

House Amendments to Senate Bill No. 2545

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

55 **SECTION 1.** Section 67-1-51, Mississippi Code of 1972, is
56 amended as follows:

57 67-1-51. (1) Permits which may be issued by the department
58 shall be as follows:

59 (a) **Manufacturer's permit.** A manufacturer's permit
60 shall permit the manufacture, importation in bulk, bottling and
61 storage of alcoholic liquor and its distribution and sale to
62 manufacturers holding permits under this chapter in this state and
63 to persons outside the state who are authorized by law to purchase
64 the same, and to sell exclusively to the department.

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

66 Class 1. Distiller's and/or rectifier's permit, which shall
67 authorize the holder thereof to operate a distillery for the
68 production of distilled spirits by distillation or redistillation
69 and/or to operate a rectifying plant for the purifying, refining,
70 mixing, blending, flavoring or reducing in proof of distilled
71 spirits and alcohol.

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

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

78 (b) **Package retailer's permit.** Except as otherwise
79 provided in this paragraph and Section 67-1-52, a package
80 retailer's permit shall authorize the holder thereof to operate a
81 store exclusively for the sale at retail in original sealed and
82 unopened packages of alcoholic beverages, including native wines,
83 not to be consumed on the premises where sold. Alcoholic
84 beverages shall not be sold by any retailer in any package or
85 container containing less than fifty (50) milliliters by liquid
86 measure. A package retailer's permit, with prior approval from
87 the department, shall authorize the holder thereof to sample new
88 product furnished by a manufacturer's representative or his
89 employees at the permitted place of business so long as the
90 sampling otherwise complies with this chapter and applicable
91 department regulations. Such samples may not be provided to
92 customers at the permitted place of business. In addition to the
93 sale at retail of packages of alcoholic beverages, the holder of a
94 package retailer's permit is authorized to sell at retail
95 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
96 other beverages commonly used to mix with alcoholic beverages.

97 Nonalcoholic beverages sold by the holder of a package retailer's
98 permit shall not be consumed on the premises where sold.

99 (c) **On-premises retailer's permit.** Except as otherwise
100 provided in subsection (5) of this section, an on-premises
101 retailer's permit shall authorize the sale of alcoholic beverages,
102 including native wines, for consumption on the licensed premises
103 only; however, a patron of the permit holder may remove one (1)
104 bottle of wine from the licensed premises if: (i) the patron
105 consumed a portion of the bottle of wine in the course of
106 consuming a meal purchased on the licensed premises; (ii) the
107 permit holder securely reseals the bottle; (iii) the bottle is
108 placed in a bag that is secured in a manner so that it will be
109 visibly apparent if the bag is opened; and (iv) a dated receipt
110 for the wine and the meal is available. Such a permit shall be
111 issued only to qualified hotels, restaurants and clubs, and to
112 common carriers with adequate facilities for serving passengers.
113 In resort areas, whether inside or outside of a municipality, the
114 department, in its discretion, may issue on-premises retailer's
115 permits to such establishments as it deems proper. An on-premises
116 retailer's permit when issued to a common carrier shall authorize
117 the sale and serving of alcoholic beverages aboard any licensed
118 vehicle while moving through any county of the state; however, the
119 sale of such alcoholic beverages shall not be permitted while such
120 vehicle is stopped in a county that has not legalized such sales.
121 If an on-premises retailer's permit is applied for by a common
122 carrier operating solely in the water, such common carrier must,

123 along with all other qualifications for a permit, (i) be certified
124 to carry at least one hundred fifty (150) passengers and/or
125 provide overnight accommodations for at least fifty (50)
126 passengers and (ii) operate primarily in the waters within the
127 State of Mississippi which lie adjacent to the State of
128 Mississippi south of the three (3) most southern counties in the
129 State of Mississippi and/or on the Mississippi River or navigable
130 waters within any county bordering on the Mississippi River.

131 (d) **Solicitor's permit.** A solicitor's permit shall
132 authorize the holder thereof to act as salesman for a manufacturer
133 or wholesaler holding a proper permit, to solicit on behalf of his
134 employer orders for alcoholic beverages, and to otherwise promote
135 his employer's products in a legitimate manner. Such a permit
136 shall authorize the representation of and employment by one (1)
137 principal only. However, the permittee may also, in the
138 discretion of the department, be issued additional permits to
139 represent other principals. No such permittee shall buy or sell
140 alcoholic beverages for his own account, and no such beverage
141 shall be brought into this state in pursuance of the exercise of
142 such permit otherwise than through a permit issued to a wholesaler
143 or manufacturer in the state.

144 (e) **Native wine retailer's permit.** Except as otherwise
145 provided in subsection (5) of this section, a native wine
146 retailer's permit shall be issued only to a holder of a Class 3
147 manufacturer's permit, and shall authorize the holder thereof to
148 make retail sales of native wines to consumers for on-premises

149 consumption or to consumers in originally sealed and unopened
150 containers at an establishment located on the premises of or in
151 the immediate vicinity of a native winery. When selling to
152 consumers for on-premises consumption, a holder of a native wine
153 retailer's permit may add to the native wine alcoholic beverages
154 not produced on the premises, so long as the total volume of
155 foreign beverage components does not exceed twenty percent (20%)
156 of the mixed beverage. Hours of sale shall be the same as those
157 authorized for on-premises permittees in the city or county in
158 which the native wine retailer is located.

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

164 Temporary retailer's permits shall be of the following
165 classes:

166 Class 1. A temporary one-day permit may be issued to bona
167 fide nonprofit civic or charitable organizations authorizing the
168 sale of alcoholic beverages, including native wine, for
169 consumption on the premises described in the temporary permit
170 only. Class 1 permits may be issued only to applicants
171 demonstrating to the department, by a statement signed under
172 penalty of perjury submitted ten (10) days prior to the proposed
173 date or such other time as the department may determine, that they
174 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)

175 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
176 Class 1 permittees shall obtain all alcoholic beverages from
177 package retailers located in the county in which the temporary
178 permit is issued. Alcoholic beverages remaining in stock upon
179 expiration of the temporary permit may be returned by the
180 permittee to the package retailer for a refund of the purchase
181 price upon consent of the package retailer or may be kept by the
182 permittee exclusively for personal use and consumption, subject to
183 all laws pertaining to the illegal sale and possession of
184 alcoholic beverages. The department, following review of the
185 statement provided by the applicant and the requirements of the
186 applicable statutes and regulations, may issue the permit.

187 Class 2. A temporary permit, not to exceed seventy (70)
188 days, may be issued to prospective permittees seeking to transfer
189 a permit authorized in paragraph (c) of this subsection. A Class
190 2 permit may be issued only to applicants demonstrating to the
191 department, by a statement signed under the penalty of perjury,
192 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
193 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
194 67-1-59. The department, following a preliminary review of the
195 statement provided by the applicant and the requirements of the
196 applicable statutes and regulations, may issue the permit.

197 Class 2 temporary permittees must purchase their alcoholic
198 beverages directly from the department or, with approval of the
199 department, purchase the remaining stock of the previous
200 permittee. If the proposed applicant of a Class 1 or Class 2

201 temporary permit falsifies information contained in the
202 application or statement, the applicant shall never again be
203 eligible for a retail alcohol beverage permit and shall be subject
204 to prosecution for perjury.

