

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1088

BY: Committee

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

15 **SECTION 1.** Section 67-1-41, Mississippi Code of 1972, is
16 amended as follows:

17 67-1-41. (1) The department is hereby created a wholesale
18 distributor and seller of alcoholic beverages, not including malt
19 liquors, within the State of Mississippi. It is granted the * * *
20 right to import and sell * * * alcoholic beverages at wholesale
21 within the state, and no person who is granted the right to sell,
22 distribute or receive * * * alcoholic beverages at retail shall
23 purchase any * * * alcoholic beverages from any source other than
24 the department except as authorized in subsections (4) * * * , (9)



25 and (11) of this section. The department may establish
26 warehouses, purchase * * * alcoholic beverages in such quantities
27 and from such sources as it may deem desirable and sell the * * *
28 alcoholic beverages to authorized permittees within the state
29 including, at the discretion of the department, any retail
30 distributors operating within any military post or qualified
31 resort areas within the boundaries of the state, keeping a correct
32 and accurate record of all such transactions and exercising such
33 control over the distribution of alcoholic beverages as seem right
34 and proper in keeping with the provisions or purposes of this
35 chapter.

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

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

46 (4) The department may promulgate rules and regulations
47 which authorize on-premises retailers to purchase limited amounts
48 of alcoholic beverages from package retailers and for package
49 retailers to purchase limited amounts of alcoholic beverages from



50 other package retailers. The department shall develop and provide
51 forms to be completed by the on-premises retailers and the package
52 retailers verifying the transaction. The completed forms shall be
53 forwarded to the department within a period of time prescribed by
54 the department.

55 (5) The department may promulgate rules which authorize the
56 holder of a package retailer's permit to permit individual retail
57 purchasers of packages of alcoholic beverages to return, for
58 exchange, credit or refund, limited amounts of original sealed and
59 unopened packages of alcoholic beverages purchased by the
60 individual from the package retailer.

61 (6) The department shall maintain all forms to be completed
62 by applicants necessary for licensure by the department at all
63 district offices of the department.

64 (7) The department may promulgate rules which authorize the
65 manufacturer of an alcoholic beverage or wine to import, transport
66 and furnish or give a sample of alcoholic beverages or wines to
67 the holders of package retailer's permits, on-premises retailer's
68 permits, native wine retailer's permits and temporary retailer's
69 permits who have not previously purchased the brand of that
70 manufacturer from the department. For each holder of the
71 designated permits, the manufacturer may furnish not more than
72 five hundred (500) milliliters of any brand of alcoholic beverage
73 and not more than three (3) liters of any brand of wine.



74 (8) The department may promulgate rules disallowing open
75 product sampling of alcoholic beverages or wines by the holders of
76 package retailer's permits and permitting open product sampling of
77 alcoholic beverages by the holders of on-premises retailer's
78 permits. Permitted sample products shall be plainly identified
79 "sample" and the actual sampling must occur in the presence of the
80 manufacturer's representatives during the legal operating hours of
81 on-premises retailers.

82 (9) The department may promulgate rules and regulations that
83 authorize the holder of a research permit to import and purchase
84 limited amounts of alcoholic beverages from importers, wineries
85 and distillers of alcoholic beverages or from the department. The
86 department shall develop and provide forms to be completed by the
87 research permittee verifying each transaction. The completed
88 forms shall be forwarded to the department within a period of time
89 prescribed by the department. The records and inventory of
90 alcoholic beverages shall be open to inspection at any time by the
91 Director of the Alcoholic Beverage Control Division or any duly
92 authorized agent.

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

96 (11) (a) An individual resident of this state who is at
97 least twenty-one (21) years of age may purchase wine from a winery
98 and have the purchase shipped into this state so long as it is



99 shipped to a package retailer permittee in Mississippi and so long
100 as that particular wine is not currently brokered in Mississippi;
101 however, the permittee shall pay to the department all taxes, fees
102 and surcharges on the wine that are imposed upon the sale of wine
103 shipped by the department. No credit shall be provided to the
104 permittee for any taxes paid to another state as a result of the
105 transaction. Package retailers may charge a service fee for
106 receiving and handling shipment from wineries on behalf of the
107 purchasers. The department shall develop and provide forms to be
108 completed by the package retailer permittees verifying the
109 transaction. The completed forms shall be forwarded to the
110 department within a period of time prescribed by the department.

