

By: Representatives Lamar, Felsher, Yates

To: Ways and Means

HOUSE BILL NO. 1135
(As Sent to Governor)

1 AN ACT TO CREATE A DELIVERY SERVICE PERMIT TO ALLOW THE
2 HOLDER TO CONTRACT FOR THE DELIVERY OF ALCOHOLIC BEVERAGES, BEER,
3 LIGHT WINE OR LIGHT SPIRIT PRODUCT FROM A LICENSED RETAILER TO A
4 CONSUMER; TO ALLOW A LICENSED RETAILER TO DELIVER ALCOHOLIC
5 BEVERAGES, BEER, LIGHT WINE OR LIGHT SPIRIT PRODUCT TO A CONSUMER
6 IF THE RETAILER ALSO HOLDS A DELIVERY SERVICE PERMIT; TO SPECIFY
7 CONDITIONS OF DELIVERY PURSUANT TO THE PERMIT; TO SET OUT
8 APPLICATION REQUIREMENTS FOR THE PERMIT; TO SPECIFY THE
9 ENFORCEMENT POWERS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF
10 THE DEPARTMENT OF REVENUE; TO AMEND SECTION 67-1-51, MISSISSIPPI
11 CODE OF 1972, TO INCLUDE THE DELIVERY SERVICE PERMIT AMONG THE
12 ALCOHOL PERMITS ISSUED BY THE DEPARTMENT OF REVENUE; TO PROVIDE
13 THAT THE HOLDER OF A PACKAGE RETAILER'S PERMIT OR AN ON-PREMISES
14 RETAILER'S PERMIT UNDER SECTION 67-1-51 OR OF A BEER, LIGHT WINE
15 AND LIGHT SPIRIT PRODUCT RETAILER'S PERMIT UNDER SECTION 67-3-19
16 IS AUTHORIZED TO APPLY FOR A DELIVERY SERVICE PERMIT AS A
17 PRIVILEGE SEPARATE FROM ITS EXISTING RETAIL PERMIT; TO AMEND
18 SECTIONS 67-1-37, 67-1-83, 67-3-5, 67-3-25 AND 27-71-5,
19 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; AND FOR
20 RELATED PURPOSES.

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

22 **SECTION 1.** (1) The holder of a delivery service permit
23 under Section 67-1-51:

24 (a) May contract with the holder of a package
25 retailer's permit or an on-premises retailer's permit under
26 Section 67-1-51 or the holder of a beer, light wine and light
27 spirit product retail permit under Section 67-3-19 for the purpose



28 of intrastate delivery of alcoholic beverages or beer, light wine
29 and light spirit product, as authorized to be sold under the
30 respective permits;

31 (b) May deliver alcoholic beverages or beer, light wine
32 and light spirit product without a delivery contract, if the
33 permittee holds a package retailer's permit or an on-premises
34 retailer's permit under Section 67-1-51 or a beer, light wine and
35 light spirit product retail permit under Section 67-3-19,
36 respectively;

37 (c) May use its own employees or independent
38 contractors who are at least twenty-one (21) years of age to
39 deliver such alcoholic beverages, beer, light wine or light spirit
40 product under this section, provided all delivery agents are
41 trained and certified consistent with the training program
42 submitted to the division as required by subsection (2)(d) of this
43 section. If independent contractors are used, the delivery
44 service permittee must enter into a contract with the retailer as
45 required by subsection (2)(c) of this section;

46 (d) May facilitate orders by telephone, Internet or
47 other electronic means for the sale and delivery of alcoholic
48 beverages, beer, light wine or light spirit product under this
49 section. The full amount of each order must be handled in a
50 manner that gives the retail permittee control over the ultimate
51 receipt of payment from the consumer. The retail permittee shall



52 remain responsible for the proper remittance of all applicable
53 taxes on the sale of the product;

54 (e) May deliver only sealed containers of alcoholic
55 beverages, beer, light wine or light spirit product to an
56 individual in Mississippi;

57 (f) Shall obtain from the customer a confirmation that
58 he or she is at least twenty-one (21) years of age at the time the
59 order is placed;

60 (g) Shall place a stamp, print or label on the outside
61 of the sealed package to indicate that the sealed package contains
62 alcoholic beverages, beer, light wine or light spirit product;

63 (h) Shall require the recipient, at the time of
64 delivery, to provide valid photo identification verifying he or
65 she is at least twenty-one (21) years of age and to sign for the
66 delivery;

67 (i) Shall possess identification scanning software
68 technology or a state-of-the-art alternative at the point of
69 delivery to verify the recipient is at least twenty-one (21) years
70 of age and to collect the recipient's name and date of birth.
71 Records relating to this verification shall be maintained for at
72 least ninety (90) days and shall be subject to review by the
73 division;

74 (j) Shall return all alcoholic beverages, beer, light
75 wine or light spirit product to the retailer if the recipient is
76 under the age of twenty-one (21) years, appears intoxicated, fails



77 to provide proof of identification, fails or refuses to sign for
78 delivery, fails to complete the identification verification
79 process or declines to accept delivery, or if any circumstances in
80 the delivery environment indicate illegal conduct, overconsumption
81 of alcohol, or an otherwise unsafe environment for the consumption
82 of alcohol;

83 (k) May not deliver any alcoholic beverage, beer, light
84 wine or light spirit product to any person located within a
85 jurisdiction that is dry for that product, as provided by the
86 division's wet-dry map;

87 (l) May not deliver any alcoholic beverage, beer, light
88 wine or light spirit product in a jurisdiction during times
89 prohibited for lawful sale in that jurisdiction;

90 (m) May not deliver any alcoholic beverage, beer, light
91 wine or light spirit product more than thirty (30) miles from the
92 retailer's licensed premises;

93 (n) Shall permit the division to perform an audit of
94 the licensee's records upon request and with sufficient
95 notification; and

96 (o) Shall be deemed to have consented to the
97 jurisdiction of the division or any law enforcement agency and the
98 Mississippi courts concerning enforcement of this section and any
99 related laws or rules.

100 (2) In order to receive a delivery service permit, an
101 applicant shall:



102 (a) File an application with the division;

103 (b) Pay the privilege license tax of Five Hundred
104 Dollars (\$500.00) as provided in Section 27-71-5;

105 (c) Provide to the division a sample contract that the
106 applicant intends to enter into with a retailer for the delivery
107 of alcoholic beverages, beer, light wine or light spirit product,
108 unless the applicant is the retailer;

109 (d) Submit to the division an outline of an internal or
110 external training and certification program for delivery service
111 personnel that addresses topics such as identifying underage
112 persons, intoxicated persons, and fake or altered identification;

113 (e) Provide an attestation that the applicant is at
114 least twenty-one (21) years of age and has not been convicted of a
115 felony in any state or federal courts;

116 (f) Shall provide proof of a general liability
117 insurance policy in an amount not less than One Million Dollars
118 (\$1,000,000.00) per occurrence; and

119 (g) Shall be properly registered to conduct business in
120 Mississippi.

