

By: Senator(s) Carter

To: Finance

SENATE BILL NO. 2521

1 AN ACT TO CREATE A NEW SECTION IN TITLE 67, CHAPTER 1,
 2 MISSISSIPPI CODE TO 1972, TO ALLOW THE DIRECT SHIPMENT OF WINE NOT
 3 CARRIED IN BAILMENT BY THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF
 4 THE DEPARTMENT OF REVENUE FROM WINERIES TO PACKAGE AND ON-PREMISES
 5 RETAILERS; TO CREATE A STUDY COMMITTEE TO INVESTIGATE THE
 6 FEASIBILITY OF CREATING A CORPORATION TO RUN THE ALCOHOLIC
 7 BEVERAGE CONTROL DIVISION; TO AMEND SECTION 67-1-3, MISSISSIPPI
 8 CODE OF 1972, TO RENOUNCE PROHIBITION OF INTOXICATING LIQUOR AS
 9 THE PUBLIC POLICY OF THE STATE IN FAVOR OF LOCAL OPTION TO
 10 REINSTITUTE PROHIBITION; TO AMEND SECTION 67-1-51, MISSISSIPPI
 11 CODE OF 1972, TO CREATE ADDITIONAL CLASSES OF PERMITS AND TO
 12 IMPOSE CERTAIN LIMITS ON THE ISSUANCE OF CERTAIN CLASSES OF
 13 PERMITS; TO BROADEN THE RANGE OF BUSINESSES THAT MAY RECEIVE CLASS
 14 3 TEMPORARY RETAILER'S PERMITS; TO AMEND SECTION 27-71-5,
 15 MISSISSIPPI CODE OF 1972, TO SET PRIVILEGE TAXES FOR THE NEW
 16 CLASSES OF PERMITS CREATED, AND TO AUTHORIZE THE DEPARTMENT OF
 17 REVENUE TO CHARGE AN ADDITIONAL FEE TO COVER THE OPERATIONAL
 18 EXPENSES OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION WAREHOUSE; TO
 19 AMEND SECTIONS 67-1-7, 67-1-9, 67-1-11, 67-1-13, 67-1-14, 67-1-15,
 20 67-1-41, 67-1-57, 67-1-71, 67-1-85, 67-1-91, 67-9-1, 27-71-15 AND
 21 97-31-47, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; TO
 22 AMEND SECTION 27-71-303, MISSISSIPPI CODE OF 1972, TO INCREASE THE
 23 LICENSE TAX FOR RETAILERS, WHOLESALERS AND DISTRIBUTORS OF BEER
 24 AND LIGHT WINES; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** (1) Any person who possesses a valid license or
 27 permit to engage in the activity of manufacturing, importing,
 28 wholesaling or retailing alcoholic beverages in his state of
 29 operation may lawfully ship wine that is ordered for a package



30 retailer by the division directly to the holder of a package
31 retailer's permit or an on-premises retailer's permit in this
32 state, without being required to make the shipment through the
33 division, provided that the division does not carry that
34 particular wine in bailment. However, package retailers and
35 on-premises retailers shall pay the division for the wine and pay
36 all taxes, fees and markups imposed on the wine prior to such
37 shipment. Package retailers and on-premises retailers may charge
38 a fee for receiving and handling shipments from wineries on behalf
39 of their customers.

40 (2) (a) A person twenty-one (21) years of age or older must
41 sign for any wine shipped directly to the holder of a package
42 retailer's permit, or an on-premises retailer's permit under this
43 section before delivery, and all shipping containers of wine
44 shipped under this section shall be conspicuously labeled as
45 follows:

46 "CONTAINS ALCOHOLIC BEVERAGES: ADULT (21 OR OLDER)
47 SIGNATURE REQUIRED FOR DELIVERY."

48 (b) Shipments of wine into this state under this
49 section shall be made by a duly licensed carrier.

50 (3) A manufacturer who ships wine under this section shall
51 be deemed to have consented to the jurisdiction of the courts of
52 this state, of the department, of any other state agency regarding
53 the enforcement of this section, and of any related law, rules or
54 regulations.



55 (4) All taxes, fees and surcharges that are imposed upon the
56 sale of wine shipped by the division apply to wine shipped under
57 this section.

58 (5) Any person who makes, participates in, transports,
59 imports or receives a shipment in violation of this section is
60 guilty of a misdemeanor. Each shipment shall constitute a
61 separate offense.

62 **SECTION 2.** (1) There is created a study committee for the
63 purpose of studying the feasibility of creating a corporation to
64 run the Alcoholic Beverage Control Division of the Department of
65 Revenue. The study committee shall be comprised of the following
66 seven (7) members:

67 (a) Three (3) members of the Senate, to be appointed by
68 the Lieutenant Governor, one (1) of whom shall be the Chairman of
69 the Senate Finance Committee;

70 (b) Three (3) members of the House, to be appointed by
71 the Speaker of the House of Representatives, one (1) of whom shall
72 be the Chairman of the House Ways and Means Committee;

73 (c) The Commissioner of the Department of Revenue, or a
74 designee, as ex officio, nonvoting member.

75 (2) Appointments to the study committee must be made within
76 thirty (30) days after July 1, 2020. At the first meeting, the
77 study committee shall elect from among its membership a chairman,
78 vice chairman and any other officers determined to be necessary,



79 who must organize the study committee for business and determine
80 the date, time and location of its next meeting.

81 (3) Legislative members of the study committee shall be
82 reimbursed from the contingent expense fund of their respective
83 house, but only with the specific approval of the Rules Committee
84 of the respective house. The study committee, by approval of a
85 majority of its membership, may accept funds that may be donated
86 or provided in the form of grants from public or private sources.

87 (4) The Department of Revenue shall provide the staff and
88 other support necessary for the study committee to perform its
89 duties. All departments, agencies and institutions of this state,
90 at the request of the chairman of the study committee, must
91 cooperate fully with the study committee in the performance of its
92 duties.

93 (5) The study committee shall report its findings and
94 recommendations to the Joint Legislative Committee on Performance
95 Evaluation and Expenditure Review (PEER) before January 1, 2021,
96 at which time the study committee shall be dissolved.

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

99 67-1-3. From and after July 1, 2020, the policy of this
100 state * * * respecting the manufacture, sale, distribution,
101 possession and transportation of intoxicating liquor * * * shall
102 be one of local option providing to counties the option of
103 choosing, by procedures set out in this chapter, to prevent the



104 manufacture, sale, distribution, possession and transportation of
105 intoxicating liquor. The policy of prohibition as formerly
106 announced by this section shall no longer be the public policy of
107 the state. The purpose and intent of this chapter is to provide
108 the laws under which alcoholic beverages may be legally sold,
109 manufactured, possessed and distributed in this state.

110 * * *

111 **SECTION 4.** Section 67-1-7, Mississippi Code of 1972, is
112 amended as follows:

113 67-1-7. (1) Except as * * * provided * * * in this chapter,
114 the manufacture, sale, distribution, possession and transportation
115 of alcoholic beverages shall be lawful * * * in this state, except
116 in counties that vote to reinstitute prohibition after holding an
117 election on the matter as provided in this chapter. Except as
118 otherwise provided in Section 67-1-51 for holders of a caterer's
119 permit, the manufacture, sale and distribution of alcoholic
120 beverages shall not be permissible or lawful in counties except in
121 (a) incorporated municipalities located within such counties, (b)
122 qualified resort areas within such counties approved as such by
123 the * * * department, or (c) clubs within such counties, whether
124 within a municipality or not. The manufacture, sale, distribution
125 and possession of native wines shall be lawful in any location
126 within any such county except those locations where the
127 manufacture, sale or distribution is prohibited by law other than
128 this section or by regulations of the * * * department.



129 (2) Notwithstanding the foregoing, within any state park or
130 any state park facility that has been declared a qualified resort
131 area by the * * * department, and within any qualified resort area
132 as defined under Section 67-1-5(o) (iii), an on-premises retailer's
133 permit may be issued for the qualified resort area, and the
134 permittee may lawfully sell alcoholic beverages for consumption on
135 his licensed premises regardless of whether or not the county or
136 municipality in which the qualified resort area is located has
137 voted * * * to reinstitute prohibition, and it shall be lawful to
138 receive, store, sell, possess and consume alcoholic beverages on
139 the licensed premises, and to sell, distribute and transport
140 alcoholic beverages to the licensed premises.

