcohol content not to exceed



323 twenty-one percent (21%) by weight and made in accordance with
324 revenue laws of the United States, which shall be obtained
325 primarily from the alcoholic fermentation of the juice of ripe
326 grapes, fruits, berries or vegetables grown and produced in
327 Mississippi; provided that bulk, concentrated or fortified wines
328 used for blending may be produced without this state and used in
329 producing native wines. The department shall adopt and promulgate
330 rules and regulations to permit a producer to import such bulk
331 and/or fortified wines into this state for use in blending with
332 native wines without payment of any excise tax that would
333 otherwise accrue thereon.

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

337 (r) "Bed and breakfast inn" means an establishment
338 within a municipality where in consideration of payment, breakfast
339 and lodging are habitually furnished to travelers and wherein are
340 located not less than eight (8) and not more than nineteen (19)
341 adequately furnished and completely separate sleeping rooms with
342 adequate facilities, that persons usually apply for and receive as
343 overnight accommodations; however, such restriction on the minimum
344 number of sleeping rooms shall not apply to establishments on the
345 National Register of Historic Places. No place shall qualify as a
346 bed and breakfast inn under this chapter unless on the date of the
347 initial application for a license under this chapter more than



348 fifty percent (50%) of the sleeping rooms are located in a
349 structure formerly used as a residence.

350 (s) "Board" shall refer to the Board of Tax Appeals of
351 the State of Mississippi.

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

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

361 (v) "Cooking school" means an establishment within a
362 municipality or qualified resort area and owned by a nationally
363 recognized company that offers an established culinary education
364 curriculum and program where, in consideration of payment, patrons
365 are given scheduled professional group instruction on culinary
366 techniques. For purposes of this paragraph, the definition of
367 cooking school shall not include schools or classes offered by
368 grocery stores, convenience stores or drugstores.

369 (w) "Campus" means property owned by a public school
370 district, community or junior college, college or university in
371 this state where educational courses are taught, school functions
372 are held, tests and examinations are administered or academic



373 course credits are awarded; however, the term shall not include
374 any "restaurant" or "hotel" that is located on property owned by a
375 community or junior college, college or university in this state,
376 and is operated by a third party who receives all revenue
377 generated from food and alcoholic beverage sales.

378 (x) "Grocery store" means a physical establishment that
379 has an inventory of human-consumable items and is located in a wet
380 county, municipality, judicial district or area.

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

383 67-1-51. (1) Permits which may be issued by the department
384 shall be as follows:

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

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

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



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

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

404 (b) **Package retailer's permit.** Except as otherwise
405 provided in this paragraph and Section 67-1-52, a package
406 retailer's permit shall authorize the holder thereof to operate a
407 store exclusively for the sale at retail in original sealed and
408 unopened packages of alcoholic beverages, including native wines,
409 not to be consumed on the premises where sold. Alcoholic
410 beverages shall not be sold by any retailer in any package or
411 container containing less than fifty (50) milliliters by liquid
412 measure. A package retailer's permit, with prior approval from
413 the department, shall authorize the holder thereof to sample new
414 products furnished by a manufacturer's representative or his
415 employees at the permitted place of business so long as the
416 sampling otherwise complies with this chapter and applicable
417 department regulations. Such samples may not be provided to
418 customers at the permitted place of business. In addition to the
419 sale at retail of packages of alcoholic beverages, the holder of a
420 package retailer's permit is authorized to sell at retail * * *
421 other products and merchandise, except beer, provided that at
422 least fifty percent (50%) of the revenue of the licensed premises



423 is derived from the retail sale in original sealed and unopened
424 packages of alcoholic beverages, including native wines, not to be
425 consumed on the premises where sold. Nonalcoholic beverages sold
426 by the holder of a package retailer's permit shall not be consumed
427 on the premises where sold.

