

By: Representative Busby

To: Ways and Means

HOUSE BILL NO. 572  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER  
3 THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION  
4 67-1-51, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
5 RESTRICTIONS ON THE MANUFACTURING, SALE OR STORAGE OF INTOXICATING  
6 LIQUORS WITHIN CERTAIN DISTANCES OF CHURCHES, SCHOOLS AND FUNERAL  
7 HOMES SHALL NOT APPLY TO THE SALE OR STORAGE OF ALCOHOLIC  
8 BEVERAGES AT CERTAIN LOCATIONS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, as  
11 amended by Senate Bill No. 2606, 2021 Regular Session, and House  
12 Bill No. 1091, 2021, Regular Session, is amended as follows:

13 67-1-5. For the purposes of this chapter and unless  
14 otherwise required by the context:

15 (a) "Alcoholic beverage" means any alcoholic liquid,  
16 including wines of more than five percent (5%) of alcohol by  
17 weight, capable of being consumed as a beverage by a human being,  
18 but shall not include light wine, light spirit product and beer,  
19 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
20 include native wines and native spirits. The words "alcoholic  
21 beverage" shall not include ethyl alcohol manufactured or



22 distilled solely for fuel purposes or beer of an alcoholic content  
23 of more than eight percent (8%) by weight if the beer is legally  
24 manufactured in this state for sale in another state.

25 (b) "Alcohol" means the product of distillation of any  
26 fermented liquid, whatever the origin thereof, and includes  
27 synthetic ethyl alcohol, but does not include denatured alcohol or  
28 wood alcohol.

29 (c) "Distilled spirits" means any beverage containing  
30 more than \* \* \* six percent (6%) of alcohol by weight produced by  
31 distillation of fermented grain, starch, molasses or sugar,  
32 including dilutions and mixtures of these beverages.

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

37 (e) "Person" means and includes any individual,  
38 partnership, corporation, association or other legal entity  
39 whatsoever.

40 (f) "Manufacturer" means any person engaged in  
41 manufacturing, distilling, rectifying, blending or bottling any  
42 alcoholic beverage.

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



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

50 (i) "State Tax Commission," "commission" or  
51 "department" means the Department of Revenue of the State of  
52 Mississippi, which shall create a division in its organization to  
53 be known as the Alcoholic Beverage Control Division. Any  
54 reference to the commission or the department hereafter means the  
55 powers and duties of the Department of Revenue with reference to  
56 supervision of the Alcoholic Beverage Control Division.

57 (j) "Division" means the Alcoholic Beverage Control  
58 Division of the Department of Revenue.

59 (k) "Municipality" means any incorporated city or town  
60 of this state.

61 (l) "Hotel" means an establishment within a  
62 municipality, or within a qualified resort area approved as such  
63 by the department, where, in consideration of payment, food and  
64 lodging are habitually furnished to travelers and wherein are  
65 located at least twenty (20) adequately furnished and completely  
66 separate sleeping rooms with adequate facilities that persons  
67 usually apply for and receive as overnight accommodations. Hotels  
68 in towns or cities of more than twenty-five thousand (25,000)  
69 population are similarly defined except that they must have fifty  
70 (50) or more sleeping rooms. Any such establishment described in  
71 this paragraph with less than fifty (50) beds shall operate one or



72 more regular dining rooms designed to be constantly frequented by  
73 customers each day. When used in this chapter, the word "hotel"  
74 shall also be construed to include any establishment that meets  
75 the definition of "bed and breakfast inn" as provided in this  
76 section.