111 (b) The purchaser of wine that is to be shipped to a
112 package retailer's store shall be required to get the prior
113 approval of the package retailer before any wine is shipped to the
114 package retailer. A purchaser is limited to no more than ten (10)
115 cases of wine per year to be shipped to a package retailer. A
116 package retailer shall notify a purchaser of wine within two (2)
117 days after receiving the shipment of the wine. If the purchaser
118 of the wine does not pick up or take the wine from the package
119 retailer within thirty (30) days after being notified by the
120 package retailer, the package retailer may sell the wine as part
121 of his inventory.

122 (c) Shipments of wine into this state under this
123 section shall be made by a duly licensed carrier. It shall be the



124 duty of every common or contract carrier, and of every firm or
125 corporation that shall bring, carry or transport wine from outside
126 the state for delivery inside the state to package retailer
127 permittees on behalf of consumers, to prepare and file with the
128 department, on a schedule as determined by the department, of
129 known wine shipments containing the name of the common or contract
130 carrier, firm or corporation making the report, the period of time
131 covered by said report, the name and permit number of the winery,
132 the name and permit number of the package retailer permittee
133 receiving such wine, the weight of the package delivered to each
134 package retailer permittee, a unique tracking number, and the date
135 of delivery. Reports received by the department shall be made
136 available by the department to the public via the FOIA process in
137 the same manner as other state alcohol filings.

138 Upon the department's request, any records supporting the
139 report shall be made available to the department within a
140 reasonable time after the department makes a written request for
141 such records. Any records containing information relating to such
142 reports shall be kept and preserved for a period of two (2) years,
143 unless their destruction sooner is authorized, in writing, by the
144 department, and shall be open and available to inspection by the
145 department upon the department's written request. Reports shall
146 also be made available to any law enforcement or regulatory body
147 in the state in which the railroad company, express company,



148 common or contract carrier making the report resides or does
149 business.

150 Any common or contract carrier who willfully fails to make
151 reports as provided by this section or any of the rules and
152 regulations of the department for the administration and
153 enforcement of this section is subject to a notification of
154 violation. In the case of a continuing failure to make reports,
155 the common or contract carrier is subject to possible license
156 suspension and revocation at the department's discretion.

157 (d) A winery who ships wine under this section shall be
158 deemed to have consented to the jurisdiction of the courts of this
159 state, of the department, of any other state agency regarding the
160 enforcement of this section, and of any related law, rules or
161 regulations.

162 (e) Any person who makes, participates in, transports,
163 imports or receives a shipment in violation of this section is
164 guilty of a misdemeanor and, upon conviction thereof, shall be
165 punished by a fine of One Thousand Dollars (\$1,000.00) or
166 imprisonment in the county jail for not more than six (6) months,
167 or both. Each shipment shall constitute a separate offense.

168 (12) If any provision of this chapter, or its application to
169 any person or circumstance, is determined by a court to be invalid
170 or unconstitutional, the remaining provisions shall be construed
171 in accordance with the intent of the Legislature to further limit
172 rather than expand commerce in alcoholic beverages to protect the



173 health, safety, and welfare of the state's residents, and to
174 enhance strict regulatory control over taxation, distribution and
175 sale of alcoholic beverages through the three-tier regulatory
176 system imposed by this chapter upon all alcoholic beverages to
177 curb relationships and practices calculated to stimulate sales and
178 impair the state's policy favoring trade stability and the
179 promotion of temperance.

180 **SECTION 2.** Section 67-1-43, Mississippi Code of 1972, is
181 amended as follows:

182 67-1-43. Any authorized retail distributor who shall
183 purchase or receive intoxicating liquor from any source except
184 from the * * * department, unless authorized by rules and
185 regulations of the * * * department promulgated under * * *
186 Section 67-1-41, shall be guilty of a misdemeanor and upon
187 conviction thereof shall be punished by a fine of not less than
188 Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars
189 (\$2,000.00), to which may be added imprisonment in the county jail
190 for not more than six (6) months. Any authorization of such
191 person to sell intoxicating beverages may be revoked as provided
192 by law.