205 Class 3. A temporary one-day permit may be issued to a
206 retail establishment authorizing the complimentary distribution of
207 wine, including native wine, to patrons of the retail
208 establishment at an open house or promotional event, for
209 consumption only on the premises described in the temporary
210 permit. A Class 3 permit may be issued only to an applicant
211 demonstrating to the department, by a statement signed under
212 penalty of perjury submitted ten (10) days before the proposed
213 date or such other time as the department may determine, that it
214 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
215 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
216 A Class 3 permit holder shall obtain all alcoholic beverages from
217 the holder(s) of a package retailer's permit located in the county
218 in which the temporary permit is issued. Wine remaining in stock
219 upon expiration of the temporary permit may be returned by the
220 Class 3 temporary permit holder to the package retailer for a
221 refund of the purchase price, with consent of the package
222 retailer, or may be kept by the Class 3 temporary permit holder
223 exclusively for personal use and consumption, subject to all laws
224 pertaining to the illegal sale and possession of alcoholic
225 beverages. The department, following review of the statement
226 provided by the applicant and the requirements of the applicable

227 statutes and regulations, may issue the permit. No retailer may
228 receive more than twelve (12) Class 3 temporary permits in a
229 calendar year. A Class 3 temporary permit shall not be issued to
230 a retail establishment that either holds a merchant permit issued
231 under paragraph (1) of this subsection, or holds a permit issued
232 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
233 the holder to engage in the business of a retailer of light wine
234 or beer.

235 (g) **Caterer's permit.** A caterer's permit shall permit
236 the purchase of alcoholic beverages by a person engaging in
237 business as a caterer and the resale of alcoholic beverages by
238 such person in conjunction with such catering business. No person
239 shall qualify as a caterer unless forty percent (40%) or more of
240 the revenue derived from such catering business shall be from the
241 serving of prepared food and not from the sale of alcoholic
242 beverages and unless such person has obtained a permit for such
243 business from the Department of Health. A caterer's permit shall
244 not authorize the sale of alcoholic beverages on the premises of
245 the person engaging in business as a caterer; however, the holder
246 of an on-premises retailer's permit may hold a caterer's permit.
247 When the holder of an on-premises retailer's permit or an
248 affiliated entity of the holder also holds a caterer's permit, the
249 caterer's permit shall not authorize the service of alcoholic
250 beverages on a consistent, recurring basis at a separate, fixed
251 location owned or operated by the caterer, on-premises retailer or
252 affiliated entity and an on-premises retailer's permit shall be

253 required for the separate location. All sales of alcoholic
254 beverages by holders of a caterer's permit shall be made at the
255 location being catered by the caterer, and, except as otherwise
256 provided in subsection (5) of this section, such sales may be made
257 only for consumption at the catered location. The location being
258 catered may be anywhere within a county or judicial district that
259 has voted to come out from under the dry laws or in which the
260 sale, distribution and possession of alcoholic beverages is
261 otherwise authorized by law. Such sales shall be made pursuant to
262 any other conditions and restrictions which apply to sales made by
263 on-premises retail permittees. The holder of a caterer's permit
264 or his employees shall remain at the catered location as long as
265 alcoholic beverages are being sold pursuant to the permit issued
266 under this paragraph (g), and the permittee shall have at the
267 location the identification card issued by the Alcoholic Beverage
268 Control Division of the department. No unsold alcoholic beverages
269 may be left at the catered location by the permittee upon the
270 conclusion of his business at that location. Appropriate law
271 enforcement officers and Alcoholic Beverage Control Division
272 personnel may enter a catered location on private property in
273 order to enforce laws governing the sale or serving of alcoholic
274 beverages.

275 (h) **Research permit.** A research permit shall authorize
276 the holder thereof to operate a research facility for the
277 professional research of alcoholic beverages. Such permit shall
278 authorize the holder of the permit to import and purchase limited

279 amounts of alcoholic beverages from the department or from
280 importers, wineries and distillers of alcoholic beverages for
281 professional research.

282 (i) **Alcohol processing permit.** An alcohol processing
283 permit shall authorize the holder thereof to purchase, transport
284 and possess alcoholic beverages for the exclusive use in cooking,
285 processing or manufacturing products which contain alcoholic
286 beverages as an integral ingredient. An alcohol processing permit
287 shall not authorize the sale of alcoholic beverages on the
288 premises of the person engaging in the business of cooking,
289 processing or manufacturing products which contain alcoholic
290 beverages. The amounts of alcoholic beverages allowed under an
291 alcohol processing permit shall be set by the department.

292 (j) **Hospitality cart permit.** A hospitality cart permit
293 shall authorize the sale of alcoholic beverages from a mobile cart
294 on a golf course that is the holder of an on-premises retailer's
295 permit. The alcoholic beverages sold from the cart must be
296 consumed within the boundaries of the golf course.

297 (k) **Special service permit.** A special service permit
298 shall authorize the holder to sell commercially sealed alcoholic
299 beverages to the operator of a commercial or private aircraft for
300 en route consumption only by passengers. A special service permit
301 shall be issued only to a fixed-base operator who contracts with
302 an airport facility to provide fueling and other associated
303 services to commercial and private aircraft.

304 (1) **Merchant permit.** Except as otherwise provided in
305 subsection (5) of this section, a merchant permit shall be issued
306 only to the owner of a spa facility, an art studio or gallery, or
307 a cooking school, and shall authorize the holder to serve
308 complimentary by the glass wine only, including native wine, at
309 the holder's spa facility, art studio or gallery, or cooking
310 school. A merchant permit holder shall obtain all wine from the
311 holder of a package retailer's permit.

312 (m) **Temporary alcoholic beverages charitable auction**
313 **permit.** A temporary permit, not to exceed five (5) days, may be
314 issued to a qualifying charitable nonprofit organization that is
315 exempt from taxation under Section 501(c)(3) or (4) of the
316 Internal Revenue Code of 1986. The permit shall authorize the
317 holder to sell alcoholic beverages for the limited purpose of
318 raising funds for the organization during a live or silent auction
319 that is conducted by the organization and that meets the following
320 requirements: (i) the auction is conducted in an area of the
321 state where the sale of alcoholic beverages is authorized; (ii) if
322 the auction is conducted on the premises of an on-premises
323 retailer's permit holder, then the alcoholic beverages to be
324 auctioned must be stored separately from the alcoholic beverages
325 sold, stored or served on the premises, must be removed from the
326 premises immediately following the auction, and may not be
327 consumed on the premises; (iii) the permit holder may not conduct
328 more than two (2) auctions during a calendar year; (iv) the permit

329 holder may not pay a commission or promotional fee to any person
330 to arrange or conduct the auction.

331 (n) **Event venue retailer's permit.** An event venue
332 retailer's permit shall authorize the holder thereof to purchase
333 and resell alcoholic beverages, including native wines, for
334 consumption on the premises during legal hours during events held
335 on the licensed premises if food is being served at the event by a
336 caterer who is not affiliated with or related to the permittee.
337 The caterer must serve at least three (3) entrees. The permit may
338 only be issued for venues that can accommodate two hundred (200)
339 persons or more. The number of persons a venue may accommodate
340 shall be determined by the local fire department and such
341 determination shall be provided in writing and submitted along
342 with all other documents required to be provided for an
343 on-premises retailer's permit. The permittee must derive the
344 majority of its revenue from event-related fees, including, but
345 not limited to, admission fees or ticket sales for live
346 entertainment in the building. "Event-related fees" do not
347 include alcohol, beer or light wine sales or any fee which may be
348 construed to cover the cost of alcohol, beer or light wine. This
349 determination shall be made on a per event basis. An event may
350 not last longer than two (2) consecutive days per week.