428 (c) **On-premises retailer's permit.** Except as otherwise
429 provided in subsection (5) of this section, an on-premises
430 retailer's permit shall authorize the sale of alcoholic beverages,
431 including native wines, for consumption on the licensed premises
432 only; however, a patron of the permit holder may remove one (1)
433 bottle of wine from the licensed premises if: (i) the patron
434 consumed a portion of the bottle of wine in the course of
435 consuming a meal purchased on the licensed premises; (ii) the
436 permit holder securely reseals the bottle; (iii) the bottle is
437 placed in a bag that is secured in a manner so that it will be
438 visibly apparent if the bag is opened; and (iv) a dated receipt
439 for the wine and the meal is available. Such a permit shall be
440 issued only to qualified hotels, restaurants and clubs, and to
441 common carriers with adequate facilities for serving passengers.
442 In resort areas, whether inside or outside of a municipality, the
443 department, in its discretion, may issue on-premises retailer's
444 permits to such establishments as it deems proper. An on-premises
445 retailer's permit when issued to a common carrier shall authorize
446 the sale and serving of alcoholic beverages aboard any licensed
447 vehicle while moving through any county of the state; however, the



448 sale of such alcoholic beverages shall not be permitted while such
449 vehicle is stopped in a county that has not legalized such sales.
450 If an on-premises retailer's permit is applied for by a common
451 carrier operating solely in the water, such common carrier must,
452 along with all other qualifications for a permit, (i) be certified
453 to carry at least one hundred fifty (150) passengers and/or
454 provide overnight accommodations for at least fifty (50)
455 passengers and (ii) operate primarily in the waters within the
456 State of Mississippi which lie adjacent to the State of
457 Mississippi south of the three (3) most southern counties in the
458 State of Mississippi and/or on the Mississippi River or navigable
459 waters within any county bordering on the Mississippi River.

460 (d) **Solicitor's permit.** A solicitor's permit shall
461 authorize the holder thereof to act as salesman for a manufacturer
462 or wholesaler holding a proper permit, to solicit on behalf of his
463 employer orders for alcoholic beverages, and to otherwise promote
464 his employer's products in a legitimate manner. Such a permit
465 shall authorize the representation of and employment by one (1)
466 principal only. However, the permittee may also, in the
467 discretion of the department, be issued additional permits to
468 represent other principals. No such permittee shall buy or sell
469 alcoholic beverages for his own account, and no such beverage
470 shall be brought into this state in pursuance of the exercise of
471 such permit otherwise than through a permit issued to a wholesaler
472 or manufacturer in the state.



473 (e) **Native wine retailer's permit.** Except as otherwise
474 provided in subsection (5) of this section, a native wine
475 retailer's permit shall be issued only to a holder of a Class 3
476 manufacturer's permit, and shall authorize the holder thereof to
477 make retail sales of native wines to consumers for on-premises
478 consumption or to consumers in originally sealed and unopened
479 containers at an establishment located on the premises of or in
480 the immediate vicinity of a native winery.

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

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

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



498 Class 1 permittees shall obtain all alcoholic beverages from
499 package retailers located in the county in which the temporary
500 permit is issued. Alcoholic beverages remaining in stock upon
501 expiration of the temporary permit may be returned by the
502 permittee to the package retailer for a refund of the purchase
503 price upon consent of the package retailer or may be kept by the
504 permittee exclusively for personal use and consumption, subject to
505 all laws pertaining to the illegal sale and possession of
506 alcoholic beverages. The department, following review of the
507 statement provided by the applicant and the requirements of the
508 applicable statutes and regulations, may issue the permit.

509 Class 2. A temporary permit, not to exceed seventy (70)
510 days, may be issued to prospective permittees seeking to transfer
511 a permit authorized in paragraph (b) or (c) of this subsection. A
512 Class 2 permit may be issued only to applicants demonstrating to
513 the department, by a statement signed under the penalty of
514 perjury, that they meet the qualifications of Sections 67-1-5(1),
515 (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55,
516 67-1-57 and 67-1-59. The department, following a preliminary
517 review of the statement provided by the applicant and the
518 requirements of the applicable statutes and regulations, may issue
519 the permit.

520 Class 2 temporary permittees must purchase their alcoholic
521 beverages directly from the department or, with approval of the
522 department, purchase the remaining stock of the previous



523 permittee. If the proposed applicant of a Class 1 or Class 2
524 temporary permit falsifies information contained in the
525 application or statement, the applicant shall never again be
526 eligible for a retail alcohol beverage permit and shall be subject
527 to prosecution for perjury.