121 (3) Nothing in this section shall be construed to require a
122 technology services company to obtain a delivery service permit if
123 the company does not employ or contract with delivery agents but
124 merely provides software or a digital network application that
125 connects consumers and licensed retailers for the delivery of
126 alcoholic beverages from the licensed retailer. However, the act



127 of connecting consumers to licensed retailers shall serve to grant
128 jurisdiction to the State of Mississippi.

129 (4) The division may enforce the requirements of this
130 section by the same administrative proceedings that apply to other
131 alcoholic beverage licenses or permits, including, without
132 limitation, any disciplinary action applicable to the package
133 retailer's permittee, on-premises retailer's permittee, retail
134 permittee for beer, light wine or light spirit product, or
135 delivery service permittee resulting from any unlawful sale to a
136 minor.

137 (5) The division may enforce the requirements of this
138 section against the package retailer's permittee, on-premises
139 retailer's permittee, retail permittee for beer, light wine or
140 light spirit product, or delivery service permittee, and any
141 employee or independent contractor of such permittee. If a
142 package retailer permittee, an on-premises retailer's permittee,
143 or a retail permittee for beer, light wine or light spirit product
144 is also a delivery permittee, a violation of alcohol law by its
145 employee or independent contractor during delivery will subject
146 both the retailer permit and the delivery service permit to
147 disciplinary action for the violation. Delivery to a minor shall
148 be treated as furnishing to a minor and shall result in any
149 applicable disciplinary action.

150 (6) Nothing in this section shall be construed to limit or
151 otherwise diminish the ability of the division to enforce the



152 provisions of Chapters 1 and 3, Title 67, Mississippi Code of
153 1972, with respect to the liability of any package retailer's
154 permittee, on-premises retailer's permittee, retail permittee for
155 beer, light wine or light spirit product, or delivery service
156 permittee engaging in delivery activity authorized by this
157 section.

158 (7) Nothing in this section shall be construed to authorize
159 the direct shipment of alcoholic beverages, light wine, beer or
160 light spirit product from any manufacturer or distributor holding
161 a permit under this chapter, or under Title 67, Chapter 3,
162 Mississippi Code of 1972, to consumers in this state.

163 **SECTION 2.** Section 67-1-51, Mississippi Code of 1972, as
164 amended by House Bill No. 1288, 2021 Regular Session, and Senate
165 Bill No. 2606, 2021 Regular Session, is amended as follows:

166 67-1-51. (1) Permits which may be issued by the department
167 shall be as follows:

168 (a) **Manufacturer's permit.** A manufacturer's permit
169 shall permit the manufacture, importation in bulk, bottling and
170 storage of alcoholic liquor and its distribution and sale to
171 manufacturers holding permits under this chapter in this state and
172 to persons outside the state who are authorized by law to purchase
173 the same, and to sell as provided by this chapter.

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

175 Class 1. Distiller's and/or rectifier's permit, which shall
176 authorize the holder thereof to operate a distillery for the



177 production of distilled spirits by distillation or redistillation
178 and/or to operate a rectifying plant for the purifying, refining,
179 mixing, blending, flavoring or reducing in proof of distilled
180 spirits and alcohol.

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

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

187 Class 4. Native spirit producer's permit, which shall
188 authorize the holder thereof to produce, bottle, store and sell
189 native spirits.

190 (b) **Package retailer's permit.** Except as otherwise
191 provided in this paragraph and Section 67-1-52, a package
192 retailer's permit shall authorize the holder thereof to operate a
193 store exclusively for the sale at retail in original sealed and
194 unopened packages of alcoholic beverages, including native wines
195 and native spirits, not to be consumed on the premises where sold.
196 Alcoholic beverages shall not be sold by any retailer in any
197 package or container containing less than fifty (50) milliliters
198 by liquid measure. A package retailer's permit, with prior
199 approval from the department, shall authorize the holder thereof
200 to sample new product furnished by a manufacturer's representative
201 or his employees at the permitted place of business so long as the



202 sampling otherwise complies with this chapter and applicable
203 department regulations. Such samples may not be provided to
204 customers at the permitted place of business. In addition to the
205 sale at retail of packages of alcoholic beverages, the holder of a
206 package retailer's permit is authorized to sell at retail
207 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
208 other beverages commonly used to mix with alcoholic beverages.
209 Nonalcoholic beverages sold by the holder of a package retailer's
210 permit shall not be consumed on the premises where sold.

211 (c) **On-premises retailer's permit.** Except as otherwise
212 provided in subsection (5) of this section, an on-premises
213 retailer's permit shall authorize the sale of alcoholic beverages,
214 including native wines and native spirits, for consumption on the
215 licensed premises only; however, a patron of the permit holder may
216 remove one (1) bottle of wine from the licensed premises if: (i)
217 the patron consumed a portion of the bottle of wine in the course
218 of consuming a meal purchased on the licensed premises; (ii) the
219 permit holder securely reseals the bottle; (iii) the bottle is
220 placed in a bag that is secured in a manner so that it will be
221 visibly apparent if the bag is opened; and (iv) a dated receipt
222 for the wine and the meal is available. Additionally, as part of
223 a carryout order, a permit holder may sell one (1) bottle of wine
224 to be removed from the licensed premises for every two (2) entrees
225 ordered. Such a permit shall be issued only to qualified hotels,
226 restaurants and clubs, and to common carriers with adequate



227 facilities for serving passengers. In resort areas, whether
228 inside or outside of a municipality, the department, in its
229 discretion, may issue on-premises retailer's permits to such
230 establishments as it deems proper. An on-premises retailer's
231 permit when issued to a common carrier shall authorize the sale
232 and serving of alcoholic beverages aboard any licensed vehicle
233 while moving through any county of the state; however, the sale of
234 such alcoholic beverages shall not be permitted while such vehicle
235 is stopped in a county that has not legalized such sales. If an
236 on-premises retailer's permit is applied for by a common carrier
237 operating solely in the water, such common carrier must, along
238 with all other qualifications for a permit, (i) be certified to
239 carry at least one hundred fifty (150) passengers and/or provide
240 overnight accommodations for at least fifty (50) passengers and
241 (ii) operate primarily in the waters within the State of
242 Mississippi which lie adjacent to the State of Mississippi south
243 of the three (3) most southern counties in the State of
244 Mississippi and/or on the Mississippi River or navigable waters
245 within any county bordering on the Mississippi River.