351 (o) **Temporary theatre permit.** A temporary theatre
352 permit, not to exceed five (5) days, may be issued to a charitable
353 nonprofit organization that is exempt from taxation under Section
354 501(c) (3) or (4) of the Internal Revenue Code and owns or operates

355 a theatre facility that features plays and other theatrical
356 performances and productions. Except as otherwise provided in
357 subsection (5) of this section, the permit shall authorize the
358 holder to sell alcoholic beverages, including native wines, to
359 patrons of the theatre during performances and productions at the
360 theatre facility for consumption during such performances and
361 productions on the premises of the facility described in the
362 permit. A temporary theatre permit holder shall obtain all
363 alcoholic beverages from package retailers located in the county
364 in which the permit is issued. Alcoholic beverages remaining in
365 stock upon expiration of the temporary theatre permit may be
366 returned by the permittee to the package retailer for a refund of
367 the purchase price upon consent of the package retailer or may be
368 kept by the permittee exclusively for personal use and
369 consumption, subject to all laws pertaining to the illegal sale
370 and possession of alcoholic beverages.

371 (p) **Charter ship operator's permit.** Subject to the
372 provisions of this paragraph (p), a charter ship operator's permit
373 shall authorize the holder thereof and its employees to serve,
374 monitor, store and otherwise control the serving and availability
375 of alcoholic beverages to customers of the permit holder during
376 private charters under contract provided by the permit holder. A
377 charter ship operator's permit shall authorize such action by the
378 permit holder and its employees only as to alcoholic beverages
379 brought onto the permit holder's ship by customers of the permit
380 holder as part of such a private charter. All such alcoholic

381 beverages must be removed from the charter ship at the conclusion
382 of each private charter. A charter ship operator's permit shall
383 not authorize the permit holder to sell, charge for or otherwise
384 supply alcoholic beverages to customers, except as authorized in
385 this paragraph (p). For the purposes of this paragraph (p),
386 "charter ship operator" means a common carrier that (i) is
387 certified to carry at least one hundred fifty (150) passengers
388 and/or provide overnight accommodations for at least fifty (50)
389 passengers, (ii) operates only in the waters within the State of
390 Mississippi, which lie adjacent to the State of Mississippi south
391 of the three (3) most southern counties in the State of
392 Mississippi, and (iii) provides charters under contract for tours
393 and trips in such waters.

394 (q) **Distillery retailer's permit.** The holder of a
395 Class 1 manufacturer's permit may obtain a distillery retailer's
396 permit. A distillery retailer's permit shall authorize the holder
397 thereof to sell at retail alcoholic beverages by the sealed and
398 unopened bottle from a retail location at the distillery for
399 off-premises consumption. The holder may only sell product
400 manufactured by the manufacturer at the distillery described in
401 the permit. The holder shall not sell at retail more than ten
402 percent (10%) of the alcoholic beverages produced annually at its
403 distillery. The holder shall not make retail sales of more than
404 two and twenty-five one-hundredths (2.25) liters, in the
405 aggregate, of the alcoholic beverages produced at its distillery
406 to any one (1) individual for consumption off the premises of the

407 distillery within a twenty-four-hour period. The hours of sale
408 shall be the same as those hours for package retailers under this
409 chapter. The holder of a distillery retailer's permit is not
410 required to purchase the alcoholic beverages authorized to be sold
411 by this paragraph from the department's liquor distribution
412 warehouse; however, if the holder does not purchase the alcoholic
413 beverages from the department's liquor distribution warehouse, the
414 holder shall pay to the department all taxes, fees and surcharges
415 on the alcoholic beverages that are imposed upon the sale of
416 alcoholic beverages shipped by the Alcoholic Beverage Control
417 Division of the Department of Revenue. In addition to alcoholic
418 beverages, the holder of a distillery retailer's permit may sell
419 at retail promotional products from the same retail location,
420 including shirts, hats, glasses, and other promotional products
421 customarily sold by alcoholic beverage manufacturers.

422 (r) **Festival Wine Permit.** Any wine manufacturer or
423 native wine producer permitted by Mississippi or any other state
424 is eligible to obtain a Festival Wine Permit. This permit
425 authorizes the entity to transport product manufactured by it to
426 festivals held within the State of Mississippi and sell sealed,
427 unopened bottles to festival participants. The holder of this
428 permit may provide samples at no charge to participants.
429 "Festival" means any event at which three (3) or more vendors are
430 present at a location for the sale or distribution of goods. The
431 holder of a Festival Wine Permit is not required to purchase the
432 alcoholic beverages authorized to be sold by this paragraph from

433 the department's liquor distribution warehouse. However, if the
434 holder does not purchase the alcoholic beverages from the
435 department's liquor distribution warehouse, the holder of this
436 permit shall pay to the department all taxes, fees and surcharges
437 on the alcoholic beverages sold at such festivals that are imposed
438 upon the sale of alcoholic beverages shipped by the Alcoholic
439 Beverage Control Division of the Department of Revenue.
440 Additionally, the entity shall file all applicable reports and
441 returns as prescribed by the department. This permit is issued
442 per festival, and provides authority to sell for two (2)
443 consecutive days during the hours authorized for on-premises
444 permittees sales in that county or city. The holder of the permit
445 shall be required to maintain all requirements set by Local Option
446 Law for the service and sale of alcoholic beverages. This permit
447 may be issued to entities participating in festivals at which a
448 Class 1 Temporary permit is in effect.

449 This paragraph (r) shall stand repealed from and after July
450 1, 2023.

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

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

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

461 A church or funeral home may waive the distance restrictions
462 imposed in this subsection in favor of allowing issuance by the
463 department of a permit, pursuant to subsection (1) of this
464 section, to authorize activity relating to the manufacturing, sale
465 or storage of alcoholic beverages which would otherwise be
466 prohibited under the minimum distance criterion. Such waiver
467 shall be in written form from the owner, the governing body, or
468 the appropriate officer of the church or funeral home having the
469 authority to execute such a waiver, and the waiver shall be filed
470 with and verified by the department before becoming effective.

471 The distance restrictions imposed in this subsection shall
472 not apply to the sale or storage of alcoholic beverages at a bed
473 and breakfast inn listed in the National Register of Historic
474 Places or to the sale or storage of alcoholic beverages in a
475 historic district that is listed in the National Register of
476 Historic Places, is a qualified resort area and is located in a
477 municipality having a population greater than one hundred thousand
478 (100,000) according to the latest federal decennial census.

479 (4) No person, either individually or as a member of a firm,
480 partnership, limited liability company or association, or as a
481 stockholder, officer or director in a corporation, shall own or
482 control any interest in more than one (1) package retailer's
483 permit, nor shall such person's spouse, if living in the same
484 household of such person, any relative of such person, if living

485 in the same household of such person, or any other person living
486 in the same household with such person own any interest in any
487 other package retailer's permit.

488 (5) (a) In addition to any other authority granted under
489 this section, the holder of a permit issued under subsection
490 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
491 sell or otherwise provide alcoholic beverages and/or wine to a
492 patron of the permit holder in the manner authorized in the permit
493 and the patron may remove an open glass, cup or other container of
494 the alcoholic beverage and/or wine from the licensed premises and
495 may possess and consume the alcoholic beverage or wine outside of
496 the licensed premises if: (i) the licensed premises is located
497 within a leisure and recreation district created under Section
498 67-1-101 and (ii) the patron remains within the boundaries of the
499 leisure and recreation district while in possession of the
500 alcoholic beverage or wine.

501 (b) Nothing in this subsection shall be construed to
502 allow a person to bring any alcoholic beverages into a permitted
503 premises except to the extent otherwise authorized by this
504 chapter.