193 **SECTION 3.** Section 67-1-45, Mississippi Code of 1972, is
194 amended as follows:

195 67-1-45. No manufacturer, rectifier or distiller of * * *
196 alcoholic beverages shall sell or attempt to sell any such * * *
197 alcoholic beverages, except malt liquor, within the State of



198 Mississippi, except to the * * * department, or * * * as provided
199 in Section 67-1-41. A producer of native wine may sell native
200 wines to the * * * department or to consumers at the location of
201 the native winery or its immediate vicinity.

202 Any violation of this section by any manufacturer, rectifier
203 or distiller shall be punished by a fine of not less than Five
204 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
205 (\$2,000.00), to which may be added imprisonment in the county jail
206 not to exceed six (6) months.

207 **SECTION 4.** Section 67-1-51, Mississippi Code of 1972, is
208 amended as follows:

209 67-1-51. (1) Permits which may be issued by the department
210 shall be as follows:

211 (a) **Manufacturer's permit.** A manufacturer's permit
212 shall permit the manufacture, importation in bulk, bottling and
213 storage of alcoholic liquor and its distribution and sale to
214 manufacturers holding permits under this chapter in this state and
215 to persons outside the state who are authorized by law to purchase
216 the same, and to sell * * * as provided by this chapter.

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

218 Class 1. Distiller's and/or rectifier's permit, which shall
219 authorize the holder thereof to operate a distillery for the
220 production of distilled spirits by distillation or redistillation
221 and/or to operate a rectifying plant for the purifying, refining,



222 mixing, blending, flavoring or reducing in proof of distilled
223 spirits and alcohol.

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

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

230 (b) **Package retailer's permit.** Except as otherwise
231 provided in this paragraph and Section 67-1-52, a package
232 retailer's permit shall authorize the holder thereof to operate a
233 store exclusively for the sale at retail in original sealed and
234 unopened packages of alcoholic beverages, including native wines,
235 not to be consumed on the premises where sold. Alcoholic
236 beverages shall not be sold by any retailer in any package or
237 container containing less than fifty (50) milliliters by liquid
238 measure. A package retailer's permit, with prior approval from
239 the department, shall authorize the holder thereof to sample new
240 product furnished by a manufacturer's representative or his
241 employees at the permitted place of business so long as the
242 sampling otherwise complies with this chapter and applicable
243 department regulations. Such samples may not be provided to
244 customers at the permitted place of business. In addition to the
245 sale at retail of packages of alcoholic beverages, the holder of a
246 package retailer's permit is authorized to sell at retail



247 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
248 other beverages commonly used to mix with alcoholic beverages.
249 Nonalcoholic beverages sold by the holder of a package retailer's
250 permit shall not be consumed on the premises where sold.

251 (c) **On-premises retailer's permit.** Except as otherwise
252 provided in subsection (5) of this section, an on-premises
253 retailer's permit shall authorize the sale of alcoholic beverages,
254 including native wines, for consumption on the licensed premises
255 only; however, a patron of the permit holder may remove one (1)
256 bottle of wine from the licensed premises if: (i) the patron
257 consumed a portion of the bottle of wine in the course of
258 consuming a meal purchased on the licensed premises; (ii) the
259 permit holder securely reseals the bottle; (iii) the bottle is
260 placed in a bag that is secured in a manner so that it will be
261 visibly apparent if the bag is opened; and (iv) a dated receipt
262 for the wine and the meal is available. Such a permit shall be
263 issued only to qualified hotels, restaurants and clubs, and to
264 common carriers with adequate facilities for serving passengers.
265 In resort areas, whether inside or outside of a municipality, the
266 department, in its discretion, may issue on-premises retailer's
267 permits to such establishments as it deems proper. An on-premises
268 retailer's permit when issued to a common carrier shall authorize
269 the sale and serving of alcoholic beverages aboard any licensed
270 vehicle while moving through any county of the state; however, the
271 sale of such alcoholic beverages shall not be permitted while such



272 vehicle is stopped in a county that has not legalized such sales.
273 If an on-premises retailer's permit is applied for by a common
274 carrier operating solely in the water, such common carrier must,
275 along with all other qualifications for a permit, (i) be certified
276 to carry at least one hundred fifty (150) passengers and/or
277 provide overnight accommodations for at least fifty (50)
278 passengers and (ii) operate primarily in the waters within the
279 State of Mississippi which lie adjacent to the State of
280 Mississippi south of the three (3) most southern counties in the
281 State of Mississippi and/or on the Mississippi River or navigable
282 waters within any county bordering on the Mississippi River.