141 **SECTION 5.** Section 67-1-9, Mississippi Code of 1972, is
142 amended as follows:

143 67-1-9. (1) It shall be unlawful for any person to
144 manufacture, distill, brew, sell, possess, import into this state,
145 export from the state, transport, distribute, warehouse, store,
146 solicit, take order for, bottle, rectify, blend, treat, mix or
147 process any alcoholic beverage except as authorized in this
148 chapter. However, nothing contained herein shall prevent
149 importers, wineries and distillers of alcoholic beverages from
150 storing such alcoholic beverages in private bonded warehouses
151 located within the State of Mississippi for the ultimate use and
152 benefit of the Department of Revenue as provided in Section
153 67-1-41. The department is hereby authorized to promulgate rules



154 and regulations for the establishment of such private bonded
155 warehouses and for the control of alcoholic beverages stored in
156 such warehouses. Additionally, nothing herein contained shall
157 prevent any duly licensed practicing physician or dentist from
158 possessing or using alcoholic liquor in the strict practice of his
159 profession, or prevent any hospital or other institution caring
160 for sick and diseased persons, from possessing and using alcoholic
161 liquor for the treatment of bona fide patients of such hospital or
162 other institution. Any drugstore employing a licensed pharmacist
163 may possess and use alcoholic liquors in the combination of
164 prescriptions of duly licensed physicians. The possession and
165 dispensation of wine by an authorized representative of any church
166 for the purpose of conducting any bona fide rite or religious
167 ceremony conducted by such church shall not be prohibited by this
168 chapter.

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

171 (a) By a fine of not less than One Hundred Dollars
172 (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by
173 imprisonment in the county jail not less than one (1) week nor
174 more than three (3) months, or both, for the first conviction
175 under this section.

176 (b) By a fine of not less than One Hundred Dollars
177 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
178 imprisonment in the county jail not less than sixty (60) days, nor



179 more than six (6) months, or both fine and imprisonment, for the
180 second conviction for violating this section.

181 (c) By a fine of not less than One Hundred Dollars
182 (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by
183 imprisonment in the State Penitentiary not less than one (1) year,
184 nor more than five (5) years, or both fine and imprisonment, for
185 conviction the third time under this section for the violation
186 thereof after having been twice convicted of its violation.

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

191 **SECTION 6.** Section 67-1-11, Mississippi Code of 1972, is
192 amended as follows:

193 67-1-11. (1) Notwithstanding any provision of this
194 chapter, * * * prohibition may be reinstated in a county by an
195 election called and held in such county in the manner and with the
196 results hereinafter provided.

197 (2) Upon presentation and filing of a * * * petition
198 requesting * * * that prohibition be reinstated in the county
199 signed by at least twenty percent (20%) or fifteen hundred
200 (1,500), whichever number is the lesser, of the qualified electors
201 of the county, it shall be the duty of the board of supervisors to
202 call an election at which there shall be submitted to the
203 qualified electors of the county the question of whether or not



204 the sale, distribution and possession of alcoholic liquors shall
205 be * * * prohibited in * * * the county * * *. * * * The election
206 shall be held and conducted by the county election commissioners
207 on a date fixed by the order of the board of supervisors, which
208 date shall not be more than sixty (60) days from the date of the
209 filing of * * * the petition. Notice * * * of the election shall
210 be given by publishing * * * the notice once each week for at
211 least three (3) consecutive weeks in some newspaper published
212 in * * * the county or, if no newspaper be published * * * in the
213 county, by such publication in a newspaper in an adjoining county
214 and having a general circulation in the county * * *. The
215 election shall be held not earlier than fifteen (15) days from the
216 first publication of * * * the notice.

217 (3) * * * The election shall be held and conducted as far as
218 may be possible in the same manner as is provided by law for the
219 holding of general elections. The ballots used thereat shall
220 contain a brief statement of the proposition submitted and, on
221 separate lines, the words "I vote * * * to continue to allow the
222 manufacture, sale, distribution and possession of alcoholic
223 beverages in _____ County ()" "I vote * * * to continue to
224 prohibit the manufacture, sale, distribution and possession of
225 alcoholic beverages in _____ County ()" with appropriate boxes
226 in which the voters may express their choice. All qualified
227 electors may vote by marking the ballot with a cross (x) or check
228 (√) mark opposite the words of their choice.



229 (4) The election commissioners shall canvass and determine
230 the results of * * * the election, and shall certify * * * the
231 results to the board of supervisors which shall adopt and spread
232 upon its minutes an order declaring * * * the results. If, * * *
233 at the election, a majority of the participating qualified
234 electors * * * vote * * * against the prohibition of the
235 manufacture, sale, distribution and possession of alcoholic
236 beverages, the manufacture, sale, distribution and possession of
237 alcoholic beverages therein shall * * * remain lawful * * * in the
238 county. If, on the other hand, a majority of the participating
239 qualified electors * * * vote * * * in favor of prohibiting the
240 manufacture, sale, distribution and possession of alcoholic
241 beverages, all laws prohibiting and regulating the manufacture,
242 sale, distribution and possession of intoxicating liquor shall
243 remain in full force and effect * * * in the county. In either
244 case, no further election shall be held in * * * the county under
245 the provisions of this chapter for a period of two (2) years from
246 the date of the prior election and then only upon the filing of a
247 petition requesting * * * an election signed by at least twenty
248 percent (20%) or fifteen hundred (1,500), whichever number is the
249 lesser, of the qualified electors of the county * * *.

250 **SECTION 7.** Section 67-1-13, Mississippi Code of 1972, is
251 amended as follows:

252 67-1-13. (1) When * * * prohibition has been reinstated
253 in any county as a result of an election called and held as



254 provided in Section 67-1-11, the * * * manufacture, sale,
255 distribution, possession and transportation of alcoholic beverages
256 in the county may be allowed by an election called and held upon a
257 petition filed with the board of supervisors * * * requiring at
258 least twenty percent (20%) or fifteen hundred (1500), whichever
259 number is the lesser, of the qualified electors of the county as
260 is otherwise provided in Section 67-1-11, all of the provisions of
261 which shall be fully applicable thereto. However, nothing * * *
262 in this section shall authorize or permit the calling and holding
263 of any election under this chapter in any county more often than
264 once every two (2) years. If in * * * the election, a majority of
265 the qualified electors participating * * * vote * * * in favor of
266 allowing the manufacture, sale, distribution, possession and
267 transportation of alcoholic beverages in the county, then
268 the * * * manufacture, sale, distribution, possession and
269 transportation of alcoholic beverages shall be allowed in * * *
270 the county.

271 (2) Notwithstanding an election * * * reinstating the
272 prohibition laws in a * * * county, the holder of a native wine
273 producer's permit or a native wine retailer's permit is allowed to
274 continue to operate under * * * those permits and to renew * * *
275 those permits. Possession of native wines and personal property
276 related to the activities of the native wine permit holder which
277 would otherwise be unlawful * * * in the county shall be allowed
278 subject to regulations of the Alcoholic Beverage Control Division.



279 **SECTION 8.** Section 67-1-14, Mississippi Code of 1972, is
280 amended as follows:

281 67-1-14. (1) * * * A municipality located in a county which
282 has voted * * * to reinstitute prohibition under Section 67-1-11
283 may allow the manufacture, sale, distribution, possession or
284 transportation of alcoholic beverages in the municipality by an
285 election held in * * * the municipality in the manner and with the
286 results hereinafter provided.

287 (2) (a) Any municipality in this state having a population
288 of not less than five thousand (5,000) according to the latest
289 federal census and which is located in a county which has
290 voted * * * to reinstitute prohibition or any municipality that is
291 a county seat and which is located in a county which has
292 voted * * * to reinstitute prohibition may, at an election held
293 for the purpose under the election laws applicable to * * * the
294 municipality, either * * * allow or prohibit the manufacture,
295 sale, distribution, possession or transportation of alcoholic
296 beverages in the municipality, except as otherwise provided under
297 Section 67-9-1 * * *. An election to determine whether * * * the
298 manufacture, sale, distribution, possession or transportation of
299 alcoholic beverages shall be allowed in a municipality located in
300 a county that has voted to reinstitute prohibition shall be
301 ordered by the municipal governing authorities upon the
302 presentation of a petition to * * * the governing authorities
303 containing the names of at least twenty percent (20%) of the duly



304 qualified voters of * * * the municipality asking for * * * the
305 election. In like manner, an election to determine whether such
306 sale and possession shall be prohibited in municipalities wherein
307 its sale is permitted by law shall be ordered by the municipal
308 governing authorities upon the presentation of a petition to * * *
309 the governing authorities containing the names of at least twenty
310 percent (20%) of the duly qualified voters of * * * the
311 municipality asking for * * * the election. No election on either
312 question shall be held by any one (1) municipality more often than
313 once in two (2) years.

314 Thirty (30) days' notice shall be given to the qualified
315 electors of such municipality, in the manner prescribed by law,
316 upon the question of either * * * allowing or prohibiting * * *
317 the manufacture, sale, distribution, possession or transportation
318 of alcoholic beverages in the municipality. The notice * * *
319 shall contain a statement of the question to be voted on at the
320 election. The ballots to be used in the election shall have the
321 following words printed thereon: "For the legal sale of alcoholic
322 liquors" and the words "Against the legal sale of alcoholic
323 liquors" next below. In marking his ballot the voter shall make a
324 cross (X) opposite the words of his choice.

325 If in the election a majority of the qualified electors
326 voting in the election shall vote "for the legal sale of alcoholic
327 liquors," then the municipal governing authorities shall pass the
328 necessary order permitting the legal sale of such alcoholic



329 beverages in such municipality. If in the election a majority of
330 the qualified electors voting in the election shall vote "against
331 the legal sale of alcoholic liquors," then the municipal governing
332 authorities shall pass the necessary order prohibiting the sale of
333 alcoholic beverages in such municipality.