246 (d) **Solicitor's permit.** A solicitor's permit shall
247 authorize the holder thereof to act as salesman for a manufacturer
248 or wholesaler holding a proper permit, to solicit on behalf of his
249 employer orders for alcoholic beverages, and to otherwise promote
250 his employer's products in a legitimate manner. Such a permit
251 shall authorize the representation of and employment by one (1)



252 principal only. However, the permittee may also, in the
253 discretion of the department, be issued additional permits to
254 represent other principals. No such permittee shall buy or sell
255 alcoholic beverages for his own account, and no such beverage
256 shall be brought into this state in pursuance of the exercise of
257 such permit otherwise than through a permit issued to a wholesaler
258 or manufacturer in the state.

259 (e) **Native wine retailer's permit.** Except as otherwise
260 provided in subsection (5) of this section, a native wine
261 retailer's permit shall be issued only to a holder of a Class 3
262 manufacturer's permit, and shall authorize the holder thereof to
263 make retail sales of native wines to consumers for on-premises
264 consumption or to consumers in originally sealed and unopened
265 containers at an establishment located on the premises of or in
266 the immediate vicinity of a native winery. When selling to
267 consumers for on-premises consumption, a holder of a native wine
268 retailer's permit may add to the native wine alcoholic beverages
269 not produced on the premises, so long as the total volume of
270 foreign beverage components does not exceed twenty percent (20%)
271 of the mixed beverage. Hours of sale shall be the same as those
272 authorized for on-premises permittees in the city or county in
273 which the native wine retailer is located.

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



277 beverages, including native wines and native spirits, during legal
278 hours on the premises described in the temporary permit only.

279 Temporary retailer's permits shall be of the following
280 classes:

281 Class 1. A temporary one-day permit may be issued to bona
282 fide nonprofit civic or charitable organizations authorizing the
283 sale of alcoholic beverages, including native wine and native
284 spirit, for consumption on the premises described in the temporary
285 permit only. Class 1 permits may be issued only to applicants
286 demonstrating to the department, by a statement signed under
287 penalty of perjury submitted ten (10) days prior to the proposed
288 date or such other time as the department may determine, that they
289 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
290 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
291 Class 1 permittees shall obtain all alcoholic beverages from
292 package retailers located in the county in which the temporary
293 permit is issued. Alcoholic beverages remaining in stock upon
294 expiration of the temporary permit may be returned by the
295 permittee to the package retailer for a refund of the purchase
296 price upon consent of the package retailer or may be kept by the
297 permittee exclusively for personal use and consumption, subject to
298 all laws pertaining to the illegal sale and possession of
299 alcoholic beverages. The department, following review of the
300 statement provided by the applicant and the requirements of the
301 applicable statutes and regulations, may issue the permit.



302 Class 2. A temporary permit, not to exceed seventy (70)
303 days, may be issued to prospective permittees seeking to transfer
304 a permit authorized in paragraph (c) of this subsection. A Class
305 2 permit may be issued only to applicants demonstrating to the
306 department, by a statement signed under the penalty of perjury,
307 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
308 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
309 67-1-59. The department, following a preliminary review of the
310 statement provided by the applicant and the requirements of the
311 applicable statutes and regulations, may issue the permit.

312 Class 2 temporary permittees must purchase their alcoholic
313 beverages directly from the department or, with approval of the
314 department, purchase the remaining stock of the previous
315 permittee. If the proposed applicant of a Class 1 or Class 2
316 temporary permit falsifies information contained in the
317 application or statement, the applicant shall never again be
318 eligible for a retail alcohol beverage permit and shall be subject
319 to prosecution for perjury.

320 Class 3. A temporary one-day permit may be issued to a
321 retail establishment authorizing the complimentary distribution of
322 wine, including native wine, to patrons of the retail
323 establishment at an open house or promotional event, for
324 consumption only on the premises described in the temporary
325 permit. A Class 3 permit may be issued only to an applicant
326 demonstrating to the department, by a statement signed under



327 penalty of perjury submitted ten (10) days before the proposed
328 date or such other time as the department may determine, that it
329 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
330 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
331 A Class 3 permit holder shall obtain all alcoholic beverages from
332 the holder(s) of a package retailer's permit located in the county
333 in which the temporary permit is issued. Wine remaining in stock
334 upon expiration of the temporary permit may be returned by the
335 Class 3 temporary permit holder to the package retailer for a
336 refund of the purchase price, with consent of the package
337 retailer, or may be kept by the Class 3 temporary permit holder
338 exclusively for personal use and consumption, subject to all laws
339 pertaining to the illegal sale and possession of alcoholic
340 beverages. The department, following review of the statement
341 provided by the applicant and the requirements of the applicable
342 statutes and regulations, may issue the permit. No retailer may
343 receive more than twelve (12) Class 3 temporary permits in a
344 calendar year. A Class 3 temporary permit shall not be issued to
345 a retail establishment that either holds a merchant permit issued
346 under paragraph (1) of this subsection, or holds a permit issued
347 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
348 the holder to engage in the business of a retailer of light wine
349 or beer.

350 (g) **Caterer's permit.** A caterer's permit shall permit
351 the purchase of alcoholic beverages by a person engaging in



352 business as a caterer and the resale of alcoholic beverages by
353 such person in conjunction with such catering business. No person
354 shall qualify as a caterer unless forty percent (40%) or more of
355 the revenue derived from such catering business shall be from the
356 serving of prepared food and not from the sale of alcoholic
357 beverages and unless such person has obtained a permit for such
358 business from the Department of Health. A caterer's permit shall
359 not authorize the sale of alcoholic beverages on the premises of
360 the person engaging in business as a caterer; however, the holder
361 of an on-premises retailer's permit may hold a caterer's permit.
362 When the holder of an on-premises retailer's permit or an
363 affiliated entity of the holder also holds a caterer's permit, the
364 caterer's permit shall not authorize the service of alcoholic
365 beverages on a consistent, recurring basis at a separate, fixed
366 location owned or operated by the caterer, on-premises retailer or
367 affiliated entity and an on-premises retailer's permit shall be
368 required for the separate location. All sales of alcoholic
369 beverages by holders of a caterer's permit shall be made at the
370 location being catered by the caterer, and, except as otherwise
371 provided in subsection (5) of this section, such sales may be made
372 only for consumption at the catered location. The location being
373 catered may be anywhere within a county or judicial district that
374 has voted to come out from under the dry laws or in which the sale
375 and distribution of alcoholic beverages is otherwise authorized by
376 law. Such sales shall be made pursuant to any other conditions



377 and restrictions which apply to sales made by on-premises retail
378 permittees. The holder of a caterer's permit or his employees
379 shall remain at the catered location as long as alcoholic
380 beverages are being sold pursuant to the permit issued under this
381 paragraph (g), and the permittee shall have at the location the
382 identification card issued by the Alcoholic Beverage Control
383 Division of the department. No unsold alcoholic beverages may be
384 left at the catered location by the permittee upon the conclusion
385 of his business at that location. Appropriate law enforcement
386 officers and Alcoholic Beverage Control Division personnel may
387 enter a catered location on private property in order to enforce
388 laws governing the sale or serving of alcoholic beverages.