283 (d) **Solicitor's permit.** A solicitor's permit shall
284 authorize the holder thereof to act as salesman for a manufacturer
285 or wholesaler holding a proper permit, to solicit on behalf of his
286 employer orders for alcoholic beverages, and to otherwise promote
287 his employer's products in a legitimate manner. Such a permit
288 shall authorize the representation of and employment by one (1)
289 principal only. However, the permittee may also, in the
290 discretion of the department, be issued additional permits to
291 represent other principals. No such permittee shall buy or sell
292 alcoholic beverages for his own account, and no such beverage
293 shall be brought into this state in pursuance of the exercise of
294 such permit otherwise than through a permit issued to a wholesaler
295 or manufacturer in the state.



296 (e) **Native wine retailer's permit.** Except as otherwise
297 provided in subsection (5) of this section, a native wine
298 retailer's permit shall be issued only to a holder of a Class 3
299 manufacturer's permit, and shall authorize the holder thereof to
300 make retail sales of native wines to consumers for on-premises
301 consumption or to consumers in originally sealed and unopened
302 containers at an establishment located on the premises of or in
303 the immediate vicinity of a native winery.

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

309 Temporary retailer's permits shall be of the following
310 classes:

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



321 Class 1 permittees shall obtain all alcoholic beverages from
322 package retailers located in the county in which the temporary
323 permit is issued. Alcoholic beverages remaining in stock upon
324 expiration of the temporary permit may be returned by the
325 permittee to the package retailer for a refund of the purchase
326 price upon consent of the package retailer or may be kept by the
327 permittee exclusively for personal use and consumption, subject to
328 all laws pertaining to the illegal sale and possession of
329 alcoholic beverages. The department, following review of the
330 statement provided by the applicant and the requirements of the
331 applicable statutes and regulations, may issue the permit.

332 Class 2. A temporary permit, not to exceed seventy (70)
333 days, may be issued to prospective permittees seeking to transfer
334 a permit authorized in paragraph (c) of this subsection. A Class
335 2 permit may be issued only to applicants demonstrating to the
336 department, by a statement signed under the penalty of perjury,
337 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
338 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
339 67-1-59. The department, following a preliminary review of the
340 statement provided by the applicant and the requirements of the
341 applicable statutes and regulations, may issue the permit.

342 Class 2 temporary permittees must purchase their alcoholic
343 beverages directly from the department or, with approval of the
344 department, purchase the remaining stock of the previous
345 permittee. If the proposed applicant of a Class 1 or Class 2



346 temporary permit falsifies information contained in the
347 application or statement, the applicant shall never again be
348 eligible for a retail alcohol beverage permit and shall be subject
349 to prosecution for perjury.

350 Class 3. A temporary one-day permit may be issued to a
351 retail establishment authorizing the complimentary distribution of
352 wine, including native wine, to patrons of the retail
353 establishment at an open house or promotional event, for
354 consumption only on the premises described in the temporary
355 permit. A Class 3 permit may be issued only to an applicant
356 demonstrating to the department, by a statement signed under
357 penalty of perjury submitted ten (10) days before the proposed
358 date or such other time as the department may determine, that it
359 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
360 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
361 A Class 3 permit holder shall obtain all alcoholic beverages from
362 the holder(s) of a package retailer's permit located in the county
363 in which the temporary permit is issued. Wine remaining in stock
364 upon expiration of the temporary permit may be returned by the
365 Class 3 temporary permit holder to the package retailer for a
366 refund of the purchase price, with consent of the package
367 retailer, or may be kept by the Class 3 temporary permit holder
368 exclusively for personal use and consumption, subject to all laws
369 pertaining to the illegal sale and possession of alcoholic
370 beverages. The department, following review of the statement