334 (b) The provisions of this subsection shall also apply
335 to any municipality having a population of not less than six
336 thousand (6,000) according to the latest federal census, a portion
337 of which is located in a county which has voted against coming out
338 from under the dry law and a portion of which is located in a
339 county which has voted in favor of coming out from under the dry
340 law. For the purpose of determining whether or not such a
341 municipality meets the threshold population of six thousand
342 (6,000) which will qualify the municipality to hold an election
343 under this subsection, the entire population of the municipality
344 shall be considered; however, the petition to hold the election
345 authorized in this subsection shall be ordered by the municipal
346 governing authorities upon the presentation of a petition to such
347 governing authorities containing the names of at least twenty
348 percent (20%) of the duly qualified voters of such municipality
349 who reside in that portion of the municipality located in a county
350 which has voted against coming out from under the dry law and the
351 election shall be held only in that portion of the municipality.
352 In all other respects, the authority for the holding of elections
353 and the manner in which such elections shall be conducted shall be



354 as prescribed in paragraph (a) of this subsection; and, after
355 proper certification of election results, the municipal governing
356 authorities shall pass the appropriate order to permit or prohibit
357 the legal sale of alcoholic beverages in that portion of the
358 municipality located in a county which has voted against coming
359 out from under the dry law.

360 * * *

361 **SECTION 9.** Section 67-1-15, Mississippi Code of 1972, is
362 amended as follows:

363 67-1-15. In any county having two (2) judicial districts,
364 each such judicial district shall be construed to be a political
365 subdivision or subdivision of government on the same basis as a
366 county, and as such, a judicial district will be entitled to all
367 of the rights, privileges, and immunities as a county for the
368 purposes of * * * reinstating prohibition under the provisions
369 of this chapter.

370 **SECTION 10.** Section 67-1-41, Mississippi Code of 1972, is
371 amended as follows:

372 67-1-41. (1) The department is hereby created a wholesale
373 distributor and seller of alcoholic beverages, not including malt
374 liquors, within the State of Mississippi. It is granted the sole
375 right to import and sell intoxicating liquors at wholesale within
376 the state, and no person who is granted the right to sell,
377 distribute or receive intoxicating liquors at retail shall
378 purchase any intoxicating liquors from any source other than the



379 department except as authorized in subsections (4) and (9) of this
380 section and Section 1 of this act. The department may establish
381 warehouses, purchase intoxicating liquors in such quantities and
382 from such sources as it may deem desirable and sell the
383 intoxicating liquors to authorized permittees within the state
384 including, at the discretion of the department, any retail
385 distributors operating within any military post or qualified
386 resort areas within the boundaries of the state, keeping a correct
387 and accurate record of all such transactions and exercising such
388 control over the distribution of alcoholic beverages as seem right
389 and proper in keeping with the provisions or purposes of this
390 chapter.

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

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

401 (4) The department may promulgate rules and regulations
402 which authorize on-premises retailers to purchase limited amounts
403 of alcoholic beverages from package retailers and for package



404 retailers to purchase limited amounts of alcoholic beverages from
405 other package retailers. The department shall develop and provide
406 forms to be completed by the on-premises retailers and the package
407 retailers verifying the transaction. The completed forms shall be
408 forwarded to the department within a period of time prescribed by
409 the department.

410 (5) The department may promulgate rules which authorize the
411 holder of a package retailer's permit to permit individual retail
412 purchasers of packages of alcoholic beverages to return, for
413 exchange, credit or refund, limited amounts of original sealed and
414 unopened packages of alcoholic beverages purchased by the
415 individual from the package retailer.

416 (6) The department shall maintain all forms to be completed
417 by applicants necessary for licensure by the department at all
418 district offices of the department.

419 (7) The department may promulgate rules which authorize the
420 manufacturer of an alcoholic beverage or wine to import, transport
421 and furnish or give a sample of alcoholic beverages or wines to
422 the holders of package retailer's permits, on-premises retailer's
423 permits, native wine retailer's permits and temporary retailer's
424 permits who have not previously purchased the brand of that
425 manufacturer from the department. For each holder of the
426 designated permits, the manufacturer may furnish not more than
427 five hundred (500) milliliters of any brand of alcoholic beverage
428 and not more than three (3) liters of any brand of wine.



429 (8) The department may promulgate rules disallowing open
430 product sampling of alcoholic beverages or wines by the holders of
431 package retailer's permits and permitting open product sampling of
432 alcoholic beverages by the holders of on-premises retailer's
433 permits. Permitted sample products shall be plainly identified
434 "sample" and the actual sampling must occur in the presence of the
435 manufacturer's representatives during the legal operating hours of
436 on-premises retailers.

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

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

451 **SECTION 11.** Section 67-1-51, Mississippi Code of 1972, is
452 amended as follows:



453 67-1-51. (1) Permits which may be issued by the department
454 shall be as follows:

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

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

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

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

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

474 (b) **Package retailer's permit.** Except as otherwise
475 provided in this paragraph and Section 67-1-52, a package
476 retailer's permit shall authorize the holder thereof to operate a
477 store exclusively for the sale at retail in original sealed and



478 unopened packages of alcoholic beverages, including native wines,
479 not to be consumed on the premises where sold. Alcoholic
480 beverages shall not be sold by any retailer in any package or
481 container containing less than fifty (50) milliliters by liquid
482 measure. A package retailer's permit, with prior approval from
483 the department, shall authorize the holder thereof to sample new
484 product furnished by a manufacturer's representative or his
485 employees at the permitted place of business so long as the
486 sampling otherwise complies with this chapter and applicable
487 department regulations. Such samples may not be provided to
488 customers at the permitted place of business. In addition to the
489 sale at retail of packages of alcoholic beverages, the holder of a
490 package retailer's permit is authorized to sell at retail
491 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
492 other beverages commonly used to mix with alcoholic beverages.
493 Nonalcoholic beverages sold by the holder of a package retailer's
494 permit shall not be consumed on the premises where sold.

495 (c) **On-premises retailer's permit.** Except as otherwise
496 provided in subsection (5) of this section, an on-premises
497 retailer's permit shall authorize the sale of alcoholic beverages,
498 including native wines, for consumption on the licensed premises
499 only; however, a patron of the permit holder may remove one (1)
500 bottle of wine from the licensed premises if: (i) the patron
501 consumed a portion of the bottle of wine in the course of
502 consuming a meal purchased on the licensed premises; (ii) the



503 permit holder securely reseals the bottle; (iii) the bottle is
504 placed in a bag that is secured in a manner so that it will be
505 visibly apparent if the bag is opened; and (iv) a dated receipt
506 for the wine and the meal is available. Such a permit shall be
507 issued only to qualified hotels, restaurants and clubs, and to
508 common carriers with adequate facilities for serving passengers.
509 In resort areas, whether inside or outside of a municipality, the
510 department, in its discretion, may issue on-premises retailer's
511 permits to such establishments as it deems proper. An on-premises
512 retailer's permit when issued to a common carrier shall authorize
513 the sale and serving of alcoholic beverages aboard any licensed
514 vehicle while moving through any county of the state; however, the
515 sale of such alcoholic beverages shall not be permitted while such
516 vehicle is stopped in a county that has * * * reinstated
517 prohibition. If an on-premises retailer's permit is applied for
518 by a common carrier operating solely in the water, such common
519 carrier must, along with all other qualifications for a permit,
520 (i) be certified to carry at least one hundred fifty (150)
521 passengers and/or provide overnight accommodations for at least
522 fifty (50) passengers and (ii) operate primarily in the waters
523 within the State of Mississippi which lie adjacent to the State of
524 Mississippi south of the three (3) most southern counties in the
525 State of Mississippi and/or on the Mississippi River or navigable
526 waters within any county bordering on the Mississippi River.



527 (d) **Solicitor's permit.** A solicitor's permit shall
528 authorize the holder thereof to act as salesman for a manufacturer
529 or wholesaler holding a proper permit, to solicit on behalf of his
530 employer orders for alcoholic beverages, and to otherwise promote
531 his employer's products in a legitimate manner. Such a permit
532 shall authorize the representation of and employment by one (1)
533 principal only. However, the permittee may also, in the
534 discretion of the department, be issued additional permits to
535 represent other principals. No such permittee shall buy or sell
536 alcoholic beverages for his own account, and no such beverage
537 shall be brought into this state in pursuance of the exercise of
538 such permit otherwise than through a permit issued to a wholesaler
539 or manufacturer in the state.

540 (e) **Native wine retailer's permit.** Except as otherwise
541 provided in subsection (5) of this section, a native wine
542 retailer's permit shall be issued only to a holder of a Class 3
543 manufacturer's permit, and shall authorize the holder thereof to
544 make retail sales of native wines to consumers for on-premises
545 consumption or to consumers in originally sealed and unopened
546 containers at an establishment located on the premises of or in
547 the immediate vicinity of a native winery.

548 (f) **Temporary retailer's permit.** Except as otherwise
549 provided in subsection (5) of this section, a temporary retailer's
550 permit shall permit the purchase and resale of alcoholic



551 beverages, including native wines, during legal hours on the
552 premises described in the temporary permit only.