528 Class 3. A temporary one-day permit may be issued to a
529 retail establishment authorizing the complimentary distribution of
530 wine, including native wine, to patrons of the retail
531 establishment at an open house or promotional event, for
532 consumption only on the premises described in the temporary
533 permit. A Class 3 permit may be issued only to an applicant
534 demonstrating to the department, by a statement signed under
535 penalty of perjury submitted ten (10) days before the proposed
536 date or such other time as the department may determine, that it
537 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
538 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
539 A Class 3 permit holder shall obtain all alcoholic beverages from
540 the holder(s) of a package retailer's permit located in the county
541 in which the temporary permit is issued. Wine remaining in stock
542 upon expiration of the temporary permit may be returned by the
543 Class 3 temporary permit holder to the package retailer for a
544 refund of the purchase price, with consent of the package
545 retailer, or may be kept by the Class 3 temporary permit holder
546 exclusively for personal use and consumption, subject to all laws
547 pertaining to the illegal sale and possession of alcoholic



548 beverages. The department, following review of the statement
549 provided by the applicant and the requirements of the applicable
550 statutes and regulations, may issue the permit. No retailer may
551 receive more than twelve (12) Class 3 temporary permits in a
552 calendar year. A Class 3 temporary permit shall not be issued to
553 a retail establishment that either holds a merchant permit issued
554 under paragraph (1) of this subsection, or holds a permit issued
555 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
556 the holder to engage in the business of a retailer of light wine
557 or beer.

558 (g) **Caterer's permit.** A caterer's permit shall permit
559 the purchase of alcoholic beverages by a person engaging in
560 business as a caterer and the resale of alcoholic beverages by
561 such person in conjunction with such catering business. No person
562 shall qualify as a caterer unless forty percent (40%) or more of
563 the revenue derived from such catering business shall be from the
564 serving of prepared food and not from the sale of alcoholic
565 beverages and unless such person has obtained a permit for such
566 business from the Department of Health. A caterer's permit shall
567 not authorize the sale of alcoholic beverages on the premises of
568 the person engaging in business as a caterer; however, the holder
569 of an on-premises retailer's permit may hold a caterer's permit.
570 When the holder of an on-premises retailer's permit or an
571 affiliated entity of the holder also holds a caterer's permit, the
572 caterer's permit shall not authorize the service of alcoholic



573 beverages on a consistent, recurring basis at a separate, fixed
574 location owned or operated by the caterer, on-premises retailer or
575 affiliated entity and an on-premises retailer's permit shall be
576 required for the separate location. All sales of alcoholic
577 beverages by holders of a caterer's permit shall be made at the
578 location being catered by the caterer, and, except as otherwise
579 provided in subsection (5) of this section, such sales may be made
580 only for consumption at the catered location. The location being
581 catered may be anywhere within a county or judicial district that
582 has voted to come out from under the dry laws or in which the
583 sale, distribution and possession of alcoholic beverages is
584 otherwise authorized by law. Such sales shall be made pursuant to
585 any other conditions and restrictions which apply to sales made by
586 on-premises retail permittees. The holder of a caterer's permit
587 or his employees shall remain at the catered location as long as
588 alcoholic beverages are being sold pursuant to the permit issued
589 under this paragraph (g), and the permittee shall have at the
590 location the identification card issued by the Alcoholic Beverage
591 Control Division of the department. No unsold alcoholic beverages
592 may be left at the catered location by the permittee upon the
593 conclusion of his business at that location. Appropriate law
594 enforcement officers and Alcoholic Beverage Control Division
595 personnel may enter a catered location on private property in
596 order to enforce laws governing the sale or serving of alcoholic
597 beverages.



598 (h) **Research permit.** A research permit shall authorize
599 the holder thereof to operate a research facility for the
600 professional research of alcoholic beverages. Such permit shall
601 authorize the holder of the permit to import and purchase limited
602 amounts of alcoholic beverages from the department or from
603 importers, wineries and distillers of alcoholic beverages for
604 professional research.

605 (i) **Alcohol processing permit.** An alcohol processing
606 permit shall authorize the holder thereof to purchase, transport
607 and possess alcoholic beverages for the exclusive use in cooking,
608 processing or manufacturing products which contain alcoholic
609 beverages as an integral ingredient. An alcohol processing permit
610 shall not authorize the sale of alcoholic beverages on the
611 premises of the person engaging in the business of cooking,
612 processing or manufacturing products which contain alcoholic
613 beverages. The amounts of alcoholic beverages allowed under an
614 alcohol processing permit shall be set by the department.