371 provided by the applicant and the requirements of the applicable
372 statutes and regulations, may issue the permit. No retailer may
373 receive more than twelve (12) Class 3 temporary permits in a
374 calendar year. A Class 3 temporary permit shall not be issued to
375 a retail establishment that either holds a merchant permit issued
376 under paragraph (1) of this subsection, or holds a permit issued
377 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
378 the holder to engage in the business of a retailer of light wine
379 or beer.

380 (g) **Caterer's permit.** A caterer's permit shall permit
381 the purchase of alcoholic beverages by a person engaging in
382 business as a caterer and the resale of alcoholic beverages by
383 such person in conjunction with such catering business. No person
384 shall qualify as a caterer unless forty percent (40%) or more of
385 the revenue derived from such catering business shall be from the
386 serving of prepared food and not from the sale of alcoholic
387 beverages and unless such person has obtained a permit for such
388 business from the Department of Health. A caterer's permit shall
389 not authorize the sale of alcoholic beverages on the premises of
390 the person engaging in business as a caterer; however, the holder
391 of an on-premises retailer's permit may hold a caterer's permit.
392 When the holder of an on-premises retailer's permit or an
393 affiliated entity of the holder also holds a caterer's permit, the
394 caterer's permit shall not authorize the service of alcoholic
395 beverages on a consistent, recurring basis at a separate, fixed



396 location owned or operated by the caterer, on-premises retailer or
397 affiliated entity and an on-premises retailer's permit shall be
398 required for the separate location. All sales of alcoholic
399 beverages by holders of a caterer's permit shall be made at the
400 location being catered by the caterer, and, except as otherwise
401 provided in subsection (5) of this section, such sales may be made
402 only for consumption at the catered location. The location being
403 catered may be anywhere within a county or judicial district that
404 has voted to come out from under the dry laws or in which the
405 sale, distribution and possession of alcoholic beverages is
406 otherwise authorized by law. Such sales shall be made pursuant to
407 any other conditions and restrictions which apply to sales made by
408 on-premises retail permittees. The holder of a caterer's permit
409 or his employees shall remain at the catered location as long as
410 alcoholic beverages are being sold pursuant to the permit issued
411 under this paragraph (g), and the permittee shall have at the
412 location the identification card issued by the Alcoholic Beverage
413 Control Division of the department. No unsold alcoholic beverages
414 may be left at the catered location by the permittee upon the
415 conclusion of his business at that location. Appropriate law
416 enforcement officers and Alcoholic Beverage Control Division
417 personnel may enter a catered location on private property in
418 order to enforce laws governing the sale or serving of alcoholic
419 beverages.



420 (h) **Research permit.** A research permit shall authorize
421 the holder thereof to operate a research facility for the
422 professional research of alcoholic beverages. Such permit shall
423 authorize the holder of the permit to import and purchase limited
424 amounts of alcoholic beverages from the department or from
425 importers, wineries and distillers of alcoholic beverages for
426 professional research.

427 (i) **Alcohol processing permit.** An alcohol processing
428 permit shall authorize the holder thereof to purchase, transport
429 and possess alcoholic beverages for the exclusive use in cooking,
430 processing or manufacturing products which contain alcoholic
431 beverages as an integral ingredient. An alcohol processing permit
432 shall not authorize the sale of alcoholic beverages on the
433 premises of the person engaging in the business of cooking,
434 processing or manufacturing products which contain alcoholic
435 beverages. The amounts of alcoholic beverages allowed under an
436 alcohol processing permit shall be set by the department.

437 (j) **Hospitality cart permit.** A hospitality cart permit
438 shall authorize the sale of alcoholic beverages from a mobile cart
439 on a golf course that is the holder of an on-premises retailer's
440 permit. The alcoholic beverages sold from the cart must be
441 consumed within the boundaries of the golf course.