77 (m) "Restaurant" means:

78 (i) A place which is regularly and in a bona fide  
79 manner used and kept open for the serving of meals to guests for  
80 compensation, which has suitable seating facilities for guests,  
81 and which has suitable kitchen facilities connected therewith for  
82 cooking an assortment of foods and meals commonly ordered at  
83 various hours of the day; the service of such food as sandwiches  
84 and salads only shall not be deemed in compliance with this  
85 requirement. Except as otherwise provided in this paragraph, no  
86 place shall qualify as a restaurant under this chapter unless  
87 twenty-five percent (25%) or more of the revenue derived from such  
88 place shall be from the preparation, cooking and serving of meals  
89 and not from the sale of beverages, or unless the value of food  
90 given to and consumed by customers is equal to twenty-five percent  
91 (25%) or more of total revenue; or

92 (ii) Any privately owned business located in a  
93 building in a historic district where the district is listed in  
94 the National Register of Historic Places, where the building has a  
95 total occupancy rating of not less than one thousand (1,000) and  
96 where the business regularly utilizes ten thousand (10,000) square



97 feet or more in the building for live entertainment, including not  
98 only the stage, lobby or area where the audience sits and/or  
99 stands, but also any other portion of the building necessary for  
100 the operation of the business, including any kitchen area, bar  
101 area, storage area and office space, but excluding any area for  
102 parking. In addition to the other requirements of this  
103 subparagraph, the business must also serve food to guests for  
104 compensation within the building and derive the majority of its  
105 revenue from event-related fees, including, but not limited to,  
106 admission fees or ticket sales to live entertainment in the  
107 building, and from the rental of all or part of the facilities of  
108 the business in the building to another party for a specific event  
109 or function.

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

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

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

116 (iii) Maintained by its members through the  
117 payment of annual dues;

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



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

126 (vi) No member, officer, agent or employee of  
127 which is paid, or directly or indirectly receives, in the form of  
128 a salary or other compensation any profit from the distribution or  
129 sale of alcoholic beverages to the club or to members or guests of  
130 the club beyond such salary or compensation as may be fixed and  
131 voted at a proper meeting by the board of directors or other  
132 governing body out of the general revenues of the club.

133 The department may, in its discretion, waive the five-year  
134 provision of this paragraph. In order to qualify under this  
135 paragraph, a club must file with the department, at the time of  
136 its application for a license under this chapter, two (2) copies  
137 of a list of the names and residences of its members and similarly  
138 file, within ten (10) days after the election of any additional  
139 member, his name and address. Each club applying for a license  
140 shall also file with the department at the time of the application  
141 a copy of its articles of association, charter of incorporation,  
142 bylaws or other instruments governing the business and affairs  
143 thereof.

144 (o) "Qualified resort area" means any area or locality  
145 outside of the limits of incorporated municipalities in this state  
146 commonly known and accepted as a place which regularly and



147 customarily attracts tourists, vacationists and other transients  
148 because of its historical, scenic or recreational facilities or  
149 attractions, or because of other attributes which regularly and  
150 customarily appeal to and attract tourists, vacationists and other  
151 transients in substantial numbers; however, no area or locality  
152 shall so qualify as a resort area until it has been duly and  
153 properly approved as such by the department. The department may  
154 not approve an area as a qualified resort area after July 1, 2018,  
155 if any portion of such proposed area is located within two (2)  
156 miles of a convent or monastery that is located in a county  
157 traversed by Interstate 55 and U.S. Highway 98. A convent or  
158 monastery may waive such distance restrictions in favor of  
159 allowing approval by the department of an area as a qualified  
160 resort area. Such waiver shall be in written form from the owner,  
161 the governing body, or the appropriate officer of the convent or  
162 monastery having the authority to execute such a waiver, and the  
163 waiver shall be filed with and verified by the department before  
164 becoming effective.

165 (i) The department may approve an area or locality  
166 outside of the limits of an incorporated municipality that is in  
167 the process of being developed as a qualified resort area if such  
168 area or locality, when developed, can reasonably be expected to  
169 meet the requisites of the definition of the term "qualified  
170 resort area." In such a case, the status of qualified resort area  
171 shall not take effect until completion of the development.