615 (j) **Hospitality cart permit.** A hospitality cart permit
616 shall authorize the sale of alcoholic beverages from a mobile cart
617 on a golf course that is the holder of an on-premises retailer's
618 permit. The alcoholic beverages sold from the cart must be
619 consumed within the boundaries of the golf course.

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



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

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

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



648 sold, stored or served on the premises, must be removed from the
649 premises immediately following the auction, and may not be
650 consumed on the premises; (iii) the permit holder may not conduct
651 more than two (2) auctions during a calendar year; (iv) the permit
652 holder may not pay a commission or promotional fee to any person
653 to arrange or conduct the auction.

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



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

674 (o) **Temporary theatre permit.** A temporary theatre
675 permit, not to exceed five (5) days, may be issued to a charitable
676 nonprofit organization that is exempt from taxation under Section
677 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
678 a theatre facility that features plays and other theatrical
679 performances and productions. Except as otherwise provided in
680 subsection (5) of this section, the permit shall authorize the
681 holder to sell alcoholic beverages, including native wines, to
682 patrons of the theatre during performances and productions at the
683 theatre facility for consumption during such performances and
684 productions on the premises of the facility described in the
685 permit. A temporary theatre permit holder shall obtain all
686 alcoholic beverages from package retailers located in the county
687 in which the permit is issued. Alcoholic beverages remaining in
688 stock upon expiration of the temporary theatre permit may be
689 returned by the permittee to the package retailer for a refund of
690 the purchase price upon consent of the package retailer or may be
691 kept by the permittee exclusively for personal use and
692 consumption, subject to all laws pertaining to the illegal sale
693 and possession of alcoholic beverages.

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



697 monitor, store and otherwise control the serving and availability
698 of alcoholic beverages to customers of the permit holder during
699 private charters under contract provided by the permit holder. A
700 charter ship operator's permit shall authorize such action by the
701 permit holder and its employees only as to alcoholic beverages
702 brought onto the permit holder's ship by customers of the permit
703 holder as part of such a private charter. All such alcoholic
704 beverages must be removed from the charter ship at the conclusion
705 of each private charter. A charter ship operator's permit shall
706 not authorize the permit holder to sell, charge for or otherwise
707 supply alcoholic beverages to customers, except as authorized in
708 this paragraph (p). For the purposes of this paragraph (p),
709 "charter ship operator" means a common carrier that (i) is
710 certified to carry at least one hundred fifty (150) passengers
711 and/or provide overnight accommodations for at least fifty (50)
712 passengers, (ii) operates only in the waters within the State of
713 Mississippi, which lie adjacent to the State of Mississippi south
714 of the three (3) most southern counties in the State of
715 Mississippi, and (iii) provides charters under contract for tours
716 and trips in such waters.

717 (q) **Distillery retailer's permit.** The holder of a
718 Class 1 manufacturer's permit may obtain a distillery retailer's
719 permit. A distillery retailer's permit shall authorize the holder
720 thereof to sell at retail alcoholic beverages by the sealed and
721 unopened bottle from a retail location at the distillery for



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

745 (r) Grocery store wine-only retailer's permit. Except
746 as otherwise provided in this paragraph (r), a grocery store



747 wine-only retailer's permit shall authorize the holder thereof to
748 sell wine at retail at a grocery store in original sealed and
749 unopened packages not to be consumed on the premises where sold.
750 Wine shall not be sold by any grocery store in any package or
751 container containing less than fifty (50) milliliters by liquid
752 measure. A grocery store wine-only retailer's permit, with prior
753 approval from the department, shall authorize the holder thereof
754 to sample the new product furnished by a manufacturer's
755 representative or his employees at the permitted place of business
756 so long as the sampling otherwise complies with this chapter and
757 applicable department regulations. Such samples may not be
758 provided to customers at the permitted place of business. Permits
759 authorized under this paragraph (r) shall not be issued prior to
760 July 1, 2021, and shall not be issued to a grocery store that is
761 located within five hundred (500) feet of an establishment holding
762 a package retailer's permit prior to July 1, 2021.

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

766 (3) Except as otherwise provided in this subsection, no
767 authority shall be granted to any person to manufacture, sell or
768 store for sale any intoxicating liquor as specified in this
769 chapter within four hundred (400) feet of any church, school,
770 kindergarten or funeral home. However, within an area zoned



771 commercial or business, such minimum distance shall be not less
772 than one hundred (100) feet.