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



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

449 (1) **Merchant permit.** Except as otherwise provided in
450 subsection (5) of this section, a merchant permit shall be issued
451 only to the owner of a spa facility, an art studio or gallery, or
452 a cooking school, and shall authorize the holder to serve
453 complimentary by the glass wine only, including native wine, at
454 the holder's spa facility, art studio or gallery, or cooking
455 school. A merchant permit holder shall obtain all wine from the
456 holder of a package retailer's permit.

457 (m) **Temporary alcoholic beverages charitable auction**
458 **permit.** A temporary permit, not to exceed five (5) days, may be
459 issued to a qualifying charitable nonprofit organization that is
460 exempt from taxation under Section 501(c)(3) or (4) of the
461 Internal Revenue Code of 1986. The permit shall authorize the
462 holder to sell alcoholic beverages for the limited purpose of
463 raising funds for the organization during a live or silent auction
464 that is conducted by the organization and that meets the following
465 requirements: (i) the auction is conducted in an area of the
466 state where the sale of alcoholic beverages is authorized; (ii) if
467 the auction is conducted on the premises of an on-premises
468 retailer's permit holder, then the alcoholic beverages to be
469 auctioned must be stored separately from the alcoholic beverages



470 sold, stored or served on the premises, must be removed from the
471 premises immediately following the auction, and may not be
472 consumed on the premises; (iii) the permit holder may not conduct
473 more than two (2) auctions during a calendar year; (iv) the permit
474 holder may not pay a commission or promotional fee to any person
475 to arrange or conduct the auction.

476 (n) **Event venue retailer's permit.** An event venue
477 retailer's permit shall authorize the holder thereof to purchase
478 and resell alcoholic beverages, including native wines, for
479 consumption on the premises during legal hours during events held
480 on the licensed premises if food is being served at the event by a
481 caterer who is not affiliated with or related to the permittee.
482 The caterer must serve at least three (3) entrees. The permit may
483 only be issued for venues that can accommodate two hundred (200)
484 persons or more. The number of persons a venue may accommodate
485 shall be determined by the local fire department and such
486 determination shall be provided in writing and submitted along
487 with all other documents required to be provided for an
488 on-premises retailer's permit. The permittee must derive the
489 majority of its revenue from event-related fees, including, but
490 not limited to, admission fees or ticket sales for live
491 entertainment in the building. "Event-related fees" do not
492 include alcohol, beer or light wine sales or any fee which may be
493 construed to cover the cost of alcohol, beer or light wine. This



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

496 (o) **Temporary theatre permit.** A temporary theatre
497 permit, not to exceed five (5) days, may be issued to a charitable
498 nonprofit organization that is exempt from taxation under Section
499 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
500 a theatre facility that features plays and other theatrical
501 performances and productions. Except as otherwise provided in
502 subsection (5) of this section, the permit shall authorize the
503 holder to sell alcoholic beverages, including native wines, to
504 patrons of the theatre during performances and productions at the
505 theatre facility for consumption during such performances and
506 productions on the premises of the facility described in the
507 permit. A temporary theatre permit holder shall obtain all
508 alcoholic beverages from package retailers located in the county
509 in which the permit is issued. Alcoholic beverages remaining in
510 stock upon expiration of the temporary theatre permit may be
511 returned by the permittee to the package retailer for a refund of
512 the purchase price upon consent of the package retailer or may be
513 kept by the permittee exclusively for personal use and
514 consumption, subject to all laws pertaining to the illegal sale
515 and possession of alcoholic beverages.

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



519 monitor, store and otherwise control the serving and availability
520 of alcoholic beverages to customers of the permit holder during
521 private charters under contract provided by the permit holder. A
522 charter ship operator's permit shall authorize such action by the
523 permit holder and its employees only as to alcoholic beverages
524 brought onto the permit holder's ship by customers of the permit
525 holder as part of such a private charter. All such alcoholic
526 beverages must be removed from the charter ship at the conclusion
527 of each private charter. A charter ship operator's permit shall
528 not authorize the permit holder to sell, charge for or otherwise
529 supply alcoholic beverages to customers, except as authorized in
530 this paragraph (p). For the purposes of this paragraph (p),
531 "charter ship operator" means a common carrier that (i) is
532 certified to carry at least one hundred fifty (150) passengers
533 and/or provide overnight accommodations for at least fifty (50)
534 passengers, (ii) operates only in the waters within the State of
535 Mississippi, which lie adjacent to the State of Mississippi south
536 of the three (3) most southern counties in the State of
537 Mississippi, and (iii) provides charters under contract for tours
538 and trips in such waters.

