

By: Senator(s) Michel, Horhn, Simmons (13th) To: Finance

SENATE BILL NO. 2531

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 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.