773 A church or funeral home may waive the distance restrictions
774 imposed in this subsection in favor of allowing issuance by the
775 department of a permit, pursuant to subsection (1) of this
776 section, to authorize activity relating to the manufacturing, sale
777 or storage of alcoholic beverages which would otherwise be
778 prohibited under the minimum distance criterion. Such waiver
779 shall be in written form from the owner, the governing body, or
780 the appropriate officer of the church or funeral home having the
781 authority to execute such a waiver, and the waiver shall be filed
782 with and verified by the department before becoming effective.

783 The distance restrictions imposed in this subsection shall
784 not apply to the sale or storage of alcoholic beverages at a bed
785 and breakfast inn listed in the National Register of Historic
786 Places or to the sale or storage of alcoholic beverages in a
787 historic district that is listed in the National Register of
788 Historic Places, is a qualified resort area and is located in a
789 municipality having a population greater than one hundred thousand
790 (100,000) according to the latest federal decennial census.

791 (4) No person, either individually or as a member of a firm,
792 partnership, limited liability company or association, or as a
793 stockholder, officer or director in a corporation, shall own or
794 control any interest in more than * * * six (6) package retailer's
795 permits, nor shall such person's spouse, if living in the same



796 household of such person, any relative of such person, if living
797 in the same household of such person, or any other person living
798 in the same household with such person own any interest in any
799 other package retailer's permit which, when combined with the
800 number of package retailer's permits owned by the person or in
801 which the person has a controlling interest, would total more than
802 six (6) package retailer's permits.

803 (5) (a) In addition to any other authority granted under
804 this section, the holder of a permit issued under subsection
805 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
806 sell or otherwise provide alcoholic beverages and/or wine to a
807 patron of the permit holder in the manner authorized in the permit
808 and the patron may remove an open glass, cup or other container of
809 the alcoholic beverage and/or wine from the licensed premises and
810 may possess and consume the alcoholic beverage or wine outside of
811 the licensed premises if: (i) the licensed premises is located
812 within a leisure and recreation district created under Section
813 67-1-101 and (ii) the patron remains within the boundaries of the
814 leisure and recreation district while in possession of the
815 alcoholic beverage or wine.

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



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

822 27-71-5. (1) Upon each person approved for a permit under
823 the provisions of the Alcoholic Beverage Control Law and
824 amendments thereto, there is levied and imposed for each location
825 for the privilege of engaging and continuing in this state in the
826 business authorized by such permit, an annual privilege license
827 tax in the amount provided in the following schedule:

- 828 (a) Except as otherwise provided in this subsection
829 (1), manufacturer's permit, Class 1, distiller's and/or
830 rectifier's..... \$4,500.00
- 831 (b) Manufacturer's permit, Class 2, wine
832 Manufacturer..... \$1,800.00
- 833 (c) Manufacturer's permit, Class 3, native wine
834 manufacturer per ten thousand (10,000) gallons or part thereof
835 produced..... \$ 10.00
- 836 (d) Native wine retailer's permit..... \$ 50.00
- 837 (e) Package retailer's permit, each..... \$ 900.00
- 838 (f) On-premises retailer's permit, except for clubs and
839 common carriers, each..... \$ 450.00
- 840 (g) On-premises retailer's permit for wine of more than
841 five percent (5%) alcohol by weight, but not more than twenty-one
842 percent (21%) alcohol by weight, each..... \$ 225.00
- 843 (h) On-premises retailer's permit for clubs..... \$ 225.00