505 **SECTION 2.** Section 67-1-52, Mississippi Code of 1972, is
506 amended as follows:

507 67-1-52. A package retailer's permit issued under Section
508 67-1-51(b) shall * * * be authorized to offer tastings or
509 samplings * * * to be conducted at the package retailer's
510 permitted place of business during which tastes or samples of

511 alcoholic beverages or wine may be offered or served to consumers
512 at no cost to the consumer. During a tasting or sampling * * *
513 authorized by this section, limited amounts of alcoholic beverages
514 or wine may be consumed on the permitted place of business. A
515 tasting or sampling * * * shall not authorize the sale of
516 alcoholic beverages or wine for consumption on the permitted place
517 of business, but shall only authorize the limited consumption of
518 alcoholic beverages or wine at the permitted place of business for
519 the sole purpose of tasting or sampling various alcoholic
520 beverages or wine. * * * No one under twenty-one (21) years of
521 age may participate in a tasting or sampling * * *. No sample may
522 be provided to a visibly intoxicated person. No food may be
523 served or sold at a tasting or sampling * * *. Each sample of
524 wine served * * * shall not exceed one and one-fourth (1-1/4)
525 ounces and no more than a cumulative total of five (5) ounces of
526 wine may be dispensed to any one (1) person during a tasting or
527 sampling * * *. Each sample of a distilled spirit served * * *
528 shall not exceed one-fourth (1/4) of an ounce and no more than a
529 cumulative total of one (1) ounce of distilled spirits may be
530 dispensed to any one (1) person during a tasting or
531 sampling * * *. All product tasted or sampled * * * must be
532 provided by the package retailer from its inventory. Such product
533 cannot be sample product provided by a manufacturer and must have
534 been purchased from the department warehouse or from a licensed
535 wholesaler. * * * Employees of the package retailer may serve any
536 product for tasting or sampling * * *. In addition, a third party

537 may serve any product for tasting or sampling and may open, touch
538 and pour product as well as make a presentation and answer
539 questions. The package retailer shall be responsible for all such
540 actions by the third party. Tickets for a tasting or
541 sampling * * * shall not be sold in the permitted place of
542 business or any other location. * * *

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

545 27-71-5. (1) Upon each person approved for a permit under
546 the provisions of the Alcoholic Beverage Control Law and
547 amendments thereto, there is levied and imposed for each location
548 for the privilege of engaging and continuing in this state in the
549 business authorized by such permit, an annual privilege license
550 tax in the amount provided in the following schedule:

- 551 (a) Except as otherwise provided in this subsection
552 (1), manufacturer's permit, Class 1, distiller's and/or
553 rectifier's..... \$4,500.00
- 554 (b) Manufacturer's permit, Class 2, wine
555 Manufacturer..... \$1,800.00
- 556 (c) Manufacturer's permit, Class 3, native wine
557 manufacturer per ten thousand (10,000) gallons or part thereof
558 produced..... \$ 10.00
- 559 (d) Native wine retailer's permit..... \$ 50.00
- 560 (e) Package retailer's permit, each..... \$ 900.00
- 561 (f) On-premises retailer's permit, except for clubs and
562 common carriers, each..... \$ 450.00

563	(g)	On-premises retailer's permit for wine of more than	
564		five percent (5%) alcohol by weight, but not more than twenty-one	
565		percent (21%) alcohol by weight, each.....	\$ 225.00
566	(h)	On-premises retailer's permit for clubs.....	\$ 225.00
567	(i)	On-premises retailer's permit for common carriers,	
568		per car, plane, or other vehicle.....	\$ 120.00
569	(j)	Solicitor's permit, regardless of any other	
570		provision of law, solicitor's permits shall be issued only in the	
571		discretion of the department.....	\$ 100.00
572	(k)	Filing fee for each application except for an	
573		employee identification card.....	\$ 25.00
574	(l)	Temporary permit, Class 1, each.....	\$ 10.00
575	(m)	Temporary permit, Class 2, each.....	\$ 50.00
576	(n)	(i) Caterer's permit.....	\$ 600.00
577		(ii) Caterer's permit for holders of on-premises	
578		retailer's permit.....	\$ 150.00
579	(o)	Research permit.....	\$ 100.00
580	(p)	Temporary permit, Class 3 (wine only).....	\$ 10.00
581	(q)	Special service permit.....	\$ 225.00
582	(r)	Merchant permit.....	\$ 225.00
583	(s)	Temporary alcoholic beverages charitable auction	
584		permit.....	\$ 10.00
585	(t)	Event venue retailer's permit.....	\$ 225.00
586	(u)	Temporary theatre permit, each.....	\$ 10.00
587	(v)	Charter ship operator's permit.....	\$ 100.00
588	(w)	Distillery retailer's permit.....	\$ 450.00

589 (x) Festival wine permit..... \$ 10.00

590 If a person approved for a manufacturer's permit, Class 1,
591 distiller's permit produces a product with at least fifty-one
592 percent (51%) of the finished product by volume being obtained
593 from alcoholic fermentation of grapes, fruits, berries, honey
594 and/or vegetables grown and produced in Mississippi, and produces
595 all of the product by using not more than one (1) still having a
596 maximum capacity of one hundred fifty (150) liters, the annual
597 privilege license tax for such a permit shall be Ten Dollars
598 (\$10.00) per ten thousand (10,000) gallons or part thereof
599 produced. Bulk, concentrated or fortified ingredients used for
600 blending may be produced outside this state and used in producing
601 such a product.

602 In addition to the filing fee imposed by paragraph (k) of
603 this subsection, a fee to be determined by the Department of
604 Revenue may be charged to defray costs incurred to process
605 applications. The additional fees shall be paid into the State
606 Treasury to the credit of a special fund account, which is hereby
607 created, and expenditures therefrom shall be made only to defray
608 the costs incurred by the Department of Revenue in processing
609 alcoholic beverage applications. Any unencumbered balance
610 remaining in the special fund account on June 30 of any fiscal
611 year shall lapse into the State General Fund.

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

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

616 Paragraph (x) of this subsection shall stand repealed from
617 and after July 1, 2023.

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

624 (b) (i) In addition to the tax imposed in paragraph
625 (a) of this subsection, there is imposed and shall be collected by
626 the department from each permittee described in subsection (1)(f),
627 (g), (h), (m) and (t) of this section, an additional license tax
628 for the privilege of doing business within any municipality or
629 county in which the licensee is located in the amount of Two
630 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
631 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
632 (\$225.00) for each additional purchase of Five Thousand Dollars
633 (\$5,000.00), or fraction thereof.

634 (ii) In addition to the tax imposed in paragraph
635 (a) of this subsection, there is imposed and shall be collected by
636 the department from each permittee described in subsection (1)(n)
637 and (r) of this section, an additional license tax for the
638 privilege of doing business within any municipality or county in
639 which the licensee is located in the amount of Two Hundred Fifty

640 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
641 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
642 additional purchase of Five Thousand Dollars (\$5,000.00), or
643 fraction thereof.

644 (iii) Any person who has paid the additional
645 privilege license tax imposed by this paragraph, and whose permit
646 is renewed, may add any unused fraction of Five Thousand Dollars
647 (\$5,000.00) purchases to the first Five Thousand Dollars
648 (\$5,000.00) purchases authorized by the renewal permit, and no
649 additional license tax will be required until purchases exceed the
650 sum of the two (2) figures.

651 (c) If the licensee is located within a municipality,
652 the department shall pay the amount of additional license tax
653 collected under this section to the municipality, and if outside a
654 municipality the department shall pay the additional license tax
655 to the county in which the licensee is located. Payments by the
656 department to the respective local government subdivisions shall
657 be made once each month for any collections during the preceding
658 month.