389 (h) **Research permit.** A research permit shall authorize
390 the holder thereof to operate a research facility for the
391 professional research of alcoholic beverages. Such permit shall
392 authorize the holder of the permit to import and purchase limited
393 amounts of alcoholic beverages from the department or from
394 importers, wineries and distillers of alcoholic beverages for
395 professional research.

396 (i) **Alcohol processing permit.** An alcohol processing
397 permit shall authorize the holder thereof to purchase, transport
398 and possess alcoholic beverages for the exclusive use in cooking,
399 processing or manufacturing products which contain alcoholic
400 beverages as an integral ingredient. An alcohol processing permit
401 shall not authorize the sale of alcoholic beverages on the



402 premises of the person engaging in the business of cooking,
403 processing or manufacturing products which contain alcoholic
404 beverages. The amounts of alcoholic beverages allowed under an
405 alcohol processing permit shall be set by the department.

406 (j) **Hospitality cart permit.** A hospitality cart permit
407 shall authorize the sale of alcoholic beverages from a mobile cart
408 on a golf course that is the holder of an on-premises retailer's
409 permit. The alcoholic beverages sold from the cart must be
410 consumed within the boundaries of the golf course.

411 (k) **Special service permit.** A special service permit
412 shall authorize the holder to sell commercially sealed alcoholic
413 beverages to the operator of a commercial or private aircraft for
414 en route consumption only by passengers. A special service permit
415 shall be issued only to a fixed-base operator who contracts with
416 an airport facility to provide fueling and other associated
417 services to commercial and private aircraft.

418 (l) **Merchant permit.** Except as otherwise provided in
419 subsection (5) of this section, a merchant permit shall be issued
420 only to the owner of a spa facility, an art studio or gallery, or
421 a cooking school, and shall authorize the holder to serve
422 complimentary by the glass wine only, including native wine, at
423 the holder's spa facility, art studio or gallery, or cooking
424 school. A merchant permit holder shall obtain all wine from the
425 holder of a package retailer's permit.



426 (m) **Temporary alcoholic beverages charitable auction**
427 **permit.** A temporary permit, not to exceed five (5) days, may be
428 issued to a qualifying charitable nonprofit organization that is
429 exempt from taxation under Section 501(c)(3) or (4) of the
430 Internal Revenue Code of 1986. The permit shall authorize the
431 holder to sell alcoholic beverages for the limited purpose of
432 raising funds for the organization during a live or silent auction
433 that is conducted by the organization and that meets the following
434 requirements: (i) the auction is conducted in an area of the
435 state where the sale of alcoholic beverages is authorized; (ii) if
436 the auction is conducted on the premises of an on-premises
437 retailer's permit holder, then the alcoholic beverages to be
438 auctioned must be stored separately from the alcoholic beverages
439 sold, stored or served on the premises, must be removed from the
440 premises immediately following the auction, and may not be
441 consumed on the premises; (iii) the permit holder may not conduct
442 more than two (2) auctions during a calendar year; (iv) the permit
443 holder may not pay a commission or promotional fee to any person
444 to arrange or conduct the auction.

445 (n) **Event venue retailer's permit.** An event venue
446 retailer's permit shall authorize the holder thereof to purchase
447 and resell alcoholic beverages, including native wines and native
448 spirits, for consumption on the premises during legal hours during
449 events held on the licensed premises if food is being served at
450 the event by a caterer who is not affiliated with or related to



451 the permittee. The caterer must serve at least three (3) entrees.
452 The permit may only be issued for venues that can accommodate two
453 hundred (200) persons or more. The number of persons a venue may
454 accommodate shall be determined by the local fire department and
455 such determination shall be provided in writing and submitted
456 along with all other documents required to be provided for an
457 on-premises retailer's permit. The permittee must derive the
458 majority of its revenue from event-related fees, including, but
459 not limited to, admission fees or ticket sales for live
460 entertainment in the building. "Event-related fees" do not
461 include alcohol, beer or light wine sales or any fee which may be
462 construed to cover the cost of alcohol, beer or light wine. This
463 determination shall be made on a per event basis. An event may
464 not last longer than two (2) consecutive days per week.

465 (o) **Temporary theatre permit.** A temporary theatre
466 permit, not to exceed five (5) days, may be issued to a charitable
467 nonprofit organization that is exempt from taxation under Section
468 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
469 a theatre facility that features plays and other theatrical
470 performances and productions. Except as otherwise provided in
471 subsection (5) of this section, the permit shall authorize the
472 holder to sell alcoholic beverages, including native wines and
473 native spirits, to patrons of the theatre during performances and
474 productions at the theatre facility for consumption during such
475 performances and productions on the premises of the facility



476 described in the permit. A temporary theatre permit holder shall
477 obtain all alcoholic beverages from package retailers located in
478 the county in which the permit is issued. Alcoholic beverages
479 remaining in stock upon expiration of the temporary theatre permit
480 may be returned by the permittee to the package retailer for a
481 refund of the purchase price upon consent of the package retailer
482 or may be kept by the permittee exclusively for personal use and
483 consumption, subject to all laws pertaining to the illegal sale
484 and possession of alcoholic beverages.

485 (p) **Charter ship operator's permit.** Subject to the
486 provisions of this paragraph (p), a charter ship operator's permit
487 shall authorize the holder thereof and its employees to serve,
488 monitor, store and otherwise control the serving and availability
489 of alcoholic beverages to customers of the permit holder during
490 private charters under contract provided by the permit holder. A
491 charter ship operator's permit shall authorize such action by the
492 permit holder and its employees only as to alcoholic beverages
493 brought onto the permit holder's ship by customers of the permit
494 holder as part of such a private charter. All such alcoholic
495 beverages must be removed from the charter ship at the conclusion
496 of each private charter. A charter ship operator's permit shall
497 not authorize the permit holder to sell, charge for or otherwise
498 supply alcoholic beverages to customers, except as authorized in
499 this paragraph (p). For the purposes of this paragraph (p),
500 "charter ship operator" means a common carrier that (i) is



501 certified to carry at least one hundred fifty (150) passengers
502 and/or provide overnight accommodations for at least fifty (50)
503 passengers, (ii) operates only in the waters within the State of
504 Mississippi, which lie adjacent to the State of Mississippi south
505 of the three (3) most southern counties in the State of
506 Mississippi, and (iii) provides charters under contract for tours
507 and trips in such waters.