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

180                   (iii) The term includes:

181                   1. The clubhouses associated with the state  
182 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
183 State Park, the Percy Quin State Park and the Hugh White State  
184 Park;

185                   2. The clubhouse and associated golf course,  
186 tennis courts and related facilities and swimming pool and related  
187 facilities where the golf course, tennis courts and related  
188 facilities and swimming pool and related facilities are adjacent  
189 to one or more planned residential developments and the golf  
190 course and all such developments collectively include at least  
191 seven hundred fifty (750) acres and at least four hundred (400)  
192 residential units;

193                   3. Any facility located on property that is a  
194 game reserve with restricted access that consists of at least  
195 three thousand (3,000) contiguous acres with no public roads and





196 that offers as a service hunts for a fee to overnight guests of  
197 the facility;

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

202                   5. Any facility that is located in a  
203 municipality that is bordered by the Pearl River, traversed by  
204 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
205 International Airport and is located in a county which has voted  
206 against coming out from under the dry law; however, any such  
207 facility may only be located in areas designated by the governing  
208 authorities of such municipality;

209                   6. Any municipality with a population in  
210 excess of ten thousand (10,000) according to the latest federal  
211 decennial census that is located in a county that is bordered by  
212 the Pearl River and is not traversed by Interstate Highway 20,  
213 with a population in excess of forty-five thousand (45,000)  
214 according to the latest federal decennial census; however, the  
215 governing authorities of such a municipality may by ordinance:

216                   a. Specify the hours of operation of  
217 facilities that offer alcoholic beverages for sale;

218                   b. Specify the percentage of revenue  
219 that facilities that offer alcoholic beverages for sale must



220 derive from the preparation, cooking and serving of meals and not  
221 from the sale of beverages;

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

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

226 8. a. Land that is located in any county in  
227 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
228 and:

229 A. Owned by the Pearl River Valley  
230 Water Supply District, and/or

231 B. Located within the Reservoir  
232 Community District, zoned commercial, east of Old Fannin Road,  
233 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
234 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
235 Drive and/or Lake Vista Place, and/or

236 C. Located within the Reservoir  
237 Community District, zoned commercial, west of Old Fannin Road,  
238 south of Spillway Road and extending to the boundary of the  
239 corporate limits of the City of Flowood, Mississippi;

240 b. The board of supervisors of such  
241 county, with respect to B and C of item 8.a., may by resolution or  
242 other order:

243 A. Specify the hours of operation  
244 of facilities that offer alcoholic beverages for sale,



245 B. Specify the percentage of  
246 revenue that facilities that offer alcoholic beverages for sale  
247 must derive from the preparation, cooking and serving of meals and  
248 not from the sale of beverages, and

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

251 9. Any facility located on property that is a  
252 game reserve with restricted access that consists of at least  
253 eight hundred (800) contiguous acres with no public roads, that  
254 offers as a service hunts for a fee to overnight guests of the  
255 facility, and has accommodations for at least fifty (50) overnight  
256 guests;

257 10. Any facility that:

258 a. Consists of at least six thousand  
259 (6,000) square feet being heated and cooled along with an  
260 additional adjacent area that consists of at least two thousand  
261 two hundred (2,200) square feet regardless of whether heated and  
262 cooled,

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

265 c. Provides lodging accommodations  
266 regardless of whether part of the facility and/or located adjacent  
267 to or in close proximity to the facility, and

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



270                   11. Any facility and related property:  
271                   a. Located on property that consists of  
272 at least one hundred twenty-five (125) contiguous acres and  
273 consisting of an eighteen (18) hole golf course, and/or located in  
274 a facility that consists of at least eight thousand (8,000) square  
275 feet being heated and cooled,  
276                   b. Used for the purpose of providing  
277 meals and hosting events, and  
278                   c. Used for the purpose of teaching  
279 culinary arts courses and/or turf management and grounds keeping  
280 courses, and/or outdoor recreation and leadership courses;  
281                   12. Any facility and related property that:  
282                   a. Consist of at least eight thousand  
283 (8,000) square feet being heated and cooled,  
284                   b. For a fee is used to host events,  
285                   c. Is used for the purpose of culinary  
286 arts courses, and/or live entertainment courses and art  
287 performances, and/or outdoor recreation and leadership courses;  
288                   13. The clubhouse and associated golf course  
289 where the golf course is adjacent to one or more residential  
290 developments and the golf course and all such developments  
291 collectively include at least two hundred (200) acres and at least  
292 one hundred fifty (150) residential units and are located a. in a  
293 county that has voted against coming out from under the dry law;  
294 and b. outside of but in close proximity to a municipality in such