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

665 (4) The number of permits issued by the department shall not
666 be restricted or limited on a population basis; however, the
667 foregoing limitation shall not be construed to preclude the right
668 of the department to refuse to issue a permit because of the
669 undesirability of the proposed location.

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

678 (6) It shall be unlawful for any person to consume alcoholic
679 beverages on the premises of any hotel restaurant, restaurant,
680 club or the interior of any public place defined in Chapter 1,
681 Title 67, Mississippi Code of 1972, when the owner or manager
682 thereof displays in several conspicuous places inside the
683 establishment and at the entrances of establishment a sign
684 containing the following language: NO ALCOHOLIC BEVERAGES
685 ALLOWED.

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

688 67-1-41. (1) The department is hereby created a wholesale
689 distributor and seller of alcoholic beverages, not including malt
690 liquors, within the State of Mississippi. It is granted the sole

691 right to import and sell intoxicating liquors at wholesale within
692 the state, and no person who is granted the right to sell,
693 distribute or receive intoxicating liquors at retail shall
694 purchase any intoxicating liquors from any source other than the
695 department except as authorized in subsections (4) and (9). The
696 department may establish warehouses, purchase intoxicating liquors
697 in such quantities and from such sources as it may deem desirable
698 and sell the intoxicating liquors to authorized permittees within
699 the state including, at the discretion of the department, any
700 retail distributors operating within any military post or
701 qualified resort areas within the boundaries of the state, keeping
702 a correct and accurate record of all such transactions and
703 exercising such control over the distribution of alcoholic
704 beverages as seem right and proper in keeping with the provisions
705 or purposes of this chapter.

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

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

716 (4) The department may promulgate rules and regulations
717 which authorize on-premises retailers to purchase limited amounts
718 of alcoholic beverages from package retailers and for package
719 retailers to purchase limited amounts of alcoholic beverages from
720 other package retailers. The department shall develop and provide
721 forms to be completed by the on-premises retailers and the package
722 retailers verifying the transaction. The completed forms shall be
723 forwarded to the department within a period of time prescribed by
724 the department.

725 (5) The department may promulgate rules which authorize the
726 holder of a package retailer's permit to permit individual retail
727 purchasers of packages of alcoholic beverages to return, for
728 exchange, credit or refund, limited amounts of original sealed and
729 unopened packages of alcoholic beverages purchased by the
730 individual from the package retailer.

731 (6) The department shall maintain all forms to be completed
732 by applicants necessary for licensure by the department at all
733 district offices of the department.

734 (7) The department may promulgate rules which authorize the
735 manufacturer of an alcoholic beverage or wine to import, transport
736 and furnish or give a sample of alcoholic beverages or wines to
737 the holders of package retailer's permits, on-premises retailer's
738 permits, native wine retailer's permits and temporary retailer's
739 permits who have not previously purchased the brand of that
740 manufacturer from the department. For each holder of the
741 designated permits, the manufacturer may furnish not more than

742 five hundred (500) milliliters of any brand of alcoholic beverage
743 and not more than three (3) liters of any brand of wine.

744 (8) The department may promulgate rules disallowing open
745 product sampling of alcoholic beverages or wines by the holders of
746 package retailer's permits and permitting open product sampling of
747 alcoholic beverages by the holders of on-premises retailer's
748 permits. Permitted sample products shall be plainly identified
749 "sample" and the actual sampling must occur in the presence of the
750 manufacturer's representatives during the legal operating hours of
751 on-premises retailers.

752 (9) The department may promulgate rules and regulations that
753 authorize the holder of a research permit to import and purchase
754 limited amounts of alcoholic beverages from importers, wineries
755 and distillers of alcoholic beverages or from the department. The
756 department shall develop and provide forms to be completed by the
757 research permittee verifying each transaction. The completed
758 forms shall be forwarded to the department within a period of time
759 prescribed by the department. The records and inventory of
760 alcoholic beverages shall be open to inspection at any time by the
761 Director of the Alcoholic Beverage Control Division or any duly
762 authorized agent.

763 (10) The department may promulgate rules facilitating a
764 retailer's onsite pickup of native wines sold by the department,
765 so that those wines may be delivered to the retailer at the native
766 winery instead of via shipment from the department's warehouse.

767 [Through June 30, 2023, this subsection (11) shall read as
768 follows:]

769 (* * * 11) This section shall not apply to alcoholic
770 beverages authorized to be sold by the holder of a distillery
771 retailer's permit or a festival wine permit.

772 [From and after July 1, 2023, this subsection (11) shall read
773 as follows:]

774 (11) This section shall not apply to alcoholic beverages
775 authorized to be sold by the holder of a distillery retailer's
776 permit.

777 **SECTION 5.** Section 67-5-11, Mississippi Code of 1972, is
778 amended as follows:

779 67-5-11. (1) Within the State of Mississippi, every native
780 winery is authorized to make sales to the * * * department or to
781 consumers at the location of the native winery or its immediate
782 vicinity. Every native winery is authorized to make sales to any
783 producer, manufacturer, wholesaler, retailer or consumer located
784 outside of the State of Mississippi who are authorized by law to
785 purchase the same.

786 (2) With respect to native wines sold by the department to
787 retailers under Section 67-1-41, the native winery may hold those
788 wines for onsite pickup instead of shipping them to the department
789 warehouse, at the option of the retailer and pursuant to any rules
790 promulgated by the department.

791 **SECTION 6.** Section 67-1-5, Mississippi Code of 1972, is
792 amended as follows:

793 67-1-5. For the purposes of this chapter and unless
794 otherwise required by the context:

795 (a) "Alcoholic beverage" means any alcoholic liquid,
796 including wines of more than five percent (5%) of alcohol by
797 weight, capable of being consumed as a beverage by a human being,
798 but shall not include light wine and beer, as defined in Section
799 67-3-3, Mississippi Code of 1972, but shall include native wines.
800 The words "alcoholic beverage" shall not include ethyl alcohol
801 manufactured or distilled solely for fuel purposes or beer of an
802 alcoholic content of more than eight percent (8%) by weight if the
803 beer is legally manufactured in this state for sale in another
804 state.

805 (b) "Alcohol" means the product of distillation of any
806 fermented liquid, whatever the origin thereof, and includes
807 synthetic ethyl alcohol, but does not include denatured alcohol or
808 wood alcohol.

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

813 (d) "Wine" or "vinous liquor" means any product
814 obtained from the alcoholic fermentation of the juice of sound,
815 ripe grapes, fruits, honey or berries and made in accordance with
816 the revenue laws of the United States.

817 (e) "Person" means and includes any individual,
818 partnership, corporation, association or other legal entity
819 whatsoever.

820 (f) "Manufacturer" means any person engaged in
821 manufacturing, distilling, rectifying, blending or bottling any
822 alcoholic beverage.

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

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

830 (i) "State Tax Commission," "commission" or
831 "department" means the Department of Revenue of the State of
832 Mississippi, which shall create a division in its organization to
833 be known as the Alcoholic Beverage Control Division. Any
834 reference to the commission or the department hereafter means the
835 powers and duties of the Department of Revenue with reference to
836 supervision of the Alcoholic Beverage Control Division.

837 (j) "Division" means the Alcoholic Beverage Control
838 Division of the Department of Revenue.

839 (k) "Municipality" means any incorporated city or town
840 of this state.