508 (q) **Distillery retailer's permit.** The holder of a
509 Class 1 manufacturer's permit may obtain a distillery retailer's
510 permit. A distillery retailer's permit shall authorize the holder
511 thereof to sell at retail alcoholic beverages by the sealed and
512 unopened bottle from a retail location at the distillery for
513 off-premises consumption. The holder may only sell product
514 manufactured by the manufacturer at the distillery described in
515 the permit. The holder shall not sell at retail more than ten
516 percent (10%) of the alcoholic beverages produced annually at its
517 distillery. The holder shall not make retail sales of more than
518 two and twenty-five one-hundredths (2.25) liters, in the
519 aggregate, of the alcoholic beverages produced at its distillery
520 to any one (1) individual for consumption off the premises of the
521 distillery within a twenty-four-hour period. The hours of sale
522 shall be the same as those hours for package retailers under this
523 chapter. The holder of a distillery retailer's permit is not
524 required to purchase the alcoholic beverages authorized to be sold
525 by this paragraph from the department's liquor distribution



526 warehouse; however, if the holder does not purchase the alcoholic
527 beverages from the department's liquor distribution warehouse, the
528 holder shall pay to the department all taxes, fees and surcharges
529 on the alcoholic beverages that are imposed upon the sale of
530 alcoholic beverages shipped by the Alcoholic Beverage Control
531 Division of the Department of Revenue. In addition to alcoholic
532 beverages, the holder of a distillery retailer's permit may sell
533 at retail promotional products from the same retail location,
534 including shirts, hats, glasses, and other promotional products
535 customarily sold by alcoholic beverage manufacturers.

536 (r) **Festival wine permit.** Any wine manufacturer or
537 native wine producer permitted by Mississippi or any other state
538 is eligible to obtain a Festival Wine Permit. This permit
539 authorizes the entity to transport product manufactured by it to
540 festivals held within the State of Mississippi and sell sealed,
541 unopened bottles to festival participants. The holder of this
542 permit may provide samples at no charge to participants.

543 "Festival" means any event at which three (3) or more vendors are
544 present at a location for the sale or distribution of goods. The
545 holder of a Festival Wine Permit is not required to purchase the
546 alcoholic beverages authorized to be sold by this paragraph from
547 the department's liquor distribution warehouse. However, if the
548 holder does not purchase the alcoholic beverages from the
549 department's liquor distribution warehouse, the holder of this
550 permit shall pay to the department all taxes, fees and surcharges



551 on the alcoholic beverages sold at such festivals that are imposed
552 upon the sale of alcoholic beverages shipped by the Alcoholic
553 Beverage Control Division of the Department of Revenue.
554 Additionally, the entity shall file all applicable reports and
555 returns as prescribed by the department. This permit is issued
556 per festival and provides authority to sell for two (2)
557 consecutive days during the hours authorized for on-premises
558 permittees' sales in that county or city. The holder of the
559 permit shall be required to maintain all requirements set by Local
560 Option Law for the service and sale of alcoholic beverages. This
561 permit may be issued to entities participating in festivals at
562 which a Class 1 temporary permit is in effect.

563 This paragraph (r) shall stand repealed from and after July
564 1, 2023.

565 (s) Charter vessel operator's permit. Subject to the
566 provisions of this paragraph (s), a charter vessel operator's
567 permit shall authorize the holder thereof and its employees to
568 sell and serve alcoholic beverages to passengers of the permit
569 holder during public tours, historical tours, ecological tours and
570 sunset cruises provided by the permit holder. The permit shall
571 authorize the holder to only sell alcoholic beverages, including
572 native wines, to passengers of the charter vessel operator during
573 public tours, historical tours, ecological tours and sunset
574 cruises provided by the permit holder aboard the charter vessel
575 operator for consumption during such tours and cruises on the



576 premises of the charter vessel operator described in the permit.
577 For the purposes of this paragraph (s), "charter vessel operator"
578 means a common carrier that (i) is certified to carry at least
579 forty-nine (49) passengers, (ii) operates only in the waters
580 within the State of Mississippi, which lie south of Interstate-10
581 in the three (3) most southern counties in the State of
582 Mississippi, and lie adjacent to the State of Mississippi south of
583 the three (3) most southern counties in the State of Mississippi,
584 extending not further than one (1) mile south of such counties,
585 and (iii) provides vessel services for tours and cruises in such
586 waters as provided in this paragraph (s).

587 (t) **Native spirit retailer's permit.** Except as
588 otherwise provided in subsection (5) of this section, a native
589 spirit retailer's permit shall be issued only to a holder of a
590 Class 4 manufacturer's permit, and shall authorize the holder
591 thereof to make retail sales of native spirits to consumers for
592 on-premises consumption or to consumers in originally sealed and
593 unopened containers at an establishment located on the premises of
594 or in the immediate vicinity of a native distillery. When selling
595 to consumers for on-premises consumption, a holder of a native
596 spirit retailer's permit may add to the native spirit alcoholic
597 beverages not produced on the premises, so long as the total
598 volume of foreign beverage components does not exceed twenty
599 percent (20%) of the mixed beverage. Hours of sale shall be the



600 same as those authorized for on-premises permittees in the city or
601 county in which the native spirit retailer is located.

602 (u) **Delivery service permit.** Any individual, limited
603 liability company, corporation or partnership registered to do
604 business in this state is eligible to obtain a delivery service
605 permit. Subject to the provisions of Section 1 of this act, this
606 permit authorizes the permittee, or its employee or an independent
607 contractor acting on its behalf, to deliver alcoholic beverages,
608 beer, light wine and light spirit product from a licensed retailer
609 to a person in this state who is at least twenty-one (21) years of
610 age for the individual's use and not for resale. This permit does
611 not authorize the delivery of alcoholic beverages, beer, light
612 wine or light spirit product to the premises of a location with a
613 permit for the manufacture, distribution or retail sale of
614 alcoholic beverages, beer, light wine or light spirit product.
615 The holder of a package retailer's permit or an on-premises
616 retailer's permit under Section 67-1-51 or of a beer, light wine
617 and light spirit product permit under Section 67-3-19 is
618 authorized to apply for a delivery service permit as a privilege
619 separate from its existing retail permit.

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

623 (3) Except as otherwise provided in this subsection, no
624 authority shall be granted to any person to manufacture, sell or



625 store for sale any intoxicating liquor as specified in this
626 chapter within four hundred (400) feet of any church, school,
627 kindergarten or funeral home. However, within an area zoned
628 commercial or business, such minimum distance shall be not less
629 than one hundred (100) feet.

630 A church or funeral home may waive the distance restrictions
631 imposed in this subsection in favor of allowing issuance by the
632 department of a permit, pursuant to subsection (1) of this
633 section, to authorize activity relating to the manufacturing, sale
634 or storage of alcoholic beverages which would otherwise be
635 prohibited under the minimum distance criterion. Such waiver
636 shall be in written form from the owner, the governing body, or
637 the appropriate officer of the church or funeral home having the
638 authority to execute such a waiver, and the waiver shall be filed
639 with and verified by the department before becoming effective.