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

555 Class 1. A temporary one-day permit may be issued to bona
556 fide nonprofit civic or charitable organizations authorizing the
557 sale of alcoholic beverages, including native wine, for
558 consumption on the premises described in the temporary permit
559 only. Class 1 permits may be issued only to applicants
560 demonstrating to the department, by a statement signed under
561 penalty of perjury submitted ten (10) days prior to the proposed
562 date or such other time as the department may determine, that they
563 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
564 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
565 Class 1 permittees shall obtain all alcoholic beverages from
566 package retailers located in the county in which the temporary
567 permit is issued. Alcoholic beverages remaining in stock upon
568 expiration of the temporary permit may be returned by the
569 permittee to the package retailer for a refund of the purchase
570 price upon consent of the package retailer or may be kept by the
571 permittee exclusively for personal use and consumption, subject to
572 all laws pertaining to the illegal sale and possession of
573 alcoholic beverages. The department, following review of the
574 statement provided by the applicant and the requirements of the
575 applicable statutes and regulations, may issue the permit.



576 Class 2. A temporary permit, not to exceed seventy (70)
577 days, may be issued to prospective permittees seeking to transfer
578 a permit authorized in paragraph (c) of this subsection. A Class
579 2 permit may be issued only to applicants demonstrating to the
580 department, by a statement signed under the penalty of perjury,
581 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
582 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
583 67-1-59. The department, following a preliminary review of the
584 statement provided by the applicant and the requirements of the
585 applicable statutes and regulations, may issue the permit.

586 Class 2 temporary permittees must purchase their alcoholic
587 beverages directly from the department or, with approval of the
588 department, purchase the remaining stock of the previous
589 permittee. If the proposed applicant of a Class 1 or Class 2
590 temporary permit falsifies information contained in the
591 application or statement, the applicant shall never again be
592 eligible for a retail alcohol beverage permit and shall be subject
593 to prosecution for perjury.

594 Class 3. A temporary one-day permit may be issued to a * * *
595 business authorizing the complimentary distribution of wine,
596 including native wine, to patrons of the * * * business at an open
597 house or promotional event, for consumption only on the premises
598 described in the temporary permit. A Class 3 permit may be issued
599 only to * * * a business in good standing with the Mississippi
600 Secretary of State. A Class 3 permit holder shall obtain all



601 alcoholic beverages from the holder(s) of a package retailer's
602 permit located in the county in which the temporary permit is
603 issued. Wine remaining in stock upon expiration of the temporary
604 permit may be returned by the Class 3 temporary permit holder to
605 the package retailer for a refund of the purchase price, with
606 consent of the package retailer, or may be kept by the Class 3
607 temporary permit holder exclusively for personal use and
608 consumption, subject to all laws pertaining to the illegal sale
609 and possession of alcoholic beverages. The department, following
610 review of the statement provided by the applicant and the
611 requirements of the applicable statutes and regulations, may issue
612 the permit. No * * * business may receive more than * * * six (6)
613 Class 3 temporary permits in a calendar year. A Class 3 temporary
614 permit shall not be issued to a * * * business that either holds a
615 merchant permit issued under paragraph (1) of this subsection, or
616 holds a permit issued under Chapter 3, Title 67, Mississippi Code
617 of 1972, authorizing the holder to engage in the business of a
618 retailer of light wine or beer.

619 (g) **Caterer's permit.** A caterer's permit shall permit
620 the purchase of alcoholic beverages by a person engaging in
621 business as a caterer and the resale of alcoholic beverages by
622 such person in conjunction with such catering business. No person
623 shall qualify as a caterer unless forty percent (40%) or more of
624 the revenue derived from such catering business shall be from the
625 serving of prepared food and not from the sale of alcoholic



626 beverages and unless such person has obtained a permit for such
627 business from the Department of Health. A caterer's permit shall
628 not authorize the sale of alcoholic beverages on the premises of
629 the person engaging in business as a caterer; however, the holder
630 of an on-premises retailer's permit may hold a caterer's permit.
631 When the holder of an on-premises retailer's permit or an
632 affiliated entity of the holder also holds a caterer's permit, the
633 caterer's permit shall not authorize the service of alcoholic
634 beverages on a consistent, recurring basis at a separate, fixed
635 location owned or operated by the caterer, on-premises retailer or
636 affiliated entity and an on-premises retailer's permit shall be
637 required for the separate location. All sales of alcoholic
638 beverages by holders of a caterer's permit shall be made at the
639 location being catered by the caterer, and, except as otherwise
640 provided in subsection (5) of this section, such sales may be made
641 only for consumption at the catered location. The location being
642 catered may be anywhere within a county or judicial district that
643 has * * * not reinstated prohibition. * * * The sales shall be
644 made pursuant to any other conditions and restrictions which apply
645 to sales made by on-premises retail permittees. The holder of a
646 caterer's permit or his employees shall remain at the catered
647 location as long as alcoholic beverages are being sold pursuant to
648 the permit issued under this paragraph (g), and the permittee
649 shall have at the location the identification card issued by the
650 Alcoholic Beverage Control Division of the department. No unsold



651 alcoholic beverages may be left at the catered location by the
652 permittee upon the conclusion of his business at that location.
653 Appropriate law enforcement officers and Alcoholic Beverage
654 Control Division personnel may enter a catered location on private
655 property in order to enforce laws governing the sale or serving of
656 alcoholic beverages.

657 (h) **Research permit.** A research permit shall authorize
658 the holder thereof to operate a research facility for the
659 professional research of alcoholic beverages. Such permit shall
660 authorize the holder of the permit to import and purchase limited
661 amounts of alcoholic beverages from the department or from
662 importers, wineries and distillers of alcoholic beverages for
663 professional research.

664 (i) **Alcohol processing permit.** An alcohol processing
665 permit shall authorize the holder thereof to purchase, transport
666 and possess alcoholic beverages for the exclusive use in cooking,
667 processing or manufacturing products which contain alcoholic
668 beverages as an integral ingredient. An alcohol processing permit
669 shall not authorize the sale of alcoholic beverages on the
670 premises of the person engaging in the business of cooking,
671 processing or manufacturing products which contain alcoholic
672 beverages. The amounts of alcoholic beverages allowed under an
673 alcohol processing permit shall be set by the department.

674 (j) **Hospitality cart permit.** A hospitality cart permit
675 shall authorize the sale of alcoholic beverages from a mobile cart



676 on a golf course that is the holder of an on-premises retailer's
677 permit. The alcoholic beverages sold from the cart must be
678 consumed within the boundaries of the golf course.

679 (k) **Special service permit.** A special service permit
680 shall authorize the holder to sell commercially sealed alcoholic
681 beverages to the operator of a commercial or private aircraft for
682 en route consumption only by passengers. A special service permit
683 shall be issued only to a fixed-base operator who contracts with
684 an airport facility to provide fueling and other associated
685 services to commercial and private aircraft.

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

694 (m) **Temporary alcoholic beverages charitable auction**
695 **permit.** A temporary permit, not to exceed five (5) days, may be
696 issued to a qualifying charitable nonprofit organization that is
697 exempt from taxation under Section 501(c)(3) or (4) of the
698 Internal Revenue Code of 1986. The permit shall authorize the
699 holder to sell alcoholic beverages for the limited purpose of
700 raising funds for the organization during a live or silent auction



701 that is conducted by the organization and that meets the following
702 requirements: (i) the auction is conducted in an area of the
703 state where the sale of alcoholic beverages is authorized; (ii) if
704 the auction is conducted on the premises of an on-premises
705 retailer's permit holder, then the alcoholic beverages to be
706 auctioned must be stored separately from the alcoholic beverages
707 sold, stored or served on the premises, must be removed from the
708 premises immediately following the auction, and may not be
709 consumed on the premises; (iii) the permit holder may not conduct
710 more than two (2) auctions during a calendar year; (iv) the permit
711 holder may not pay a commission or promotional fee to any person
712 to arrange or conduct the auction.

713 (n) **Event venue retailer's permit.** An event venue
714 retailer's permit shall authorize the holder thereof to purchase
715 and resell alcoholic beverages, including native wines, for
716 consumption on the premises during legal hours during events held
717 on the licensed premises if food is being served at the event by a
718 caterer who is not affiliated with or related to the permittee.
719 The caterer must serve at least three (3) entrees. The permit may
720 only be issued for venues that can accommodate two hundred (200)
721 persons or more. The number of persons a venue may accommodate
722 shall be determined by the local fire department and such
723 determination shall be provided in writing and submitted along
724 with all other documents required to be provided for an
725 on-premises retailer's permit. The permittee must derive the



726 majority of its revenue from event-related fees, including, but
727 not limited to, admission fees or ticket sales for live
728 entertainment in the building. "Event-related fees" do not
729 include alcohol, beer or light wine sales or any fee which may be
730 construed to cover the cost of alcohol, beer or light wine. This
731 determination shall be made on a per event basis. An event may
732 not last longer than two (2) consecutive days per week.