841 (l) "Hotel" means an establishment within a
842 municipality, or within a qualified resort area approved as such

843 by the department, where, in consideration of payment, food and
844 lodging are habitually furnished to travelers and wherein are
845 located at least twenty (20) adequately furnished and completely
846 separate sleeping rooms with adequate facilities that persons
847 usually apply for and receive as overnight accommodations. Hotels
848 in towns or cities of more than twenty-five thousand (25,000)
849 population are similarly defined except that they must have fifty
850 (50) or more sleeping rooms. Any such establishment described in
851 this paragraph with less than fifty (50) beds shall operate one or
852 more regular dining rooms designed to be constantly frequented by
853 customers each day. When used in this chapter, the word "hotel"
854 shall also be construed to include any establishment that meets
855 the definition of "bed and breakfast inn" as provided in this
856 section.

857 (m) "Restaurant" means:

858 (i) A place which is regularly and in a bona fide
859 manner used and kept open for the serving of meals to guests for
860 compensation, which has suitable seating facilities for guests,
861 and which has suitable kitchen facilities connected therewith for
862 cooking an assortment of foods and meals commonly ordered at
863 various hours of the day; the service of such food as sandwiches
864 and salads only shall not be deemed in compliance with this
865 requirement. Except as otherwise provided in this paragraph, no
866 place shall qualify as a restaurant under this chapter unless
867 twenty-five percent (25%) or more of the revenue derived from such
868 place shall be from the preparation, cooking and serving of meals

869 and not from the sale of beverages, or unless the value of food
870 given to and consumed by customers is equal to twenty-five percent
871 (25%) or more of total revenue; or

872 (ii) Any privately owned business located in a
873 building in a historic district where the district is listed in
874 the National Register of Historic Places, where the building has a
875 total occupancy rating of not less than one thousand (1,000) and
876 where the business regularly utilizes ten thousand (10,000) square
877 feet or more in the building for live entertainment, including not
878 only the stage, lobby or area where the audience sits and/or
879 stands, but also any other portion of the building necessary for
880 the operation of the business, including any kitchen area, bar
881 area, storage area and office space, but excluding any area for
882 parking. In addition to the other requirements of this
883 subparagraph, the business must also serve food to guests for
884 compensation within the building and derive the majority of its
885 revenue from event-related fees, including, but not limited to,
886 admission fees or ticket sales to live entertainment in the
887 building, and from the rental of all or part of the facilities of
888 the business in the building to another party for a specific event
889 or function.

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

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

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

896 (iii) Maintained by its members through the
897 payment of annual dues;

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

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

906 (vi) No member, officer, agent or employee of
907 which is paid, or directly or indirectly receives, in the form of
908 a salary or other compensation any profit from the distribution or
909 sale of alcoholic beverages to the club or to members or guests of
910 the club beyond such salary or compensation as may be fixed and
911 voted at a proper meeting by the board of directors or other
912 governing body out of the general revenues of the club.

913 The department may, in its discretion, waive the five-year
914 provision of this paragraph. In order to qualify under this
915 paragraph, a club must file with the department, at the time of
916 its application for a license under this chapter, two (2) copies
917 of a list of the names and residences of its members and similarly
918 file, within ten (10) days after the election of any additional

919 member, his name and address. Each club applying for a license
920 shall also file with the department at the time of the application
921 a copy of its articles of association, charter of incorporation,
922 bylaws or other instruments governing the business and affairs
923 thereof.

924 (o) "Qualified resort area" means any area or locality
925 outside of the limits of incorporated municipalities in this state
926 commonly known and accepted as a place which regularly and
927 customarily attracts tourists, vacationists and other transients
928 because of its historical, scenic or recreational facilities or
929 attractions, or because of other attributes which regularly and
930 customarily appeal to and attract tourists, vacationists and other
931 transients in substantial numbers; however, no area or locality
932 shall so qualify as a resort area until it has been duly and
933 properly approved as such by the department. The department may
934 not approve an area as a qualified resort area after July 1, 2018,
935 if any portion of such proposed area is located within two (2)
936 miles of a convent or monastery that is located in a county
937 traversed by Interstate 55 and U.S. Highway 98. A convent or
938 monastery may waive such distance restrictions in favor of
939 allowing approval by the department of an area as a qualified
940 resort area. Such waiver shall be in written form from the owner,
941 the governing body, or the appropriate officer of the convent or
942 monastery having the authority to execute such a waiver, and the
943 waiver shall be filed with and verified by the department before
944 becoming effective.

945 (i) The department may approve an area or locality
946 outside of the limits of an incorporated municipality that is in
947 the process of being developed as a qualified resort area if such
948 area or locality, when developed, can reasonably be expected to
949 meet the requisites of the definition of the term "qualified
950 resort area." In such a case, the status of qualified resort area
951 shall not take effect until completion of the development.

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

960 (iii) The term includes:

961 1. The clubhouses associated with the state
962 park golf courses at the Lefleur's Bluff State Park, the John Kyle
963 State Park, the Percy Quin State Park and the Hugh White State
964 Park;

965 2. The clubhouse and associated golf course
966 where the golf course is adjacent to one or more planned
967 residential developments and the golf course and all such
968 developments collectively include at least seven hundred fifty
969 (750) acres and at least four hundred (400) residential units;

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

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

979 5. Any facility that is located in a
980 municipality that is bordered by the Pearl River, traversed by
981 Mississippi Highway 25, adjacent to the boundaries of the Jackson
982 International Airport and is located in a county which has voted
983 against coming out from under the dry law; however, any such
984 facility may only be located in areas designated by the governing
985 authorities of such municipality;

986 6. Any municipality with a population in
987 excess of ten thousand (10,000) according to the latest federal
988 decennial census that is located in a county that is bordered by
989 the Pearl River and is not traversed by Interstate Highway 20,
990 with a population in excess of forty-five thousand (45,000)
991 according to the latest federal decennial census; however, the
992 governing authorities of such a municipality may by ordinance:

993 a. Specify the hours of operation of
994 facilities that offer alcoholic beverages for sale;

995 b. Specify the percentage of revenue
996 that facilities that offer alcoholic beverages for sale must
997 derive from the preparation, cooking and serving of meals and not
998 from the sale of beverages;

999 c. Designate the areas in which
1000 facilities that offer alcoholic beverages for sale may be located;

1001 7. The West Pearl Restaurant Tax District as
1002 defined in Chapter 912, Local and Private Laws of 2007;

1003 8. a. Land that is located in any county in
1004 which Mississippi Highway 43 and Mississippi Highway 25 intersect
1005 and:

1006 A. Owned by the Pearl River Valley
1007 Water Supply District, and/or

1008 B. Located within the Reservoir
1009 Community District, zoned commercial, east of Old Fannin Road,
1010 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
1011 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
1012 Drive and/or Lake Vista Place, and/or

1013 C. Located within the Reservoir
1014 Community District, zoned commercial, west of Old Fannin Road,
1015 south of Spillway Road and extending to the boundary of the
1016 corporate limits of the City of Flowood, Mississippi;

1017 b. The board of supervisors of such
1018 county, with respect to B and C of this item 8, may by resolution
1019 or other order:

1020 A. Specify the hours of operation
1021 of facilities that offer alcoholic beverages for sale,

1022 B. Specify the percentage of
1023 revenue that facilities that offer alcoholic beverages for sale
1024 must derive from the preparation, cooking and serving of meals and
1025 not from the sale of beverages, and

1026 C. Designate the areas in which
1027 facilities that offer alcoholic beverages for sale may be located;

1028 9. Any facility located on property that is a
1029 game reserve with restricted access that consists of at least
1030 eight hundred (800) contiguous acres with no public roads, that
1031 offers as a service hunts for a fee to overnight guests of the
1032 facility, and has accommodations for at least fifty (50) overnight
1033 guests;

