

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2545**

**BY: Committee**

**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 (l) **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) <u>Festival wine permit.....</u>	<u>\$ 10.00</u>

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.