733 (o) **Temporary theatre permit.** A temporary theatre
734 permit, not to exceed five (5) days, may be issued to a charitable
735 nonprofit organization that is exempt from taxation under Section
736 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
737 a theatre facility that features plays and other theatrical
738 performances and productions. Except as otherwise provided in
739 subsection (5) of this section, the permit shall authorize the
740 holder to sell alcoholic beverages, including native wines, to
741 patrons of the theatre during performances and productions at the
742 theatre facility for consumption during such performances and
743 productions on the premises of the facility described in the
744 permit. A temporary theatre permit holder shall obtain all
745 alcoholic beverages from package retailers located in the county
746 in which the permit is issued. Alcoholic beverages remaining in
747 stock upon expiration of the temporary theatre permit may be
748 returned by the permittee to the package retailer for a refund of
749 the purchase price upon consent of the package retailer or may be
750 kept by the permittee exclusively for personal use and



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

753 (p) **Charter ship operator's permit.** Subject to the
754 provisions of this paragraph (p), a charter ship operator's permit
755 shall authorize the holder thereof and its employees to serve,
756 monitor, store and otherwise control the serving and availability
757 of alcoholic beverages to customers of the permit holder during
758 private charters under contract provided by the permit holder. A
759 charter ship operator's permit shall authorize such action by the
760 permit holder and its employees only as to alcoholic beverages
761 brought onto the permit holder's ship by customers of the permit
762 holder as part of such a private charter. All such alcoholic
763 beverages must be removed from the charter ship at the conclusion
764 of each private charter. A charter ship operator's permit shall
765 not authorize the permit holder to sell, charge for or otherwise
766 supply alcoholic beverages to customers, except as authorized in
767 this paragraph (p). For the purposes of this paragraph (p),
768 "charter ship operator" means a common carrier that (i) is
769 certified to carry at least one hundred fifty (150) passengers
770 and/or provide overnight accommodations for at least fifty (50)
771 passengers, (ii) operates only in the waters within the State of
772 Mississippi, which lie adjacent to the State of Mississippi south
773 of the three (3) most southern counties in the State of
774 Mississippi, and (iii) provides charters under contract for tours
775 and trips in such waters.



776 (q) **Distillery retailer's permit.** The holder of a
777 Class 1 manufacturer's permit may obtain a distillery retailer's
778 permit. A distillery retailer's permit shall authorize the holder
779 thereof to sell at retail alcoholic beverages by the sealed and
780 unopened bottle from a retail location at the distillery for
781 off-premises consumption. The holder may only sell product
782 manufactured by the manufacturer at the distillery described in
783 the permit. The holder shall not sell at retail more than ten
784 percent (10%) of the alcoholic beverages produced annually at its
785 distillery. The holder shall not make retail sales of more than
786 two and twenty-five one-hundredths (2.25) liters, in the
787 aggregate, of the alcoholic beverages produced at its distillery
788 to any one (1) individual for consumption off the premises of the
789 distillery within a twenty-four-hour period. The hours of sale
790 shall be the same as those hours for package retailers under this
791 chapter. The holder of a distillery retailer's permit is not
792 required to purchase the alcoholic beverages authorized to be sold
793 by this paragraph from the department's liquor distribution
794 warehouse; however, if the holder does not purchase the alcoholic
795 beverages from the department's liquor distribution warehouse, the
796 holder shall pay to the department all taxes, fees and surcharges
797 on the alcoholic beverages that are imposed upon the sale of
798 alcoholic beverages shipped by the Alcoholic Beverage Control
799 Division of the Department of Revenue. In addition to alcoholic
800 beverages, the holder of a distillery retailer's permit may sell



801 at retail promotional products from the same retail location,
802 including shirts, hats, glasses, and other promotional products
803 customarily sold by alcoholic beverage manufacturers.

804 (r) **Tourism development permit.** A tourism development
805 permit may be issued to a tourism development and shall authorize
806 the holder thereof to sell alcoholic beverages by the drink, to
807 offer samples of complimentary alcoholic beverage products and
808 sell at retail alcoholic beverage in original sealed and unopened
809 packages containing not less than fifty (50) milliliters by liquid
810 measure. Sales of alcoholic beverages and the offering of
811 complementary samples may occur at any location on the premises of
812 the tourism development so long as common ownership of the
813 premises exists and the locations where the sales and offering of
814 samples occur are determined by the department to be a part of the
815 tourism development. For purposes of this paragraph, a tourism
816 development means a premises containing not less than three
817 hundred (300) hotel rooms or suites, retail shops, theater, lounge
818 or other entertainment venues and not less than two (2)
819 restaurants. A tourism development may include, but not be
820 limited to, amenities such as a spa, golf course, casino, beauty
821 salon, coffee shop, marina, pool, snack bar and beach area.

822 (s) **Salon or spa permit.** A salon or spa permit may be
823 issued for salons or spas to provide complimentary beer or wine to
824 customers. For purposes of this paragraph, a salon or spa is a
825 place of business where people have cosmetic or other beauty



826 treatments, including, but not limited to, haircuts, hair
827 coloring, braiding, manicures, pedicures or massages.

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

831 (3) Except as otherwise provided in this subsection, no
832 authority shall be granted to any person to manufacture, sell or
833 store for sale any intoxicating liquor as specified in this
834 chapter within four hundred (400) feet of any church, school,
835 kindergarten or funeral home. However, within an area zoned
836 commercial or business, such minimum distance shall be not less
837 than one hundred (100) feet.

838 A church or funeral home may waive the distance restrictions
839 imposed in this subsection in favor of allowing issuance by the
840 department of a permit, pursuant to subsection (1) of this
841 section, to authorize activity relating to the manufacturing, sale
842 or storage of alcoholic beverages which would otherwise be
843 prohibited under the minimum distance criterion. Such waiver
844 shall be in written form from the owner, the governing body, or
845 the appropriate officer of the church or funeral home having the
846 authority to execute such a waiver, and the waiver shall be filed
847 with and verified by the department before becoming effective.

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



851 Places or to the sale or storage of alcoholic beverages in a
852 historic district that is listed in the National Register of
853 Historic Places, is a qualified resort area and is located in a
854 municipality having a population greater than one hundred thousand
855 (100,000) according to the latest federal decennial census.

856 (4) No person, either individually or as a member of a firm,
857 partnership, limited liability company or association, or as a
858 stockholder, officer or director in a corporation, shall own or
859 control any interest in more than one (1) package retailer's
860 permit, nor shall such person's spouse, if living in the same
861 household of such person, any relative of such person, if living
862 in the same household of such person, or any other person living
863 in the same household with such person own any interest in any
864 other package retailer's permit.

865 (5) (a) In addition to any other authority granted under
866 this section, the holder of a permit issued under subsection
867 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
868 sell or otherwise provide alcoholic beverages and/or wine to a
869 patron of the permit holder in the manner authorized in the permit
870 and the patron may remove an open glass, cup or other container of
871 the alcoholic beverage and/or wine from the licensed premises and
872 may possess and consume the alcoholic beverage or wine outside of
873 the licensed premises if: (i) the licensed premises is located
874 within a leisure and recreation district created under Section
875 67-1-101 and (ii) the patron remains within the boundaries of the



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

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

882 (6) (a) From and after July 1, 2020, not more than one (1)
883 package retailer's permit may be issued within the corporate
884 limits of a municipality for every six thousand five hundred
885 (6,500) residents of the municipality, or outside the corporate
886 limits of a municipality for every six thousand five hundred
887 (6,500) residents of the county excluding residents in
888 municipalities, according to the latest federal decennial census.

889 (b) From and after July 1, 2020, no new and original
890 package retailer's permits or any other retailer's permit that
891 allows alcoholic beverage sales for off-premises consumption shall
892 be issued by the department, and only applications submitted to
893 the department prior to July 1, 2020, shall be considered for the
894 issuance of a package retailer's permit by the department.
895 Permits that were issued prior to July 1, 2020, shall remain in
896 effect regardless of the provisions of paragraph (a) of this
897 subsection.

898 (c) Package retailer's permits that were issued prior
899 to July 1, 2020, which are currently in operation, are in good
900 standing with the department, and have been in continuous



901 operation for a minimum of five (5) years may be sold or
902 transferred by the permittee to any other qualified applicant as
903 authorized by law.

904 (d) In municipalities and counties where existing
905 package retailer's permits are in excess of the allowable number
906 of permits provided for in paragraph (a) of this subsection,
907 qualified applicants must buy a package retailer's permit from an
908 existing package retailer.

909 (e) In municipalities and counties that adjoin any
910 municipality or county where existing package retailer's permits
911 are in excess of the allowable number of permits provided for in
912 paragraph (a) of this subsection, qualified applicants must buy a
913 package retailer's permit from the adjoining municipality or
914 county, or any other municipality or county with excessive
915 permits.

916 (f) In municipalities or counties that become wet after
917 July 1, 2020, qualified applicants must buy a package retailer's
918 permit from a municipality or county where existing package
919 retailer's permits are in excess of the allowable number of
920 permits provided for in paragraph (a) of this subsection.