640 The distance restrictions imposed in this subsection shall
641 not apply to the sale or storage of alcoholic beverages at a bed
642 and breakfast inn listed in the National Register of Historic
643 Places or to the sale or storage of alcoholic beverages in a
644 historic district that is listed in the National Register of
645 Historic Places, is a qualified resort area and is located in a
646 municipality having a population greater than one hundred thousand
647 (100,000) according to the latest federal decennial census.

648 (4) No person, either individually or as a member of a firm,
649 partnership, limited liability company or association, or as a



650 stockholder, officer or director in a corporation, shall own or
651 control any interest in more than one (1) package retailer's
652 permit, nor shall such person's spouse, if living in the same
653 household of such person, any relative of such person, if living
654 in the same household of such person, or any other person living
655 in the same household with such person own any interest in any
656 other package retailer's permit.

657 (5) (a) In addition to any other authority granted under
658 this section, the holder of a permit issued under subsection
659 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
660 sell or otherwise provide alcoholic beverages and/or wine to a
661 patron of the permit holder in the manner authorized in the permit
662 and the patron may remove an open glass, cup or other container of
663 the alcoholic beverage and/or wine from the licensed premises and
664 may possess and consume the alcoholic beverage or wine outside of
665 the licensed premises if: (i) the licensed premises is located
666 within a leisure and recreation district created under Section
667 67-1-101 and (ii) the patron remains within the boundaries of the
668 leisure and recreation district while in possession of the
669 alcoholic beverage or wine.

670 (b) Nothing in this subsection shall be construed to
671 allow a person to bring any alcoholic beverages into a permitted
672 premises except to the extent otherwise authorized by this
673 chapter.



674 **SECTION 3.** Section 67-1-37, Mississippi Code of 1972, as
675 amended by Senate Bill No. 2606, 2021 Regular Session, is amended
676 as follows:

677 67-1-37. The Department of Revenue, under its duties and
678 powers with respect to the Alcoholic Beverage Control Division
679 therein, shall have the following powers, functions and duties:

680 (a) To issue or refuse to issue any permit provided for
681 by this chapter, or to extend the permit or remit in whole or any
682 part of the permit monies when the permit cannot be used due to a
683 natural disaster or act of God.

684 (b) To revoke, suspend or cancel, for violation of or
685 noncompliance with the provisions of this chapter, or the law
686 governing the production and sale of native wines or native
687 spirits, or any lawful rules and regulations of the department
688 issued hereunder, or for other sufficient cause, any permit issued
689 by it under the provisions of this chapter. The department shall
690 also be authorized to suspend the permit of any permit holder for
691 being out of compliance with an order for support, as defined in
692 Section 93-11-153. The procedure for suspension of a permit for
693 being out of compliance with an order for support, and the
694 procedure for the reissuance or reinstatement of a permit
695 suspended for that purpose, and the payment of any fees for the
696 reissuance or reinstatement of a permit suspended for that
697 purpose, shall be governed by Section 93-11-157 or Section
698 93-11-163, as the case may be. If there is any conflict between



699 any provision of Section 93-11-157 or Section 93-11-163 and any
700 provision of this chapter, the provisions of Section 93-11-157 or
701 Section 93-11-163, as the case may be, shall control.

702 (c) To prescribe forms of permits and applications for
703 permits and of all reports which it deems necessary in
704 administering this chapter.

705 (d) To fix standards, not in conflict with those
706 prescribed by any law of this state or of the United States, to
707 secure the use of proper ingredients and methods of manufacture of
708 alcoholic beverages.

709 (e) To issue rules regulating the advertising of
710 alcoholic beverages in the state in any class of media and
711 permitting advertising of the retail price of alcoholic beverages.

712 (f) To issue reasonable rules and regulations, not
713 inconsistent with the federal laws or regulations, requiring
714 informative labeling of all alcoholic beverages offered for sale
715 within this state and providing for the standards of fill and
716 shapes of retail containers of alcoholic beverages; however, such
717 containers shall not contain less than fifty (50) milliliters by
718 liquid measure.

719 (g) Subject to the provisions of subsection (3) of
720 Section 67-1-51, to issue rules and regulations governing the
721 issuance of retail permits for premises located near or around
722 schools, colleges, universities, churches and other public
723 institutions, and specifying the distances therefrom within which



724 no such permit shall be issued. The Alcoholic Beverage Control
725 Division shall not issue a package retailer's or on-premises
726 retailer's permit for the sale or consumption of alcoholic
727 beverages in or on the campus of any public school, community or
728 junior college, college or university.

729 (h) To adopt and promulgate, repeal and amend, such
730 rules, regulations, standards, requirements and orders, not
731 inconsistent with this chapter or any law of this state or of the
732 United States, as it deems necessary to control the manufacture,
733 importation, transportation, distribution, delivery and sale of
734 alcoholic liquor, whether intended for beverage or nonbeverage use
735 in a manner not inconsistent with the provisions of this chapter
736 or any other statute, including the native wine and native spirit
737 laws.

738 (i) To call upon other administrative departments of
739 the state, county and municipal governments, county and city
740 police departments and upon prosecuting officers for such
741 information and assistance as it may deem necessary in the
742 performance of its duties.

743 (j) To prepare and submit to the Governor during the
744 month of January of each year a detailed report of its official
745 acts during the preceding fiscal year ending June 30, including
746 such recommendations as it may see fit to make, and to transmit a
747 like report to each member of the Legislature of this state upon
748 the convening thereof at its next regular session.



749 (k) To inspect, or cause to be inspected, any premises
750 where alcoholic liquors intended for sale are manufactured,
751 stored, distributed or sold, and to examine or cause to be
752 examined all books and records pertaining to the business
753 conducted therein.

754 (l) To investigate the administration of laws in
755 relation to alcoholic liquors in this and other states and any
756 foreign countries, and to recommend from time to time to the
757 Governor and through him to the Legislature of this state such
758 amendments to this chapter, if any, as it may think desirable.

759 (m) To designate hours and days when alcoholic
760 beverages may be sold in different localities in the state which
761 permit such sale.

762 (n) To assign employees to posts of duty at locations
763 where they will be most beneficial for the control of alcoholic
764 beverages and to take any other action concerning persons employed
765 under this chapter as authorized by law and taken in accordance
766 with the rules, regulations and procedures of the State Personnel
767 Board.

768 (o) To enforce the provisions made unlawful by Chapter
769 3, Title 67 and Section 97-5-49.

770 (p) To delegate its authority under this chapter to the
771 Alcoholic Beverage Control Division, its director or any other
772 officer or employee of the department that it deems appropriate.