1034 10. Any facility that:

1035 a. Consists of at least six thousand
1036 (6,000) square feet being heated and cooled along with an
1037 additional adjacent area that consists of at least two thousand
1038 two hundred (2,200) square feet regardless of whether heated and
1039 cooled,

1040 b. For a fee is used to host events such
1041 as weddings, reunions and conventions,

1042 c. Provides lodging accommodations
1043 regardless of whether part of the facility and/or located adjacent
1044 to or in close proximity to the facility, and

1045 d. Is located on property that consists
1046 of at least thirty (30) contiguous acres;

1047 11. Any facility and related property:

1048 a. Located on property that consists of
1049 at least one hundred twenty-five (125) contiguous acres and
1050 consisting of an eighteen (18) hole golf course, and/or located in
1051 a facility that consists of at least eight thousand (8,000) square
1052 feet being heated and cooled,

1053 b. Used for the purpose of providing
1054 meals and hosting events, and

1055 c. Used for the purpose of teaching
1056 culinary arts courses and/or turf management and grounds keeping
1057 courses, and/or outdoor recreation and leadership courses;

1058 12. Any facility and related property that:

1059 a. Consist of at least eight thousand
1060 (8,000) square feet being heated and cooled,

1061 b. For a fee is used to host events,

1062 c. Is used for the purpose of culinary
1063 arts courses, and/or outdoor recreation and leadership courses;

1064 13. The clubhouse and associated golf course
1065 where the golf course is adjacent to one or more residential
1066 developments and the golf course and all such developments
1067 collectively include at least two hundred (200) acres and at least
1068 one hundred fifty (150) residential units and are located a. in a
1069 county that has voted against coming out from under the dry law;
1070 and b. outside of but in close proximity to a municipality in such

1071 county which has voted under Section 67-1-14, after January 1,
1072 2013, to come out from under the dry law;

1073 14. The clubhouse and associated eighteen
1074 (18) hole golf course located in a municipality traversed by
1075 Interstate Highway 55 and U.S. Highway 51 that has voted to come
1076 out from under the dry law;

1077 15. Land that is planned for mixed use
1078 development and consists of at least two hundred (200) contiguous
1079 acres with one or more planned residential developments
1080 collectively planned to include at least two hundred (200)
1081 residential units when completed and which land is located:

1082 a. In a county that has voted to come
1083 out from under the dry law,

1084 b. Outside the corporate limits of any
1085 municipality in such county and adjacent to or in close proximity
1086 to a golf course located in a municipality in such county, and

1087 c. Within one (1) mile of a state
1088 institution of higher learning.

1089 The status of these municipalities, districts, clubhouses,
1090 facilities, golf courses and areas described in subparagraph (iii)
1091 of this paragraph (o) as qualified resort areas does not require
1092 any declaration of same by the department.

1093 (p) "Native wine" means any product, produced in
1094 Mississippi for sale, having an alcohol content not to exceed
1095 twenty-one percent (21%) by weight and made in accordance with
1096 revenue laws of the United States, which shall be obtained

1097 primarily from the alcoholic fermentation of the juice of ripe
1098 grapes, fruits, berries, honey or vegetables grown and produced in
1099 Mississippi; provided that bulk, concentrated or fortified wines
1100 used for blending may be produced without this state and used in
1101 producing native wines. The department shall adopt and promulgate
1102 rules and regulations to permit a producer to import such bulk
1103 and/or fortified wines into this state for use in blending with
1104 native wines without payment of any excise tax that would
1105 otherwise accrue thereon.

1106 (q) "Native winery" means any place or establishment
1107 within the State of Mississippi where native wine is produced, in
1108 whole or in part, for sale.

1109 (r) "Bed and breakfast inn" means an establishment
1110 within a municipality where in consideration of payment, breakfast
1111 and lodging are habitually furnished to travelers and wherein are
1112 located not less than eight (8) and not more than nineteen (19)
1113 adequately furnished and completely separate sleeping rooms with
1114 adequate facilities, that persons usually apply for and receive as
1115 overnight accommodations; however, such restriction on the minimum
1116 number of sleeping rooms shall not apply to establishments on the
1117 National Register of Historic Places. No place shall qualify as a
1118 bed and breakfast inn under this chapter unless on the date of the
1119 initial application for a license under this chapter more than
1120 fifty percent (50%) of the sleeping rooms are located in a
1121 structure formerly used as a residence.

1122 (s) "Board" shall refer to the Board of Tax Appeals of
1123 the State of Mississippi.

1124 (t) "Spa facility" means an establishment within a
1125 municipality or qualified resort area and owned by a hotel where,
1126 in consideration of payment, patrons receive from licensed
1127 professionals a variety of private personal care treatments such
1128 as massages, facials, waxes, exfoliation and hairstyling.

1129 (u) "Art studio or gallery" means an establishment
1130 within a municipality or qualified resort area that is in the sole
1131 business of allowing patrons to view and/or purchase paintings and
1132 other creative artwork.

1133 (v) "Cooking school" means an establishment within a
1134 municipality or qualified resort area and owned by a nationally
1135 recognized company that offers an established culinary education
1136 curriculum and program where, in consideration of payment, patrons
1137 are given scheduled professional group instruction on culinary
1138 techniques. For purposes of this paragraph, the definition of
1139 cooking school shall not include schools or classes offered by
1140 grocery stores, convenience stores or drugstores.

1141 (w) "Campus" means property owned by a public school
1142 district, community or junior college, college or university in
1143 this state where educational courses are taught, school functions
1144 are held, tests and examinations are administered or academic
1145 course credits are awarded; however, the term shall not include
1146 any "restaurant" or "hotel" that is located on property owned by a
1147 community or junior college, college or university in this state,

1148 and is operated by a third party who receives all revenue
1149 generated from food and alcoholic beverage sales.

1150 **SECTION 7.** Section 67-1-77, Mississippi Code of 1972, is
1151 amended as follows:

1152 67-1-77. (1) It shall be unlawful for the holder of a
1153 manufacturer's or wholesaler's permit, or anyone connected with
1154 the business of such holder, or for any other distiller, wine
1155 manufacturer, rectifier, blender or bottler, to have any financial
1156 interest in any premises upon which any alcoholic beverage is sold
1157 at retail by any permittee, or in the business conducted by such
1158 permittee, except that:

1159 (a) The holder of a manufacturer's or wholesaler's
1160 permit may contract for the service of a representative in the
1161 area of governmental affairs on a part-time basis with a holder of
1162 an on-premises permit.

1163 (b) A distiller, wine manufacturer, rectifier, blender
1164 or bottler may have a financial interest in a premises upon which
1165 alcoholic beverages are sold at retail by a permittee, or in the
1166 business conducted by a permittee, if the permittee does not sell
1167 or serve any alcoholic beverages that are distilled, manufactured,
1168 rectified, blended or bottled by the distiller, wine manufacturer,
1169 rectifier, blender or bottler having the financial interest in the
1170 premises or in the business conducted by a permittee.

1171 **[Through June 30, 2023, this paragraph (c) shall read as**
1172 **follows:]**

1173 (c) A distiller, wine manufacturer, rectifier, blender
1174 or bottler may have a financial interest in and possess a
1175 distillery retailer's permit and a wine festival permit.

1176 **[From and after July 1, 2023, this paragraph (c) shall read**
1177 **as follows:]**

1178 (c) A distiller, wine manufacturer, rectifier, blender
1179 or bottler may have a financial interest in and possess a
1180 distillery retailer's permit.