539 (q) **Distillery retailer's permit.** The holder of a
540 Class 1 manufacturer's permit may obtain a distillery retailer's
541 permit. A distillery retailer's permit shall authorize the holder
542 thereof to sell at retail alcoholic beverages by the sealed and
543 unopened bottle from a retail location at the distillery for



544 off-premises consumption. The holder may only sell product
545 manufactured by the manufacturer at the distillery described in
546 the permit. The holder shall not sell at retail more than ten
547 percent (10%) of the alcoholic beverages produced annually at its
548 distillery. The holder shall not make retail sales of more than
549 two and twenty-five one-hundredths (2.25) liters, in the
550 aggregate, of the alcoholic beverages produced at its distillery
551 to any one (1) individual for consumption off the premises of the
552 distillery within a twenty-four-hour period. The hours of sale
553 shall be the same as those hours for package retailers under this
554 chapter. The holder of a distillery retailer's permit is not
555 required to purchase the alcoholic beverages authorized to be sold
556 by this paragraph from the department's liquor distribution
557 warehouse; however, if the holder does not purchase the alcoholic
558 beverages from the department's liquor distribution warehouse, the
559 holder shall pay to the department all taxes, fees and surcharges
560 on the alcoholic beverages that are imposed upon the sale of
561 alcoholic beverages shipped by the Alcoholic Beverage Control
562 Division of the Department of Revenue. In addition to alcoholic
563 beverages, the holder of a distillery retailer's permit may sell
564 at retail promotional products from the same retail location,
565 including shirts, hats, glasses, and other promotional products
566 customarily sold by alcoholic beverage manufacturers.



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

570 (3) Except as otherwise provided in this subsection, no
571 authority shall be granted to any person to manufacture, sell or
572 store for sale any intoxicating liquor as specified in this
573 chapter within four hundred (400) feet of any church, school,
574 kindergarten or funeral home. However, within an area zoned
575 commercial or business, such minimum distance shall be not less
576 than one hundred (100) feet.

577 A church or funeral home may waive the distance restrictions
578 imposed in this subsection in favor of allowing issuance by the
579 department of a permit, pursuant to subsection (1) of this
580 section, to authorize activity relating to the manufacturing, sale
581 or storage of alcoholic beverages which would otherwise be
582 prohibited under the minimum distance criterion. Such waiver
583 shall be in written form from the owner, the governing body, or
584 the appropriate officer of the church or funeral home having the
585 authority to execute such a waiver, and the waiver shall be filed
586 with and verified by the department before becoming effective.

587 The distance restrictions imposed in this subsection shall
588 not apply to the sale or storage of alcoholic beverages at a bed
589 and breakfast inn listed in the National Register of Historic
590 Places or to the sale or storage of alcoholic beverages in a
591 historic district that is listed in the National Register of



592 Historic Places, is a qualified resort area and is located in a
593 municipality having a population greater than one hundred thousand
594 (100,000) according to the latest federal decennial census.

595 (4) No person, either individually or as a member of a firm,
596 partnership, limited liability company or association, or as a
597 stockholder, officer or director in a corporation, shall own or
598 control any interest in more than one (1) package retailer's
599 permit, nor shall such person's spouse, if living in the same
600 household of such person, any relative of such person, if living
601 in the same household of such person, or any other person living
602 in the same household with such person own any interest in any
603 other package retailer's permit.

604 (5) (a) In addition to any other authority granted under
605 this section, the holder of a permit issued under subsection
606 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
607 sell or otherwise provide alcoholic beverages and/or wine to a
608 patron of the permit holder in the manner authorized in the permit
609 and the patron may remove an open glass, cup or other container of
610 the alcoholic beverage and/or wine from the licensed premises and
611 may possess and consume the alcoholic beverage or wine outside of
612 the licensed premises if: (i) the licensed premises is located
613 within a leisure and recreation district created under Section
614 67-1-101 and (ii) the patron remains within the boundaries of the
615 leisure and recreation district while in possession of the
616 alcoholic beverage or wine.