295 county which has voted under Section 67-1-14, after January 1,  
296 2013, to come out from under the dry law;

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

301           15. a. Land that is planned for mixed use  
302 development and consists of at least two hundred (200) contiguous  
303 acres with one or more planned residential developments  
304 collectively planned to include at least two hundred (200)  
305 residential units when completed, and also including a facility  
306 that consists of at least four thousand (4,000) square feet that  
307 is not part of such land but is located adjacent to or in close  
308 proximity thereto, and which land is located:

309                   \* \* \* A. In a county that has  
310 voted to come out from under the dry law,

311                   \* \* \* B. Outside the corporate  
312 limits of any municipality in such county and adjacent to or in  
313 close proximity to a golf course located in a municipality in such  
314 county, and

315                   \* \* \* C. Within one (1) mile of a  
316 state institution of higher learning;

317                   b. The board of supervisors of such  
318 county may by resolution or other order:



319 A. Specify the hours of operation  
320 of facilities that offer alcoholic beverages for sale,

321 B. Specify the percentage of  
322 revenue that facilities that offer alcoholic beverages for sale  
323 must derive from the preparation, cooking and serving of meals and  
324 not from the sale of beverages, and

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

327 16. Any facility with a capacity of five  
328 hundred (500) people or more, to be used as a venue for private  
329 events, on a tract of land in the Southwest Quarter of Section 33,  
330 Township 2 South, Range 7 East, of a county where U.S. Highway 45  
331 and U.S. Highway 72 intersect and that has not voted to come out  
332 from under the dry law;

333 17. One hundred five (105) contiguous acres,  
334 more or less, located in Hinds County, Mississippi, and in the  
335 City of Jackson, Mississippi, whereon are constructed a variety of  
336 buildings, improvements, grounds or objects for the purpose of  
337 holding events thereon to promote agricultural and industrial  
338 development in Mississippi;

339 18. Land that is owned by a state institution  
340 of higher learning and:

341 a. Located entirely within a county that  
342 has elected by majority vote not to permit the transportation,



343 storage, sale, distribution, receipt and/or manufacture of light  
344 wine and beer pursuant to Section 67-3-7, and

345                   b. Adjacent to but outside the  
346 incorporated limits of a municipality that has elected by majority  
347 vote to permit the sale, receipt, storage and transportation of  
348 light wine and beer pursuant to Section 67-3-9.

349           If any portion of the land described in this item 18 has been  
350 declared a qualified resort area by the department before July 1,  
351 2020, then that qualified resort area shall be incorporated into  
352 the qualified resort area created by this item 18;

353                   19. Any facility and related property:

354                   a. Used as a flea market or similar  
355 venue during a weekend (Saturday and Sunday) immediately preceding  
356 the first Monday of a month and having an annual average of at  
357 least one thousand (1,000) visitors for each such weekend and five  
358 hundred (500) vendors for Saturday of each such weekend, and

359                   b. Located in a county that has not  
360 voted to come out from under the dry law and outside of but in  
361 close proximity to a municipality located in such county and which  
362 municipality has voted to come out from under the dry law;

363                   20. Blocks 1, 2 and 3 of the original town  
364 square in any municipality with a population in excess of one  
365 thousand five hundred (1,500) according to the latest federal  
366 decennial census and which is located in:



367 a. A county traversed by Interstate 55  
368 and Interstate 20, and

369 b. A judicial district that has not  
370 voted to come out from under the dry law;

371 21. Any municipality with a population in  
372 excess of two thousand (2,000) according to the latest federal  
373 decennial census and in which is located a part of White's Creek  
374 Lake and in which U.S. Highway 82 intersects with Mississippi  
375 Highway 9 and located in a county that is partially bordered on  
376 one (1) side by the Big Black River; however, the governing  
377 authorities of such a municipality may by ordinance:

378 a. Specify the hours of operation of  
379 facilities that offer alcoholic beverages for sale;

380 b. Specify the percentage of revenue  
381 that facilities that offer alcoholic beverages for sale must  
382 derive from the preparation, cooking and serving of meals and not  
383 from the sale of beverages; and

384 c. Designate the areas in which  
385 facilities that offer alcoholic beverages for sale may be  
386 located \* \* \*;

387 22. A restaurant located on a two-acre tract  
388 adjacent to a five-hundred-fifty-acre lake in the northeast corner  
389 of a county traversed by U.S. Interstate 55 and U.S. Highway  
390 84 \* \* \*;





391                               23. Any tracts of land in Oktibbeha County,  
392 situated \* \* \* north of Bailey Howell Drive, Lee Boulevard and Old  
393 Mayhew Road, east of George Perry Street and south of Mississippi  
394 Highway 182, and not located on the property of a state  
395 institution of higher learning \* \* \*; however, the board of  
396 supervisors of such county may by resolution or other order:

397                               a. Specify the hours of operation of  
398 facilities that offer alcoholic beverages for sale;

399                               b. Specify the percentage of revenue  
400 that facilities that offer alcoholic beverages for sale must  
401 derive from the preparation, cooking and serving of meals and not  
402 from the sale of beverages; and

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

405                               24. A municipality in which Mississippi  
406 Highway 27 and Mississippi Highway 28 intersect; however, the  
407 governing authorities of such a municipality may by ordinance:

408                               a. Specify the hours of operation of  
409 facilities offering alcoholic beverages for sale;

410                               b. Specify the percentage of revenue  
411 that facilities offering alcoholic beverages for sale must derive  
412 from the preparation, cooking and serving of meals and not from  
413 the sale of beverages; and

414                               c. Designate the areas in which  
415 facilities offering alcoholic beverages for sale may be located;



416 25. A municipality through which run  
417 Mississippi Highway 35 and Interstate 20; however, the governing  
418 authorities of such a municipality may by ordinance:

419 a. Specify the hours of operation of  
420 facilities that offer alcoholic beverages for sale;

421 b. Specify the percentage of revenue  
422 that facilities that offer alcoholic beverages for sale must  
423 derive from the preparation, cooking and serving of meals and not  
424 from the sale of beverages; and

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

427 26. A municipality in which Mississippi  
428 Highway 16 and Mississippi Highway 35 intersect; however, the  
429 governing authorities of such a municipality may by ordinance:

430 a. Specify the hours of operation of  
431 facilities that offer alcoholic beverages for sale;

432 b. Specify the percentage of revenue  
433 that facilities that offer alcoholic beverages for sale must  
434 derive from the preparation, cooking and serving of meals and not  
435 from the sale of beverages; and

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

438 27. A municipality in which U.S. Highway 82  
439 and Old Highway 61 intersect; however, the governing authorities  
440 of such a municipality may by ordinance:



441 a. Specify the hours of operation of  
442 facilities that offer alcoholic beverages for sale;

443 b. Specify the percentage of revenue  
444 that facilities that offer alcoholic beverages for sale must  
445 derive from the preparation, cooking and serving of meals and not  
446 from the sale of beverages; and

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

449 28. A municipality in which Mississippi  
450 Highway 8 meets Mississippi Highway 1; however, the governing  
451 authorities of such a municipality may by ordinance:

452 a. Specify the hours of operation of  
453 facilities that offer alcoholic beverages for sale;

454 b. Specify the percentage of revenue  
455 that facilities that offer alcoholic beverages for sale must  
456 derive from the preparation, cooking and serving of meals and not  
457 from the sale of beverages; and

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

460 29. A municipality in which U.S. Highway 82  
461 and Mississippi Highway 1 intersect; however, the governing  
462 authorities of such a municipality may by ordinance:

463 a. Specify the hours of operation of  
464 facilities that offer alcoholic beverages for sale;