921 (7) From and after July 1, 2020, a package retailer's permit
922 or any other retailer's permit that allows alcoholic beverage
923 sales for off-premises consumption shall not be issued for a
924 location that is within two (2) miles of the property boundary of
925 an existing package store or, if the package store is located in a



926 mall or shopping center, within two (2) miles of the property
927 boundary of the mall or shopping center. However, a package
928 retailer's permit may be issued for a location within the two-mile
929 limit if a written waiver is obtained from all holders of package
930 retailer's permits who operate package stores within two (2) miles
931 of the proposed location. Package stores operating with permits
932 before July 1, 2020, may continue to have their permits renewed
933 for the same location, and may sell and transfer their permits to
934 a new permittee at the same location, notwithstanding the two-mile
935 limit of this subsection.

936 **SECTION 12.** Section 67-1-57, Mississippi Code of 1972, is
937 amended as follows:

938 67-1-57. Before a permit is issued the department shall
939 satisfy itself:

940 (a) That the applicant, if an individual, or if a
941 partnership, each of the members of the partnership, or if a
942 corporation, each of its principal officers and directors, or if a
943 limited liability company, each member of the limited liability
944 company, is of good moral character and, in addition, enjoys a
945 reputation of being a peaceable, law-abiding citizen of the
946 community in which he resides, and is generally fit for the trust
947 to be reposed in him, is not less than twenty-one (21) years of
948 age, and has not been convicted of a felony in any state or
949 federal court.



950 (b) That, except in the case of an application for a
951 solicitor's permit, the applicant is the true and actual owner of
952 the business for which the permit is desired, and that he intends
953 to carry on the business authorized for himself and not as the
954 agent of any other person, and that he intends to superintend in
955 person the management of the business or that he will designate a
956 manager to manage the business for him. All managers must be
957 approved by the department prior to completing any managerial
958 tasks on behalf of the permittee and must possess all of the
959 qualifications required of a permittee; however, a felony
960 conviction, other than a crime of violence, does not automatically
961 disqualify a person from being approved as a manager if the person
962 was released from incarceration at least three (3) years prior to
963 application for approval as a manager. A felony conviction, other
964 than a crime of violence, may be considered by the department in
965 determining whether all other qualifications are met.

966 (c) That the applicant for a package retailer's permit,
967 if an individual, is a resident of the State of Mississippi. If
968 the applicant is a partnership, each member of the
969 partnership * * * shall have been a bona fide resident of the
970 state for one (1) year immediately prior to the date of the
971 application. If the applicant is a limited liability company,
972 each member of the limited liability company * * * shall have been
973 a bona fide resident of the state for one (1) year immediately
974 prior to the date of the application. If the applicant is a



975 corporation, the designated manager of the corporation * * * shall
976 have been a bona fide resident of the state for one (1) year
977 immediately prior to the date of the application. An affidavit
978 certifying that the required residency requirements have been met
979 shall accompany each application.

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

983 (e) That the place for which the permit is to be issued
984 is within the corporate limits of an incorporated municipality or
985 qualified resort area or club which comes within the provisions of
986 this chapter.

987 (f) That the applicant is not indebted to the state for
988 any taxes, fees or payment of penalties imposed by any law of the
989 State of Mississippi or by any rule or regulation of the * * *
990 department.

991 (g) That the applicant is not in the habit of using
992 alcoholic beverages to excess and is not physically or mentally
993 incapacitated, and that the applicant has the ability to read and
994 write the English language.

995 (h) That the * * * department does not believe and has
996 no reason to believe that the applicant will sell or knowingly
997 permit any agent, servant or employee to unlawfully sell liquor
998 in * * * an area in which prohibition has been reinstated, or in
999 any other manner contrary to law.



1000 (i) That the applicant is not residentially domiciled
1001 with any person whose permit or license has been cancelled for
1002 cause within the twelve (12) months next preceding the date of the
1003 present application for a permit.

1004 (j) That the * * * department has not, in the exercise
1005 of its discretion which is reserved and preserved to it, refused
1006 to grant permits under the restrictions of this section, as well
1007 as under any other pertinent provision of this chapter.

1008 (k) That there are not sufficient legal reasons to deny
1009 a permit on the ground that the premises for which the permit is
1010 sought has previously been operated, used or frequented for any
1011 purpose or in any manner that is lewd, immoral or offensive to
1012 public decency. In the granting or withholding of any permit to
1013 sell alcoholic beverages at retail, the * * * department in
1014 forming its conclusions may give consideration to any
1015 recommendations made in writing by the district or county attorney
1016 or county, circuit or chancery judge of the county, or the sheriff
1017 of the county, or the mayor or chief of police of an incorporated
1018 city or town wherein the applicant proposes to conduct his
1019 business and to any recommendations made by representatives of
1020 the * * * department.

1021 (l) That the applicant and the applicant's key
1022 employees, as determined by the * * * department, do not have a
1023 disqualifying criminal record. In order to obtain a criminal
1024 record history check, the applicant shall submit to the * * *



1025 department a set of fingerprints from any local law enforcement
1026 agency for each person for whom the records check is required.
1027 The * * * department shall forward the fingerprints to the
1028 Mississippi Department of Public Safety. If no disqualifying
1029 record is identified at the state level, the Department of Public
1030 Safety shall forward the fingerprints to the Federal Bureau of
1031 Investigation for a national criminal history record check. Costs
1032 for processing the set or sets of fingerprints shall be borne by
1033 the applicant. The * * * department shall not deny employment to
1034 an employee of the applicant prior to the identification of a
1035 disqualifying record or other disqualifying information.

1036 **SECTION 13.** Section 67-1-71, Mississippi Code of 1972, is
1037 amended as follows:

1038 67-1-71. (1) Except as otherwise provided in subsection (2)
1039 of this section, the department may revoke or suspend any permit
1040 issued by it for a violation by the permittee of any of the
1041 provisions of this chapter or of the regulations promulgated under
1042 it by the department.

1043 (2) Except as otherwise provided in subsection (1) of this
1044 section, permits must be revoked or suspended for the following
1045 causes:

1046 (a) Conviction of the permittee for the violation of
1047 any of the provisions of this chapter;



1048 (b) Willful failure or refusal by any permittee to
1049 comply with any of the provisions of this chapter or of any rule
1050 or regulation adopted pursuant thereto;

1051 (c) The making of any materially false statement in any
1052 application for a permit;

1053 (d) Conviction of one or more of the clerks, agents or
1054 employees of the permittee, of any violation of this chapter upon
1055 the premises covered by such permit within a period of time as
1056 designated by the rules or regulations of the department;

1057 (e) The possession on the premises of any retail
1058 permittee of any alcoholic beverages upon which the tax has not
1059 been paid;

1060 (f) The willful failure of any permittee to keep the
1061 records or make the reports required by this chapter, or to allow
1062 an inspection of such records by any duly authorized person;

1063 (g) The suspension or revocation of a permit issued to
1064 the permittee by the federal government, or conviction of
1065 violating any federal law relating to alcoholic beverages;

1066 (h) The failure to furnish any bond required by Section
1067 27-71-21 within fifteen (15) days after notice from the
1068 department; and

1069 (i) The conducting of any form of illegal gambling on
1070 the premises of any permittee or on any premises connected
1071 therewith or the presence on any such premises of any gambling
1072 device with the knowledge of the permittee.



1073 The provisions of paragraph (i) of this subsection shall not
1074 apply to gambling or the presence of any gambling devices, with
1075 knowledge of the permittee, on board a cruise vessel in the waters
1076 within the State of Mississippi, which lie adjacent to the State
1077 of Mississippi south of the three (3) most southern counties in
1078 the State of Mississippi, or on any vessel as defined in Section
1079 27-109-1 whenever such vessel is on the Mississippi River or
1080 navigable waters within any county bordering on the Mississippi
1081 River. The department may, in its discretion, issue on-premises
1082 retailer's permits to a common carrier of the nature described in
1083 this paragraph.

1084 The provisions of paragraph (i) of this section shall not
1085 apply to the operation of any game or lottery authorized by
1086 Chapter 115, Title 27.

1087 (3) The holder of a tourism development permit found to be
1088 in violation of or noncompliance with the requirements of the
1089 tourism development permit and applicable regulations promulgated
1090 by the department shall be subject to a fine in the amount of
1091 Three Thousand Dollars (\$3,000.00) and shall be placed on
1092 probation for a period of sixty (60) days for a first offense, and
1093 a fine in the amount of Five Thousand Dollars (\$5,000.00) and a
1094 probationary period of ninety (90) days for a second offense and
1095 subsequent offenses. During a probationary period, the holder of
1096 the tourism development license shall not be allowed to sell full
1097 bottles of alcoholic beverages, and all violations or



1098 noncompliance must be corrected fully. If the violation or
1099 noncompliance is not corrected fully within the probationary
1100 period following the second offense, then the tourism development
1101 permit may be revoked.