844	(i) On-premises retailer's permit for common carriers,	
845	per car, plane, or other vehicle.....	\$ 120.00
846	(j) Solicitor's permit, regardless of any other	
847	provision of law, solicitor's permits shall be issued only in the	
848	discretion of the department.....	\$ 100.00
849	(k) Filing fee for each application except for an	
850	employee identification card.....	\$ 25.00
851	(l) Temporary permit, Class 1, each.....	\$ 10.00
852	(m) Temporary permit, Class 2, each.....	\$ 50.00
853	(n) (i) Caterer's permit.....	\$ 600.00
854	(ii) Caterer's permit for holders of on-premises	
855	retailer's permit.....	\$ 150.00
856	(o) Research permit.....	\$ 100.00
857	(p) Temporary permit, Class 3 (wine only).....	\$ 10.00
858	(q) Special service permit.....	\$ 225.00
859	(r) Merchant permit.....	\$ 225.00
860	(s) Temporary alcoholic beverages charitable auction	
861	permit.....	\$ 10.00
862	(t) Event venue retailer's permit.....	\$ 225.00
863	(u) Temporary theatre permit, each.....	\$ 10.00
864	(v) Charter ship operator's permit.....	\$ 100.00
865	(w) Distillery retailer's permit.....	\$ 450.00
866	(x) <u>Grocery store wine-only retailer's permit,</u>	
867	<u>each location</u>	<u>\$ 900.00</u>



868 If a person approved for a manufacturer's permit, Class 1,
869 distiller's permit produces a product with at least fifty-one
870 percent (51%) of the finished product by volume being obtained
871 from alcoholic fermentation of grapes, fruits, berries, honey
872 and/or vegetables grown and produced in Mississippi, and produces
873 all of the product by using not more than one (1) still having a
874 maximum capacity of one hundred fifty (150) liters, the annual
875 privilege license tax for such a permit shall be Ten Dollars
876 (\$10.00) per ten thousand (10,000) gallons or part thereof
877 produced. Bulk, concentrated or fortified ingredients used for
878 blending may be produced outside this state and used in producing
879 such a product.

880 In addition to the filing fee imposed by paragraph (k) of
881 this subsection, a fee to be determined by the Department of
882 Revenue may be charged to defray costs incurred to process
883 applications. The additional fees shall be paid into the State
884 Treasury to the credit of a special fund account, which is hereby
885 created, and expenditures therefrom shall be made only to defray
886 the costs incurred by the Department of Revenue in processing
887 alcoholic beverage applications. Any unencumbered balance
888 remaining in the special fund account on June 30 of any fiscal
889 year shall lapse into the State General Fund.

890 All privilege taxes imposed by this section shall be paid in
891 advance of doing business. The additional privilege tax imposed



892 for an on-premises retailer's permit based upon purchases shall be
893 due and payable on demand.

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

900 (b) (i) In addition to the tax imposed in paragraph
901 (a) of this subsection, there is imposed and shall be collected by
902 the department from each permittee described in subsection (1)(f),
903 (g), (h), (m) and (t) of this section, an additional license tax
904 for the privilege of doing business within any municipality or
905 county in which the licensee is located in the amount of Two
906 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
907 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
908 (\$225.00) for each additional purchase of Five Thousand Dollars
909 (\$5,000.00), or fraction thereof.

910 (ii) In addition to the tax imposed in paragraph
911 (a) of this subsection, there is imposed and shall be collected by
912 the department from each permittee described in subsection (1)(n)
913 and (r) of this section, an additional license tax for the
914 privilege of doing business within any municipality or county in
915 which the licensee is located in the amount of Two Hundred Fifty
916 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars



917 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
918 additional purchase of Five Thousand Dollars (\$5,000.00), or
919 fraction thereof.

920 (iii) Any person who has paid the additional
921 privilege license tax imposed by this paragraph, and whose permit
922 is renewed, may add any unused fraction of Five Thousand Dollars
923 (\$5,000.00) purchases to the first Five Thousand Dollars
924 (\$5,000.00) purchases authorized by the renewal permit, and no
925 additional license tax will be required until purchases exceed the
926 sum of the two (2) figures.

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

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



941 (4) The number of permits issued by the department shall not
942 be restricted or limited on a population basis; however, the
943 foregoing limitation shall not be construed to preclude the right
944 of the department to refuse to issue a permit because of the
945 undesirability of the proposed location.

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

954 (6) It shall be unlawful for any person to consume alcoholic
955 beverages on the premises of any hotel restaurant, restaurant,
956 club or the interior of any public place defined in Chapter 1,
957 Title 67, Mississippi Code of 1972, when the owner or manager
958 thereof displays in several conspicuous places inside the
959 establishment and at the entrances of establishment a sign
960 containing the following language: NO ALCOHOLIC BEVERAGES
961 ALLOWED.