773 (q) To prescribe and charge a fee to defray the costs
774 of shipping alcoholic beverages, provided that such fee is
775 determined in a manner provided by the department by rules and/or
776 regulations adopted in accordance with the Mississippi
777 Administrative Procedures Law.

778 **SECTION 4.** Section 67-1-83, Mississippi Code of 1972, as
779 amended by House Bill No. 667, 2021 Regular Session, is amended as
780 follows:

781 67-1-83. (1) It shall be unlawful for any permittee
782 or * * *~~other person~~ any employee or agent thereof to sell or
783 furnish any alcoholic beverage to any person who is visibly
784 intoxicated, or to any person who is known to habitually drink
785 alcoholic beverages to excess, or to any person who is known to be
786 an habitual user of narcotics or other habit-forming drugs. It
787 shall also be unlawful for the holder of any package retailer's
788 permit to sell any alcoholic beverages except by delivery in
789 person to the purchaser at the place of business of the permittee,
790 unless the holder of a package retailer's permit also holds a
791 delivery service permit or uses a delivery service permittee to
792 effect delivery.

793 (2) It shall be unlawful for any permittee or * * *~~other~~
794 ~~person~~ any employee or agent thereof to sell or furnish any
795 alcoholic beverage to any person to whom the * * *~~commission~~
796 department has, after investigation, decided to prohibit the sale
797 of those beverages because of an appeal to the * * *~~commission~~



798 department so to do by the husband, wife, father, mother, brother,
799 sister, child, or employer of the person. The interdiction in
800 those cases shall last until removed by the * * *~~commission~~
801 department, but no person shall be held to have violated this
802 subsection unless he has been informed by the * * *~~commission~~
803 department, by registered letter, that it is forbidden to sell to
804 that individual or unless that fact is otherwise known to the
805 permittee or * * *~~other person~~ its employee or agent.

806 (3) It shall be unlawful for any holder of a package
807 retailer's permit, or any employee or agent thereof, engaged
808 solely in the business of package retail sales under this chapter
809 to sell or furnish any alcoholic beverage before 10:00 a.m. and
810 after 10:00 p.m. or to sell alcoholic beverages on Sunday and
811 Christmas Day.

812 (4) Any person who violates any of the provisions of this
813 section shall be guilty of a misdemeanor and, upon conviction,
814 shall be punished by a fine of not more than Five Hundred Dollars
815 (\$500.00) or by imprisonment in the county jail for a term of not
816 more than six (6) months, or by both that fine and imprisonment,
817 in the discretion of the court. In addition to any other
818 penalties prescribed by law, the commission * * *~~shall~~ may
819 immediately revoke the permit of any permittee who violates the
820 provisions of this section.

821 **SECTION 5.** Section 67-3-5, Mississippi Code of 1972, is
822 amended as follows:



823 67-3-5. (1) It shall be lawful, subject to the provisions
824 set forth in this chapter and in Section 67-1-51, in this state to
825 transport, store, sell, distribute, possess, receive, deliver
826 and/or manufacture light wine, light spirit product and beer, and
827 it is hereby declared that it is the legislative intent that this
828 chapter privileges the lawful sale and manufacture, within this
829 state, of such light wines, light spirit products and beer. In
830 determining if a wine product is "light wine," or contains an
831 alcoholic content of more than five percent (5%) by weight, or is
832 not an "alcoholic beverage" as defined in the Local Option
833 Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi
834 Code of 1972, the alcoholic content of such wine product shall be
835 subject to the same permitted tolerance as is allowed by the
836 labeling requirements for light wine provided for in Section
837 27-71-509.

838 (2) Subject to the provisions set forth in this chapter and
839 in Section 67-1-51, it shall be lawful in this state to transport,
840 store, sell, distribute, possess, receive, deliver and/or
841 manufacture beer of an alcoholic content of more than eight
842 percent (8%) by weight, if the beer is manufactured to be sold
843 legally in another state and is transported outside of this state
844 for retail sale.

845 **SECTION 6.** Section 67-3-25, Mississippi Code of 1972, is
846 amended as follows:



847 67-3-25. (1) Any permit issued authorizing the sale or
848 delivery of light wines, light spirit products and/or beer for
849 consumption shall be construed to authorize the sale or delivery
850 of light wines, light spirit products and/or beer by the bottle,
851 by the glass or by draught, and in or from the original package.

852 (2) The commissioner is authorized to establish, in his
853 discretion, dates for the expiration of permits issued under this
854 chapter.

855 (3) Except as otherwise provided in this section, permits
856 shall be issued for twelve (12) months and shall be renewed
857 annually on the first day of the month in which the permit
858 expires. The commissioner may issue temporary permits for less
859 than a full year. All permits shall show the effective date and
860 expiration date of the permit, the business location, individual
861 or business name and mailing address of the permittee.

862 **SECTION 7.** Section 27-71-5, Mississippi Code of 1972, as
863 amended by House Bill No. 1288, 2021 Regular Session, and Senate
864 Bill No. 2606, 2021 Regular Session, is amended as follows:

865 27-71-5. (1) Upon each person approved for a permit under
866 the provisions of the Alcoholic Beverage Control Law and
867 amendments thereto, there is levied and imposed for each location
868 for the privilege of engaging and continuing in this state in the
869 business authorized by such permit, an annual privilege license
870 tax in the amount provided in the following schedule:



871 (a) Except as otherwise provided in this subsection
872 (1), manufacturer's permit, Class 1, distiller's and/or
873 rectifier's\$4,500.00

874 (b) Manufacturer's permit, Class 2, wine
875 manufacturer\$1,800.00

876 (c) Manufacturer's permit, Class 3, native wine
877 manufacturer per ten thousand (10,000) gallons or part thereof
878 produced\$ 10.00

879 (d) Manufacturer's permit, Class 4, native spirit
880 manufacturer per one thousand (1,000) gallons or part thereof
881 produced\$ 300.00

882 (* * *de) Native wine retailer's permit.....\$ 50.00

883 (* * *ef) Package retailer's permit, each....\$ 900.00

884 (* * *fg) On-premises retailer's permit, except for
885 clubs and common carriers, each\$ 450.00

886 (* * *gh) On-premises retailer's permit for wine of
887 more than five percent (5%) alcohol by weight, but not more than
888 twenty-one percent (21%) alcohol by weight, each.....\$ 225.00

889 (* * *hi) On-premises retailer's permit for
890 clubs.....\$ 225.00

891 (* * *ij) On-premises retailer's permit for common
892 carriers, per car, plane, or other vehicle.....\$ 120.00

893 (* * *jk) Solicitor's permit, regardless of any other
894 provision of law, solicitor's permits shall be issued only in the
895 discretion of the department\$ 100.00