465 b. Specify the percentage of revenue  
466 that facilities that offer alcoholic beverages for sale must  
467 derive from the preparation, cooking and serving of meals and not  
468 from the sale of beverages; and

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

471 30. A municipality in which Mississippi  
472 Highway 50 meets Mississippi Highway 9; however, the governing  
473 authorities of such a municipality may by ordinance:

474 a. Specify the hours of operation of  
475 facilities that offer alcoholic beverages for sale;

476 b. Specify the percentage of revenue  
477 that facilities that offer alcoholic beverages for sale must  
478 derive from the preparation, cooking and serving of meals and not  
479 from the sale of beverages; and

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

482 31. An area bounded on the north by Pearl  
483 Street, on the east by West Street, on the south by Court Street  
484 and on the west by Farish Street, within a municipality bordered  
485 on the east by the Pearl River and through which run Interstate 20  
486 and Interstate 55; however, the governing authorities of the  
487 municipality in which such area is located may by ordinance:

488 a. Specify the hours of operation of  
489 facilities that offer alcoholic beverages for sale;



490 b. Specify the percentage of revenue  
491 that facilities that offer alcoholic beverages for sale must  
492 derive from the preparation, cooking and serving of meals and not  
493 from the sale of beverages; and

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

496 32. Any facility and related property that:

497 a. Is contracted for mixed-use  
498 development improvements consisting of office and residential  
499 space and a restaurant and lounge, partially occupying the  
500 renovated space of a four-story commercial building which  
501 previously served as a financial institution; and adjacent  
502 property to the west consisting of a single-story office building  
503 that was originally occupied by the Brotherhood of Carpenters and  
504 Joiners of American Local Number 569; and

505 b. Is situated on a tract of land  
506 consisting of approximately one and one-tenth (1.10) acres, and  
507 the adjacent property to the west consisting of approximately 0.5  
508 acres, located in a municipality which is the seat of county  
509 government, situated south of Interstate 10, traversed by U.S.  
510 Highway 90, partially bordered on one (1) side by the Pascagoula  
511 River and having its most southern boundary bordered by the Gulf  
512 of Mexico, with a population greater than twenty-two thousand  
513 (22,000) according to the 2010 federal decennial census; however,  
514 the governing authorities of such a municipality may by ordinance:



515 A. Specify the hours of operation  
516 of facilities that offer alcoholic beverages for sale;

517 B. Specify the percentage of  
518 revenue that facilities that offer alcoholic beverages for sale  
519 must derive from the preparation, cooking and serving of meals and  
520 not from the sale of beverages; and

521 C. Designate the areas within the  
522 facilities in which alcoholic beverages may be offered for sale;

523 33. Any facility with a maximum capacity of  
524 one hundred twenty (120) people that consists of at least three  
525 thousand (3,000) square feet being heated and cooled, has a  
526 commercial kitchen, has a pavilion that consists of at least nine  
527 thousand (9,000) square feet and is located on land more  
528 particularly described as follows:

529 All that part of the East Half of the Northwest Quarter  
530 of Section 21, Township 7 South, Range 4 East, Union  
531 County, Mississippi, that lies South of Mississippi  
532 State Highway 348 right-of-way and containing 19.48  
533 acres, more or less.

534 ALSO,

535 The Northeast 38 acres of the Southwest Quarter of  
536 Section 21, Township 7 South, Range 4 East, Union  
537 County, Mississippi.

538 ALSO,



539 The South 81 1/2 acres of the Southwest Quarter of  
540 Section 21, Township 7 South, Range 4 East, Union  
541 County, Mississippi; and

542 34. A municipality in which U.S. Highway 51  
543 and Mississippi Highway 16 intersect; however, the governing  
544 authorities of such a municipality may by ordinance:

545 a. Specify the hours of operation of  
546 facilities that offer alcoholic beverages for sale;

547 b. Specify the percentage of revenue  
548 that facilities that offer alcoholic beverages for sale must  
549 derive from the preparation, cooking and serving of meals and not  
550 from the sale of beverages; and

551 c. Designate the areas in which  
552 facilities that offer alcoholic beverages for sale may be located.