617 (b) Nothing in this subsection shall be construed to
618 allow a person to bring any alcoholic beverages into a permitted
619 premises except to the extent otherwise authorized by this
620 chapter.

621 **SECTION 5.** Section 27-71-7, Mississippi Code of 1972, is
622 brought forward as follows:

623 27-71-7. (1) There is hereby levied and assessed an excise
624 tax upon each case of alcoholic beverages sold by the commission
625 to be collected from each retail licensee at the time of sale in
626 accordance with the following schedule:

- 627 (a) Distilled spirits.....\$2.50 per gallon
- 628 (b) Sparkling wine and champagne.....\$1.00 per gallon
- 629 (c) Other wines, including native
630 wines.....\$.35 per gallon

631 (2) (a) In addition to the tax levied by subsection (1) of
632 this section, and in addition to any other markup collected, the
633 Alcoholic Beverage Control Division shall collect a markup of
634 three percent (3%) on all alcoholic beverages, as defined in
635 Section 67-1-5, Mississippi Code of 1972, which are sold by the
636 division. The proceeds of the markup shall be collected by the
637 division from each purchaser at the time of purchase.

638 (b) Until June 30, 1987, the revenue derived from this
639 three percent (3%) markup shall be deposited by the division in
640 the State Treasury to the credit of the "Alcoholism Treatment and
641 Rehabilitation Fund," a special fund which is hereby created in



642 the State Treasury, and shall be used by the Division of Alcohol
643 and Drug Abuse of the State Department of Mental Health and public
644 or private centers or organizations solely for funding of
645 treatment and rehabilitation programs for alcoholics and alcohol
646 abusers which are sponsored by the division or public or private
647 centers or organizations in such amounts as the Legislature may
648 appropriate to the division for use by the division or public or
649 private centers or organizations for such programs. Any tax
650 revenue in the fund which is not encumbered at the end of the
651 fiscal year shall lapse to the General Fund. It is the intent of
652 the Legislature that the State Department of Mental Health shall
653 continue to seek funds from other sources and shall use the funds
654 appropriated for the purposes of this section and Section 27-71-29
655 to match all federal funds which may be available for alcoholism
656 treatment and rehabilitation.

657 From and after July 1, 1987, the revenue derived from this
658 three percent (3%) markup shall be deposited by the division in
659 the State Treasury to the credit of the "Mental Health Programs
660 Fund," a special fund which is hereby created in the State
661 Treasury and shall be used by the State Department of Mental
662 Health for the service programs of the department. Any revenue in
663 the "Alcoholism Treatment and Rehabilitation Fund" which is not
664 encumbered at the end of Fiscal Year 1987 shall be deposited to
665 the credit of the "Mental Health Programs Fund."



666 **SECTION 6.** This act shall take effect and be in force from
667 and after July 1, 2021.

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

1 AN ACT TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT AN INDIVIDUAL MAY PURCHASE WINE FROM A WINERY AND
3 HAVE THE WINE PURCHASED SHIPPED INTO THIS STATE SO LONG AS IT IS
4 SHIPPED TO A PACKAGE RETAILER PERMITTEE IN THIS STATE; TO PROVIDE
5 THAT THE PACKAGE RETAILER PERMITTEE SHALL PAY TO THE DEPARTMENT OF
6 REVENUE ALL TAXES, FEES AND SURCHARGES ON THE WINE THAT ARE
7 IMPOSED UPON THE SALE OF WINE SHIPPED BY THE DEPARTMENT; TO AMEND
8 SECTIONS 67-1-43, 67-1-45 AND 67-1-51, MISSISSIPPI CODE OF 1972,
9 IN CONFORMITY THERETO; TO BRING FORWARD SECTION 27-71-7,
10 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE LEVY OF AN EXCISE
11 TAX AND MARKUP ON ALCOHOLIC BEVERAGES SOLD BY THE DEPARTMENT OF
12 REVENUE, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
13 PURPOSES.