1102 (4) No permit shall be suspended or revoked until after the
1103 permittee has been provided reasonable notice of the charges
1104 against him for which suspension or revocation is sought and the
1105 opportunity to a hearing before the Board of Tax Appeals to
1106 contest such charges and the suspension or revocation proposed.
1107 Opportunity to a hearing is provided without an actual hearing if
1108 the permittee, after receiving reasonable notice, including notice
1109 of his right to a hearing, fails to timely request a hearing. The
1110 permittee may also at any time waive his rights to reasonable
1111 notice and/or to the opportunity to a hearing by agreeing to a
1112 suspension or revocation offered by the department.
1113 Notwithstanding the requirement above that a permit may not be
1114 suspended without notice and opportunity to a hearing, sales of
1115 alcoholic beverages by a permittee under a permit for which the
1116 bond under Section 27-71-21 has been cancelled shall be suspended
1117 from and after issuance of the notice provided in paragraph (h)
1118 above and shall continue to be suspended until the bond is
1119 reinstated, a new bond is posted or sufficient cash or securities
1120 as provided under Section 27-71-21 are deposited with the State
1121 Treasurer for this permit.



1122 (5) In addition to the causes specified in this section and
1123 other provisions of this chapter, the department shall be
1124 authorized to suspend the permit of any permit holder for being
1125 out of compliance with an order for support, as defined in Section
1126 93-11-153. The procedure for suspension of a permit for being out
1127 of compliance with an order for support, and the procedure for the
1128 reissuance or reinstatement of a permit suspended for that
1129 purpose, and the payment of any fees for the reissuance or
1130 reinstatement of a permit suspended for that purpose, shall be
1131 governed by Section 93-11-157 or 93-11-163, as the case may be.
1132 If there is any conflict between any provision of Section
1133 93-11-157 or 93-11-163 and any provision of this chapter, the
1134 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1135 shall control.

1136 **SECTION 14.** Section 67-1-85, Mississippi Code of 1972, is
1137 amended as follows:

1138 67-1-85. (1) The holder of a package retailer's permit may
1139 have signs, lighted or otherwise, on the outside of the premises
1140 covered by his permit which advertise, announce or advise of the
1141 sale of alcoholic beverages in or on said premises. Wherever the
1142 sign is located on the premises, the name of the business shall
1143 also include the permit number thereof, preceded by the words
1144 "A.B.C. Permit No."



1145 (2) It shall be lawful to advertise alcoholic beverages by
1146 means of signs, billboards or displays on or along any road,
1147 highway, street or building.

1148 (3) It shall be lawful for publishers, broadcasters and
1149 other kinds, types or forms of public and private advertising
1150 media to advertise alcoholic beverages; however, no alcoholic
1151 beverages may be advertised during, or within five (5) minutes
1152 preceding or following, any television broadcast which consists
1153 primarily of animated material intended for viewing by young
1154 children.

1155 (4) Notwithstanding the provisions of this section to the
1156 contrary, it shall be unlawful to advertise alcoholic beverages by
1157 means of signs, billboards or displays in * * * areas in which
1158 prohibition is reinstated.

1159 **SECTION 15.** Section 67-1-91, Mississippi Code of 1972, is
1160 amended as follows:

1161 67-1-91. (1) It is hereby made the duty of every police and
1162 peace officer and every district and county attorney and the
1163 Alcoholic Beverage Control Division of the * * * Department of
1164 Revenue to enforce the provisions of this chapter and to inform
1165 against and diligently prosecute persons whom they have reasonable
1166 cause to believe to be offenders against the provisions * * * of
1167 this chapter. Every * * * officer refusing or neglecting to do so
1168 shall be guilty of a misdemeanor, and the court, in addition to



1169 imposing the penalty therefor, shall adjudge forfeiture of his
1170 office.

1171 (2) In any county or municipality where it is readily
1172 apparent that local law enforcement authorities in cooperation
1173 with the agents and inspectors provided by the * * * department
1174 cannot control the illegal sale of alcoholic beverages, the * * *
1175 department shall request such assistance as it may deem necessary
1176 from the Mississippi Highway Safety Patrol; and it shall be the
1177 duty of the Governor of the State of Mississippi to see that the
1178 laws of the state are properly enforced by use of the additional
1179 authority as herein provided.

1180 (3) The officers, agents and representatives of the * * *
1181 Department of Revenue and the Alcoholic Beverage Control Division
1182 thereof are authorized and directed to strictly enforce the * * *
1183 provisions of this chapter throughout the state, except in those
1184 counties and municipalities which have voted for the legalized
1185 sale of intoxicating liquor. The State Highway Patrol, sheriffs,
1186 police departments, constables, and all peace officers, and
1187 prosecuting attorneys, the Attorney General's office, district
1188 attorneys, county attorneys, city attorneys, and all others
1189 charged with upholding the law, as well as the citizenry of this
1190 state, are hereby urged and directed to uphold the dignity of the
1191 law, to foster public respect therefor and to strictly
1192 enforce * * * this chapter in all cases while operating a motor
1193 vehicle on the streets and highways of this state, and to enforce



1194 the law and prosecute against the wrongful use of intoxicating
1195 liquor in any county * * * by a permit holder or licensee or
1196 anyone else under such circumstances and conditions as would lead
1197 to a breakdown in public law or * * * would violate the public
1198 sense of common decency, as well as to enforce the law against
1199 gambling, organized crime, or social vice and corruption.

1200 **SECTION 16.** Section 67-9-1, Mississippi Code of 1972, is
1201 amended as follows:

1202 67-9-1. Notwithstanding the provisions of any section of
1203 Title 27 or 67, Mississippi Code of 1972, it shall be lawful for
1204 any person holding an alcohol processing permit to transport and
1205 possess alcoholic beverages, light wine and beer, in any part of
1206 the state, for his or her use in cooking, processing or
1207 manufacturing products which contain alcoholic beverages as an
1208 integral ingredient, in amounts as limited by the Alcoholic
1209 Beverage Control Division of the * * * Department of Revenue. The
1210 authority to transport and possess alcoholic beverages, light wine
1211 and beer under this section exists regardless of whether (a) the
1212 county * * * in which the transportation or possession takes place
1213 has voted * * * to reinstitute prohibition, or (b) the
1214 transportation, storage, sale, distribution, receipt or
1215 manufacture of light wine and beer otherwise is prohibited.

1216 The provisions of this section shall not be construed as
1217 amending, repealing or otherwise affecting any statute or any
1218 lawfully adopted ordinance, rule or regulation that prohibits or



1219 restricts the location at which, or the premises upon which,
1220 alcoholic beverages, light wine or beer may be sold or consumed.

1221 **SECTION 17.** Section 27-71-5, Mississippi Code of 1972, is
1222 amended as follows:

1223 27-71-5. (1) Upon each person approved for a permit under
1224 the provisions of the Alcoholic Beverage Control Law and
1225 amendments thereto, there is levied and imposed for each location
1226 for the privilege of engaging and continuing in this state in the
1227 business authorized by such permit, an annual privilege license
1228 tax in the amount provided in the following schedule:

1229 (a) Except as otherwise provided in this subsection
1230 (1), manufacturer's permit, Class 1, distiller's and/or
1231 rectifier's..... \$4,500.00

1232 (b) Manufacturer's permit, Class 2, wine
1233 Manufacturer..... \$1,800.00

1234 (c) Manufacturer's permit, Class 3, native wine
1235 manufacturer per ten thousand (10,000) gallons or part thereof
1236 produced..... \$ 10.00

1237 (d) Native wine retailer's permit..... \$ 50.00

1238 (e) Package retailer's permit, each..... \$ 900.00

1239 (f) On-premises retailer's permit, except for clubs and
1240 common carriers, each..... \$ 450.00

1241 (g) On-premises retailer's permit for wine of more than
1242 five percent (5%) alcohol by weight, but not more than twenty-one
1243 percent (21%) alcohol by weight, each..... \$ 225.00



1244	(h) On-premises retailer's permit for clubs.....	\$ 225.00
1245	(i) On-premises retailer's permit for common carriers,	
1246	per car, plane, or other vehicle.....	\$ 120.00
1247	(j) Solicitor's permit, regardless of any other	
1248	provision of law, solicitor's permits shall be issued only in the	
1249	discretion of the department.....	\$ 100.00
1250	(k) Filing fee for each application except for an	
1251	employee identification card.....	\$ 25.00
1252	(l) Temporary permit, Class 1, each.....	\$ 10.00
1253	(m) Temporary permit, Class 2, each.....	\$ 50.00
1254	(n) (i) Caterer's permit.....	\$ 600.00
1255	(ii) Caterer's permit for holders of on-premises	
1256	retailer's permit.....	\$ 150.00
1257	(o) Research permit.....	\$ 100.00
1258	(p) Temporary permit, Class 3 (wine only).....	\$ 10.00
1259	(q) Special service permit.....	\$ 225.00
1260	(r) Merchant permit.....	\$ 225.00
1261	(s) Temporary alcoholic beverages charitable auction	
1262	permit.....	\$ 10.00
1263	(t) Event venue retailer's permit.....	\$ 225.00
1264	(u) Temporary theatre permit, each.....	\$ 10.00
1265	(v) Charter ship operator's permit.....	\$ 100.00
1266	(w) Distillery retailer's permit.....	\$ 450.00
1267	<u>(x) Salon or spa permit.....</u>	<u>\$ 200.00</u>



1268 If a person approved for a manufacturer's permit, Class 1,
1269 distiller's permit produces a product with at least fifty-one
1270 percent (51%) of the finished product by volume being obtained
1271 from alcoholic fermentation of grapes, fruits, berries, honey
1272 and/or vegetables grown and produced in Mississippi, and produces
1273 all of the product by using not more than one (1) still having a
1274 maximum capacity of one hundred fifty (150) liters, the annual
1275 privilege license tax for such a permit shall be Ten Dollars
1276 (\$10.00) per ten thousand (10,000) gallons or part thereof
1277 produced. Bulk, concentrated or fortified ingredients used for
1278 blending may be produced outside this state and used in producing
1279 such a product.