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

557 (p) "Native wine" means any product, produced in  
558 Mississippi for sale, having an alcohol content not to exceed  
559 twenty-one percent (21%) by weight and made in accordance with  
560 revenue laws of the United States, which shall be obtained  
561 primarily from the alcoholic fermentation of the juice of ripe  
562 grapes, fruits, berries, honey or vegetables grown and produced in  
563 Mississippi; provided that bulk, concentrated or fortified wines



564 used for blending may be produced without this state and used in  
565 producing native wines. The department shall adopt and promulgate  
566 rules and regulations to permit a producer to import such bulk  
567 and/or fortified wines into this state for use in blending with  
568 native wines without payment of any excise tax that would  
569 otherwise accrue thereon.

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

573 (r) "Bed and breakfast inn" means an establishment  
574 within a municipality where in consideration of payment, breakfast  
575 and lodging are habitually furnished to travelers and wherein are  
576 located not less than eight (8) and not more than nineteen (19)  
577 adequately furnished and completely separate sleeping rooms with  
578 adequate facilities, that persons usually apply for and receive as  
579 overnight accommodations; however, such restriction on the minimum  
580 number of sleeping rooms shall not apply to establishments on the  
581 National Register of Historic Places. No place shall qualify as a  
582 bed and breakfast inn under this chapter unless on the date of the  
583 initial application for a license under this chapter more than  
584 fifty percent (50%) of the sleeping rooms are located in a  
585 structure formerly used as a residence.

586 (s) "Board" shall refer to the Board of Tax Appeals of  
587 the State of Mississippi.





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

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

597           (v) "Cooking school" means an establishment within a  
598 municipality or qualified resort area and owned by a nationally  
599 recognized company that offers an established culinary education  
600 curriculum and program where, in consideration of payment, patrons  
601 are given scheduled professional group instruction on culinary  
602 techniques. For purposes of this paragraph, the definition of  
603 cooking school shall not include schools or classes offered by  
604 grocery stores, convenience stores or drugstores.

605           (w) "Campus" means property owned by a public school  
606 district, community or junior college, college or university in  
607 this state where educational courses are taught, school functions  
608 are held, tests and examinations are administered or academic  
609 course credits are awarded; however, the term shall not include  
610 any "restaurant" or "hotel" that is located on property owned by a  
611 community or junior college, college or university in this state,



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

614 (x) "Native spirit" shall mean any beverage, produced  
615 in Mississippi for sale, manufactured primarily by the  
616 distillation of fermented grain, starch, molasses or sugar  
617 produced in Mississippi, including dilutions and mixtures of these  
618 beverages. In order to be classified as "native spirit" under the  
619 provisions of this chapter, at least fifty-one percent (51%) of  
620 the finished product by volume shall have been obtained from  
621 distillation of fermented grain, starch, molasses or sugar grown  
622 and produced in Mississippi.

623 (y) "Native distillery" shall mean any place or  
624 establishment within this state where native spirit is produced in  
625 whole or in part for sale.

626 **SECTION 2.** Section 67-1-51, Mississippi Code of 1972, as  
627 amended by House Bill No. 1135, 2021 Regular Session, House Bill  
628 No. 1288, 2021 Regular Session, Senate Bill No. 2606, 2021 Regular  
629 Session, Senate Bill No. 2435, 2021 Regular Session and House Bill  
630 No. 1091, 2021 Regular Session, is amended as follows:

631 67-1-51. (1) Permits which may be issued by the department  
632 shall be as follows:

633 (a) **Manufacturer's permit.** A manufacturer's permit  
634 shall permit the manufacture, importation in bulk, bottling and  
635 storage of alcoholic liquor and its distribution and sale to  
636 manufacturers holding permits under this chapter in this state and



637 to persons outside the state who are authorized by law to purchase  
638 the same, and to sell as provided by this chapter.

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

640 Class 1. Distiller's and/or rectifier's permit, which shall  
641 authorize the holder thereof to operate a distillery for the  
642 production of distilled spirits by distillation or redistillation  
643 and/or to operate a rectifying plant for the purifying, refining,  
644 mixing, blending, flavoring or reducing in proof of distilled  
645 spirits and alcohol.