896	(* * * <u>k</u> <u>l</u>)	Filing fee for each application except for	
897		an employee identification card.....	\$ 25.00
898	(* * * <u>l</u> <u>m</u>)	Temporary permit, Class 1, each....	\$ 10.00
899	(* * * <u>m</u> <u>n</u>)	Temporary permit, Class 2, each....	\$ 50.00
900	(* * * <u>n</u> <u>o</u>)	(i) Caterer's permit.....	\$ 600.00
901		(ii) Caterer's permit for holders of on-premises	
902		retailer's permit	\$ 150.00
903	(* * * <u>o</u> <u>p</u>)	Research permit	\$ 100.00
904	(* * * <u>p</u> <u>q</u>)	Temporary permit, Class 3	
905		(wine only)	\$ 10.00
906	(* * * <u>q</u> <u>r</u>)	Special service permit.....	\$ 225.00
907	(* * * <u>r</u> <u>s</u>)	Merchant permit	\$ 225.00
908	(* * * <u>s</u> <u>t</u>)	Temporary alcoholic beverages charitable	
909		auction permit	\$ 10.00
910	(* * * <u>t</u> <u>u</u>)	Event venue retailer's permit.....	\$ 225.00
911	(* * * <u>u</u> <u>v</u>)	Temporary theatre permit, each....	\$ 10.00
912	(* * * <u>v</u> <u>w</u>)	Charter ship operator's permit.....	\$ 100.00
913	(* * * <u>w</u> <u>x</u>)	Distillery retailer's permit.....	\$ 450.00
914	(* * * <u>x</u> <u>y</u>)	Festival wine permit	\$ 10.00
915		<u>(z) Charter vessel operator's permit</u>	<u>\$ 100.00</u>
916		<u>(aa) Native spirit retailer's permit</u>	<u>\$ 50.00</u>
917		<u>(bb) Delivery service permit.....</u>	<u>\$ 500.00</u>

918 If a person approved for a manufacturer's permit, Class 1,
919 distiller's permit produces a product with at least fifty-one
920 percent (51%) of the finished product by volume being obtained



921 from alcoholic fermentation of grapes, fruits, berries, honey
922 and/or vegetables grown and produced in Mississippi, and produces
923 all of the product by using not more than one (1) still having a
924 maximum capacity of one hundred fifty (150) liters, the annual
925 privilege license tax for such a permit shall be Ten Dollars
926 (\$10.00) per ten thousand (10,000) gallons or part thereof
927 produced. Bulk, concentrated or fortified ingredients used for
928 blending may be produced outside this state and used in producing
929 such a product.

930 In addition to the filing fee imposed by paragraph (* * *kl)
931 of this subsection, a fee to be determined by the Department of
932 Revenue may be charged to defray costs incurred to process
933 applications. The additional fees shall be paid into the State
934 Treasury to the credit of a special fund account, which is hereby
935 created, and expenditures therefrom shall be made only to defray
936 the costs incurred by the Department of Revenue in processing
937 alcoholic beverage applications. Any unencumbered balance
938 remaining in the special fund account on June 30 of any fiscal
939 year shall lapse into the State General Fund.

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

944 Paragraph (* * *y) of this subsection shall stand repealed
945 from and after July 1, 2023.



946 (2) (a) There is imposed and shall be collected from each
947 permittee, except a common carrier, solicitor * * *~~or~~, a
948 temporary permittee or a delivery service permittee, by the
949 department, an additional license tax equal to the amounts imposed
950 under subsection (1) of this section for the privilege of doing
951 business within any municipality or county in which the licensee
952 is located.

953 (b) (i) In addition to the tax imposed in paragraph
954 (a) of this subsection, there is imposed and shall be collected by
955 the department from each permittee described in subsection (1)(f),
956 (g), (h), (m) and (t) of this section, an additional license tax
957 for the privilege of doing business within any municipality or
958 county in which the licensee is located in the amount of Two
959 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
960 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
961 (\$225.00) for each additional purchase of Five Thousand Dollars
962 (\$5,000.00), or fraction thereof.

963 (ii) In addition to the tax imposed in paragraph
964 (a) of this subsection, there is imposed and shall be collected by
965 the department from each permittee described in subsection (1)(n)
966 and (r) of this section, an additional license tax for the
967 privilege of doing business within any municipality or county in
968 which the licensee is located in the amount of Two Hundred Fifty
969 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
970 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each



971 additional purchase of Five Thousand Dollars (\$5,000.00), or
972 fraction thereof.

973 (iii) Any person who has paid the additional
974 privilege license tax imposed by this paragraph, and whose permit
975 is renewed, may add any unused fraction of Five Thousand Dollars
976 (\$5,000.00) purchases to the first Five Thousand Dollars
977 (\$5,000.00) purchases authorized by the renewal permit, and no
978 additional license tax will be required until purchases exceed the
979 sum of the two (2) figures.

980 (c) If the licensee is located within a municipality,
981 the department shall pay the amount of additional license tax
982 collected under this section to the municipality, and if outside a
983 municipality the department shall pay the additional license tax
984 to the county in which the licensee is located. Payments by the
985 department to the respective local government subdivisions shall
986 be made once each month for any collections during the preceding
987 month.

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

994 (4) The number of permits issued by the department shall not
995 be restricted or limited on a population basis; however, the



996 foregoing limitation shall not be construed to preclude the right
997 of the department to refuse to issue a permit because of the
998 undesirability of the proposed location.

999 (5) If any person shall engage or continue in any business
1000 which is taxable under this section without having paid the tax as
1001 provided in this section, the person shall be liable for the full
1002 amount of the tax plus a penalty thereon equal to the amount
1003 thereof, and, in addition, shall be punished by a fine of not more
1004 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
1005 county jail for a term of not more than six (6) months, or by both
1006 such fine and imprisonment, in the discretion of the court.

1007 (6) It shall be unlawful for any person to consume alcoholic
1008 beverages on the premises of any hotel restaurant, restaurant,
1009 club or the interior of any public place defined in Chapter 1,
1010 Title 67, Mississippi Code of 1972, when the owner or manager
1011 thereof displays in several conspicuous places inside the
1012 establishment and at the entrances of establishment a sign
1013 containing the following language: NO ALCOHOLIC BEVERAGES
1014 ALLOWED.

1015 **SECTION 8.** If any section, paragraph, sentence, clause,
1016 phrase or any part of this act is declared by a court of competent
1017 jurisdiction to be invalid or of no effect, the remaining
1018 sections, paragraphs, sentences, clauses, phrases or parts thereof
1019 shall be in no manner affected thereby but shall remain in full
1020 force and effect.



1021 **SECTION 9.** Section 1 of this act shall be codified as a new
1022 section in Chapter 1, Title 67, Mississippi Code of 1972.

1023 **SECTION 10.** This act shall take effect and be in force from
1024 and after July 1, 2021.