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

964 67-1-41. (1) The department is hereby created a wholesale
965 distributor and seller of alcoholic beverages, not including malt



966 liquors, within the State of Mississippi. It is granted the sole
967 right to import and sell intoxicating liquors at wholesale within
968 the state, and no person who is granted the right to sell,
969 distribute or receive intoxicating liquors at retail shall
970 purchase any intoxicating liquors from any source other than the
971 department except as authorized in subsections (4) and (9). The
972 department may establish warehouses, purchase intoxicating liquors
973 in such quantities and from such sources as it may deem desirable
974 and sell the intoxicating liquors to authorized permittees within
975 the state including, at the discretion of the department, any
976 retail distributors operating within any military post or
977 qualified resort areas within the boundaries of the state, keeping
978 a correct and accurate record of all such transactions and
979 exercising such control over the distribution of alcoholic
980 beverages as seem right and proper in keeping with the provisions
981 or purposes of this chapter.

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

988 (3) No alcoholic beverage intended for sale or resale shall
989 be imported, shipped or brought into this state for delivery to



990 any person other than as provided in this chapter, or as otherwise
991 provided by law for native wines.

992 (4) The department may promulgate rules and regulations
993 which authorize on-premises retailers to purchase limited amounts
994 of alcoholic beverages from package retailers and for package
995 retailers to purchase limited amounts of alcoholic beverages from
996 other package retailers. The department shall develop and provide
997 forms to be completed by the on-premises retailers and the package
998 retailers verifying the transaction. The completed forms shall be
999 forwarded to the department within a period of time prescribed by
1000 the department.

1001 (5) The department may promulgate rules which authorize the
1002 holder of a package retailer's permit or grocery store wine-only
1003 retailer's permit to permit individual retail purchasers of
1004 packages of alcoholic beverages to return, for exchange, credit or
1005 refund, limited amounts of original sealed and unopened packages
1006 of alcoholic beverages purchased by the individual from the
1007 package retailer or grocery store.

1008 (6) The department shall maintain all forms to be completed
1009 by applicants necessary for licensure by the department at all
1010 district offices of the department.

1011 (7) The department may promulgate rules which authorize the
1012 manufacturer of an alcoholic beverage or wine to import, transport
1013 and furnish or give a sample of alcoholic beverages or wines to
1014 the holders of package retailer's permits, on-premises retailer's



1015 permits, native wine retailer's permits * * *, temporary
1016 retailer's permits and grocery store wine-only retailer's permits
1017 who have not previously purchased the brand of that manufacturer
1018 from the department. For each holder of the designated permits,
1019 the manufacturer may furnish not more than five hundred (500)
1020 milliliters of any brand of alcoholic beverage and not more than
1021 three (3) liters of any brand of wine.

1022 (8) The department may promulgate rules disallowing open
1023 product sampling of alcoholic beverages or wines by the holders of
1024 package retailer's permits and permitting open product sampling of
1025 alcoholic beverages by the holders of on-premises retailer's
1026 permits. Permitted sample products shall be plainly identified
1027 "sample" and the actual sampling must occur in the presence of the
1028 manufacturer's representatives during the legal operating hours of
1029 on-premises retailers.

1030 (9) The department may promulgate rules and regulations that
1031 authorize the holder of a research permit to import and purchase
1032 limited amounts of alcoholic beverages from importers, wineries
1033 and distillers of alcoholic beverages or from the department. The
1034 department shall develop and provide forms to be completed by the
1035 research permittee verifying each transaction. The completed
1036 forms shall be forwarded to the department within a period of time
1037 prescribed by the department. The records and inventory of
1038 alcoholic beverages shall be open to inspection at any time by the



1039 Director of the Alcoholic Beverage Control Division or any duly
1040 authorized agent.

1041 (10) This section shall not apply to alcoholic beverages
1042 authorized to be sold by the holder of a distillery retailer's
1043 permit.

1044 **SECTION 5.** Section 67-1-75, Mississippi Code of 1972, is
1045 amended as follows:

1046 67-1-75. If the holder of a package retailer's permit or a
1047 grocery store wine-only retailer's permit, or any employee
1048 thereof:

1049 (a) Shall sell, offer for sale or permit to be sold in,
1050 on or about the premises covered by such permit any alcoholic
1051 beverages except in the original sealed and unopened packages; or

1052 (b) Shall permit the drinking or consumption of any
1053 alcoholic beverages in, on or about the premises covered by such
1054 permit except as may be otherwise authorized by this chapter; or

1055 (c) Shall sell, offer for sale or permit the sale in,
1056 on or about the premises of alcoholic beverages in any package or
1057 container containing less than fifty (50) milliliters by liquid
1058 measure; then such person or employee shall be guilty of a
1059 misdemeanor and, upon conviction, shall be punished by a fine of
1060 not more than One Thousand Dollars (\$1,000.00) or by imprisonment
1061 in the county jail for a term of not more than one (1) year, or by
1062 both such fine and imprisonment, in the discretion of the court.