1181 (2) It shall also be unlawful for any such person, or anyone
1182 connected with his, its, or their business to lend any money or
1183 make any gift or offer any gratuity, to any retail permittee,
1184 except as authorized by regulations of the commission, to the
1185 holder of any retail permit issued under the provisions of this
1186 chapter. Except as above provided, no retail permittee shall
1187 accept, receive, or make use of any money or gift furnished by any
1188 such person, or become indebted to such person except for the
1189 purchase of alcoholic beverages.

1190 (3) The commission shall not prohibit the furnishing of
1191 advertising specialties, printed materials, or other things having
1192 nominal value to a retail permittee. This section shall not be
1193 construed to prohibit the possession by any person of advertising
1194 specialties, printed materials, or other things having nominal
1195 value furnished by a retail permittee.

1196 (4) Any person violating the provisions of this section
1197 shall, upon conviction, be punished by a fine of not more than
1198 Five Thousand Dollars (\$5,000.00) or by imprisonment for not more

1199 than two (2) years, or by both such fine and imprisonment, in the
1200 discretion of the court.

1201 **SECTION 8.** Section 67-1-45, Mississippi Code of 1972, is
1202 amended as follows:

1203 67-1-45. No manufacturer, rectifier or distiller of
1204 intoxicating liquor shall sell or attempt to sell any such
1205 intoxicating liquor, except malt liquor, within the State of
1206 Mississippi, except to the * * * department, or to the holder of a
1207 research permit as provided in Section 67-1-41, or pursuant to
1208 Section 67-1-51. A producer of native wine may sell native wines
1209 to the * * * department or to consumers at the location of the
1210 native winery or its immediate vicinity.

1211 Any violation of this section by any manufacturer, rectifier
1212 or distiller shall be punished by a fine of not less than Five
1213 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
1214 (\$2,000.00), to which may be added imprisonment in the county jail
1215 not to exceed six (6) months.

1216 **SECTION 9.** This act shall take effect and be in force from
1217 and after July 1, 2020.

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

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
2 CREATE A FESTIVAL WINE PERMIT TO AUTHORIZE WINE MANUFACTURERS AND
3 NATIVE WINE PRODUCERS TO TRANSPORT THEIR PRODUCTS TO FESTIVALS
4 HELD WITHIN THE STATE, TO SELL SEALED, UNOPENED BOTTLES TO
5 FESTIVAL PARTICIPANTS, AND TO PROVIDE FREE SAMPLES TO
6 PARTICIPANTS; TO DEFINE "FESTIVAL" AS ANY EVENT AT WHICH THREE OR
7 MORE VENDORS ARE PRESENT AT A LOCATION FOR THE SALE OR
8 DISTRIBUTION OF GOODS; TO EXEMPT THE HOLDER OF A FESTIVAL WINE

9 PERMIT FROM THE REQUIREMENT TO PURCHASE THE ALCOHOLIC BEVERAGES
10 AUTHORIZED TO BE SOLD FROM THE DEPARTMENT OF REVENUE'S LIQUOR
11 DISTRIBUTION WAREHOUSE, SUBJECT TO PAYMENT OF APPLICABLE TAXES,
12 FEES AND SURCHARGES; TO REQUIRE THE HOLDER OF A FESTIVAL WINE
13 PERMIT TO FILE APPLICABLE REPORTS AND RETURNS AS PRESCRIBED BY THE
14 DEPARTMENT OF REVENUE; TO PROVIDE FOR THE ISSUE OF THE FESTIVAL
15 WINE PERMIT PER FESTIVAL FOR TWO CONSECUTIVE DAYS, DURING THE
16 HOURS AUTHORIZED FOR ON-PREMISES PERMITTEES SALES IN THAT COUNTY
17 OR CITY; TO PROVIDE THAT THE FESTIVAL WINE PERMIT MAY BE ISSUED TO
18 ENTITIES PARTICIPATING IN FESTIVALS AT WHICH A CLASS 1 TEMPORARY
19 PERMIT IS IN EFFECT; TO ALLOW A HOLDER OF A NATIVE WINE RETAILER'S
20 PERMIT, WHEN SELLING TO CONSUMERS FOR ON-PREMISES CONSUMPTION, TO
21 ADD TO THE NATIVE WINE ALCOHOLIC BEVERAGES NOT PRODUCED ON THE
22 PREMISES, SO LONG AS THE TOTAL VOLUME OF FOREIGN BEVERAGE
23 COMPONENTS DOES NOT EXCEED 20% OF THE MIXED BEVERAGE; TO PROVIDE
24 THAT HOURS OF SALE SHALL BE THE SAME AS THOSE AUTHORIZED FOR
25 ON-PREMISES PERMITTEES IN THE CITY OR COUNTY IN WHICH THE NATIVE
26 WINE RETAILER IS LOCATED; TO AMEND SECTION 67-1-52, MISSISSIPPI
27 CODE OF 1972, TO ALLOW THE HOLDER OF A PACKAGE RETAILER'S PERMIT
28 TO OFFER FREE TASTINGS AND SAMPLINGS WITHOUT PRIOR WRITTEN
29 APPROVAL FROM THE DEPARTMENT, AND TO REMOVE CERTAIN RESTRICTIONS
30 ON SUCH TASTINGS AND SAMPLINGS; TO PROVIDE THAT IN ADDITION TO
31 EMPLOYEES OF A PACKAGE RETAILER, A THIRD PARTY MAY SERVE ANY
32 PRODUCT FOR TASTING OR SAMPLING AND MAY OPEN, TOUCH AND POUR
33 PRODUCT AS WELL AS MAKE A PRESENTATION AND ANSWER QUESTIONS; TO
34 AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE A
35 \$10.00 PRIVILEGE LICENSE TAX TO APPLY TO THE FESTIVAL WINE PERMIT;
36 TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, TO EXEMPT
37 HOLDERS OF FESTIVAL WINE PERMITS FROM THE SECTION'S APPLICATION;
38 TO ALLOW THE DEPARTMENT OF REVENUE TO PROMULGATE RULES
39 FACILITATING A RETAILER'S ONSITE PICKUP OF NATIVE WINES SOLD BY
40 THE DEPARTMENT, SO THAT THOSE WINES MAY BE DELIVERED TO THE
41 RETAILER AT THE NATIVE WINERY INSTEAD OF VIA SHIPMENT FROM THE
42 DEPARTMENT'S WAREHOUSE; TO AMEND SECTION 67-5-11, MISSISSIPPI CODE
43 OF 1972, TO ALLOW NATIVE WINERIES TO HOLD NATIVE WINES SOLD TO
44 RETAILERS THROUGH THE DEPARTMENT OF REVENUE FOR ONSITE PICKUP,
45 INSTEAD OF SHIPPING THEM TO THE DEPARTMENT WAREHOUSE; TO AMEND
46 SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO ADD HONEY AS A
47 PRODUCT FROM WHICH NATIVE WINES MAY BE MADE, IN CONFORMITY WITH
48 OTHER PROVISIONS OF MISSISSIPPI LAW; TO AMEND SECTION 67-1-77,
49 MISSISSIPPI CODE OF 1972, TO ALLOW A DISTILLER, WINE MANUFACTURER,
50 RECTIFIER, BLENDER OR BOTTLER TO HAVE A FINANCIAL INTEREST IN AND
51 POSSESS A FESTIVAL WINE PERMIT; TO AMEND SECTION 67-1-45,
52 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; AND FOR
53 RELATED PURPOSES.

HR43\SB2545A.J

Andrew Ketchings
Clerk of the House of Representatives