1280 In addition to the filing fee imposed by paragraph (k) of
1281 this subsection, a fee to be determined by the Department of
1282 Revenue may be charged to defray costs incurred to process
1283 applications. The additional fees shall be paid into the State
1284 Treasury to the credit of a special fund account, which is hereby
1285 created, and expenditures therefrom shall be made only to defray
1286 the costs incurred by the Department of Revenue in processing
1287 alcoholic beverage applications. Any unencumbered balance
1288 remaining in the special fund account on June 30 of any fiscal
1289 year shall lapse into the State General Fund.

1290 In addition to other fees imposed, the department may charge
1291 each permittee a fee equal to fifteen percent (15%) of the amounts
1292 imposed under this subsection (1) and under subsection (3) of this



1293 section. This additional fee shall be paid into the State
1294 Treasury to the credit of a special fund account to be designated
1295 the "ABC Warehouse Operational Expense Fund," which is hereby
1296 created, and expenditures therefrom shall be made to defray the
1297 operational expenses of the Alcoholic Beverage Control Division
1298 warehouse. Any unencumbered balance remaining in the special fund
1299 account on June 30 of any fiscal year shall not lapse into the
1300 State General Fund.

1301 All privilege taxes imposed by this section shall be paid in
1302 advance of doing business. The additional privilege tax imposed
1303 for an on-premises retailer's permit based upon purchases shall be
1304 due and payable on demand.

1305 (2) (a) There is imposed and shall be collected from each
1306 permittee, except a common carrier, solicitor or a temporary
1307 permittee, by the department, an additional license tax equal to
1308 the amounts imposed under subsection (1) of this section for the
1309 privilege of doing business within any municipality or county in
1310 which the licensee is located.

1311 (b) (i) In addition to the tax imposed in paragraph
1312 (a) of this subsection, there is imposed and shall be collected by
1313 the department from each permittee described in subsection (1)(f),
1314 (g), (h), (m) and (t) of this section, an additional license tax
1315 for the privilege of doing business within any municipality or
1316 county in which the licensee is located in the amount of Two
1317 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five



1318 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
1319 (\$225.00) for each additional purchase of Five Thousand Dollars
1320 (\$5,000.00), or fraction thereof.

1321 (ii) In addition to the tax imposed in paragraph
1322 (a) of this subsection, there is imposed and shall be collected by
1323 the department from each permittee described in subsection (1)(n)
1324 and (r) of this section, an additional license tax for the
1325 privilege of doing business within any municipality or county in
1326 which the licensee is located in the amount of Two Hundred Fifty
1327 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
1328 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
1329 additional purchase of Five Thousand Dollars (\$5,000.00), or
1330 fraction thereof.

1331 (iii) Any person who has paid the additional
1332 privilege license tax imposed by this paragraph, and whose permit
1333 is renewed, may add any unused fraction of Five Thousand Dollars
1334 (\$5,000.00) purchases to the first Five Thousand Dollars
1335 (\$5,000.00) purchases authorized by the renewal permit, and no
1336 additional license tax will be required until purchases exceed the
1337 sum of the two (2) figures.

1338 (c) If the licensee is located within a municipality,
1339 the department shall pay the amount of additional license tax
1340 collected under this section to the municipality, and if outside a
1341 municipality the department shall pay the additional license tax
1342 to the county in which the licensee is located. Payments by the



1343 department to the respective local government subdivisions shall
1344 be made once each month for any collections during the preceding
1345 month.

1346 (3) The initial fee to obtain a tourism development permit
1347 shall be Fifteen Thousand Dollars (\$15,000.00) and shall be
1348 renewable every three (3) years thereafter for a renewal fee of
1349 Five Thousand Dollars (\$5,000.00). Renewal fees shall be remitted
1350 not less than thirty (30) days prior to the expiration of the
1351 three-year period.

1352 (* * *4) When an application for any permit, other than for
1353 renewal of a permit, has been rejected by the department, such
1354 decision shall be final. Appeal may be made in the manner
1355 provided by Section 67-1-39. Another application from an
1356 applicant who has been denied a permit shall not be reconsidered
1357 within a twelve-month period.

1358 * * *

1359 (5) If any person shall engage or continue in any business
1360 which is taxable under this section without having paid the tax as
1361 provided in this section, the person shall be liable for the full
1362 amount of the tax plus a penalty thereon equal to the amount
1363 thereof, and, in addition, shall be punished by a fine of not more
1364 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
1365 county jail for a term of not more than six (6) months, or by both
1366 such fine and imprisonment, in the discretion of the court.



1367 (6) It shall be unlawful for any person to consume alcoholic
1368 beverages on the premises of any hotel restaurant, restaurant,
1369 club or the interior of any public place defined in Chapter 1,
1370 Title 67, Mississippi Code of 1972, when the owner or manager
1371 thereof displays in several conspicuous places inside the
1372 establishment and at the entrances of establishment a sign
1373 containing the following language: NO ALCOHOLIC BEVERAGES
1374 ALLOWED.

1375 **SECTION 18.** Section 27-71-15, Mississippi Code of 1972, is
1376 amended as follows:

1377 27-71-15. Except as otherwise provided in Section 67-9-1 for
1378 the transportation of limited amounts of alcoholic beverages for
1379 the use of an alcohol processing permittee, and except for wine
1380 shipped under Section 1 of this act, if transportation requires
1381 passage through a county which has * * * reinstated prohibition,
1382 the transportation shall be by a sealed vehicle. * * * The seal
1383 shall remain unbroken until the vehicle * * * reaches the place of
1384 business operated by the permittee. The operator of any vehicle
1385 transporting alcoholic beverages shall have in his possession an
1386 invoice issued by the * * * department at the time of the
1387 wholesale sale covering the merchandise transported by the
1388 vehicle. The * * * department is authorized to issue regulations
1389 controlling the transportation of alcoholic beverages.

1390 When the restrictions imposed by this section and by the
1391 regulation of the * * * department have not been violated, the



1392 person transporting alcoholic beverages through a county * * *
1393 instituting prohibition shall not be guilty of unlawful possession
1394 and such merchandise shall be immune from seizure.

1395 **SECTION 19.** Section 97-31-47, Mississippi Code of 1972, is
1396 amended as follows:

1397 97-31-47. Except as may be otherwise authorized by law, it
1398 shall be unlawful for any transportation company, or any agent,
1399 employee, or officer of such company, or any other person, or
1400 corporation to transport into or deliver in this state in any
1401 manner or by any means any spirituous, vinous, malt, or other
1402 intoxicating liquors or drinks, or for any such person, company,
1403 or corporation to transport any spirituous, malt, vinous, or
1404 intoxicating liquors or drinks from one place within this state to
1405 another place within the state, or from one (1) point within this
1406 state to any point without the state, except in cases where this
1407 chapter or Section 67-9-1 authorizes the transportation.

1408 **SECTION 20.** Section 27-71-303, Mississippi Code of 1972, is
1409 amended as follows:

1410 27-71-303. Upon each person approved for a permit to engage
1411 in the business of selling light wines or beer there is hereby
1412 imposed, levied and assessed, to be collected and paid as herein
1413 provided, annual privilege taxes in the following amounts:

- 1414 (a) Retailers--for each place of
1415 business.....\$ * * * 250.00
- 1416 (b) Wholesalers or distributors--for each



1417 * * * location.....\$ * * * 3,000.00

1418 (c) Manufacturers--for each place of
1419 business.....\$1,000.00

1420 (d) Brewpubs--for each place of
1421 business.....\$1,000.00

1422 Upon each person operating an airline, bus, boat or railroad
1423 car upon which light wines or beer may be sold there is hereby
1424 imposed, levied and assessed, to be collected and paid, annual
1425 privilege taxes of Thirty Dollars (\$30.00) for each airplane, bus,
1426 boat or railroad car so operated in this state.

1427 Provided, however, the amount of the privilege tax to be paid
1428 for a permit issued for a period of less than twelve (12) months
1429 shall be that proportionate amount of the annual privilege tax
1430 that the number of months, or part of a month, remaining until its
1431 expiration date bears to twelve (12) months, but in no case shall
1432 the privilege tax be less than Ten Dollars (\$10.00).

1433 **SECTION 21.** Section 1 of this act shall be codified in Title
1434 67, Chapter 1, Mississippi Code of 1972.

1435 **SECTION 22.** This act shall take effect and be in force from
1436 and after July 1, 2020.