1063 In addition, in the case of the commission of any of such offenses



1064 by the holder of a permit, it shall be the duty of the * * *
1065 department forthwith to revoke the permit held by such person and
1066 conviction of the criminal offense shall not be a condition
1067 precedent to such revocation.

1068 **SECTION 6.** Section 67-1-83, Mississippi Code of 1972, is
1069 amended as follows:

1070 67-1-83. (1) It shall be unlawful for any permittee or
1071 other person to sell or furnish any alcoholic beverage to any
1072 person who is visibly intoxicated, or to any person who is known
1073 to habitually drink alcoholic beverages to excess, or to any
1074 person who is known to be an habitual user of narcotics or other
1075 habit-forming drugs. It shall also be unlawful for the holder of
1076 any package retailer's permit or grocery store wine-only
1077 retailer's permit to sell any alcoholic beverages except by
1078 delivery in person to the purchaser at the place of business of
1079 the permittee.

1080 (2) It shall be unlawful for any permittee or other person
1081 to sell or furnish any alcoholic beverage to any person to whom
1082 the * * * department has, after investigation, decided to prohibit
1083 the sale of those beverages because of an appeal to the * * *
1084 department so to do by the husband, wife, father, mother, brother,
1085 sister, child, or employer of the person. The interdiction in
1086 those cases shall last until removed by the * * * department, but
1087 no person shall be held to have violated this subsection unless he
1088 has been informed by the * * * department, by registered letter,



1089 that it is forbidden to sell to that individual or unless that
1090 fact is otherwise known to the permittee or other person.

1091 (3) It shall be unlawful for any holder of a package
1092 retailer's permit or a grocery store wine-only retailer's permit,
1093 or any employee or agent thereof, * * * to sell or furnish any
1094 alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to
1095 sell alcoholic beverages on Sunday and Christmas Day.

1096 (4) Any person who violates any of the provisions of this
1097 section shall be guilty of a misdemeanor and, upon conviction,
1098 shall be punished by a fine of not more than Five Hundred Dollars
1099 (\$500.00) or by imprisonment in the county jail for a term of not
1100 more than six (6) months, or by both that fine and imprisonment,
1101 in the discretion of the court. In addition, the * * * department
1102 shall immediately revoke the permit of any permittee who violates
1103 the provisions of this section.

1104 **SECTION 7.** Section 67-1-85, Mississippi Code of 1972, is
1105 amended as follows:

1106 67-1-85. (1) The holder of a package retailer's permit or
1107 grocery store wine-only retailer's permit may have signs, lighted
1108 or otherwise, on the outside of the premises covered by his permit
1109 which advertise, announce or advise of the sale of alcoholic
1110 beverages in or on * * * the premises. Wherever the sign is
1111 located on the premises, the name of the business shall also
1112 include the permit number thereof, preceded by the words "A.B.C.
1113 Permit No."



1114 (2) It shall be lawful to advertise alcoholic beverages by
1115 means of signs, billboards or displays on or along any road,
1116 highway, street or building.

1117 (3) It shall be lawful for publishers, broadcasters and
1118 other kinds, types or forms of public and private advertising
1119 media to advertise alcoholic beverages; however, no alcoholic
1120 beverages may be advertised during, or within five (5) minutes
1121 preceding or following, any television broadcast which consists
1122 primarily of animated material intended for viewing by young
1123 children.

1124 (4) Notwithstanding the provisions of this section to the
1125 contrary, it shall be unlawful to advertise alcoholic beverages by
1126 means of signs, billboards or displays in any municipality, county
1127 or judicial district which has not voted pursuant to the
1128 provisions of this chapter to legalize the sale of alcoholic
1129 beverages.

1130 **SECTION 8.** This act shall take effect and be in force from
1131 and after July 1, 2020.