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

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

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

655 (b) **Package retailer's permit.** Except as otherwise  
656 provided in this paragraph and Section 67-1-52, a package  
657 retailer's permit shall authorize the holder thereof to operate a  
658 store exclusively for the sale at retail in original sealed and  
659 unopened packages of alcoholic beverages, including native wines  
660 and native spirits, not to be consumed on the premises where sold.  
661 Alcoholic beverages shall not be sold by any retailer in any



662 package or container containing less than fifty (50) milliliters  
663 by liquid measure. A package retailer's permit, with prior  
664 approval from the department, shall authorize the holder thereof  
665 to sample new product furnished by a manufacturer's representative  
666 or his employees at the permitted place of business so long as the  
667 sampling otherwise complies with this chapter and applicable  
668 department regulations. Such samples may not be provided to  
669 customers at the permitted place of business. In addition to the  
670 sale at retail of packages of alcoholic beverages, the holder of a  
671 package retailer's permit is authorized to sell at retail  
672 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
673 other beverages commonly used to mix with alcoholic beverages.  
674 Nonalcoholic beverages sold by the holder of a package retailer's  
675 permit shall not be consumed on the premises where sold.

676 (c) **On-premises retailer's permit.** Except as otherwise  
677 provided in subsection (5) of this section, an on-premises  
678 retailer's permit shall authorize the sale of alcoholic beverages,  
679 including native wines and native spirits, for consumption on the  
680 licensed premises only; however, a patron of the permit holder may  
681 remove one (1) bottle of wine from the licensed premises if: (i)  
682 the patron consumed a portion of the bottle of wine in the course  
683 of consuming a meal purchased on the licensed premises; (ii) the  
684 permit holder securely reseals the bottle; (iii) the bottle is  
685 placed in a bag that is secured in a manner so that it will be  
686 visibly apparent if the bag is opened; and (iv) a dated receipt



687 for the wine and the meal is available. Additionally, as part of  
688 a carryout order, a permit holder may sell one (1) bottle of wine  
689 to be removed from the licensed premises for every two (2) entrees  
690 ordered. Such a permit shall be issued only to qualified hotels,  
691 restaurants and clubs, small craft breweries, microbreweries, and  
692 to common carriers with adequate facilities for serving  
693 passengers. In resort areas, whether inside or outside of a  
694 municipality, the department, in its discretion, may issue  
695 on-premises retailer's permits to such establishments as it deems  
696 proper. An on-premises retailer's permit when issued to a common  
697 carrier shall authorize the sale and serving of alcoholic  
698 beverages aboard any licensed vehicle while moving through any  
699 county of the state; however, the sale of such alcoholic beverages  
700 shall not be permitted while such vehicle is stopped in a county  
701 that has not legalized such sales. If an on-premises retailer's  
702 permit is applied for by a common carrier operating solely in the  
703 water, such common carrier must, along with all other  
704 qualifications for a permit, (i) be certified to carry at least  
705 one hundred fifty (150) passengers and/or provide overnight  
706 accommodations for at least fifty (50) passengers and (ii) operate  
707 primarily in the waters within the State of Mississippi which lie  
708 adjacent to the State of Mississippi south of the three (3) most  
709 southern counties in the State of Mississippi and/or on the  
710 Mississippi River or navigable waters within any county bordering  
711 on the Mississippi River.



712           (d) **Solicitor's permit.** A solicitor's permit shall  
713 authorize the holder thereof to act as salesman for a manufacturer  
714 or wholesaler holding a proper permit, to solicit on behalf of his  
715 employer orders for alcoholic beverages, and to otherwise promote  
716 his employer's products in a legitimate manner. Such a permit  
717 shall authorize the representation of and employment by one (1)  
718 principal only. However, the permittee may also, in the  
719 discretion of the department, be issued additional permits to  
720 represent other principals. No such permittee shall buy or sell  
721 alcoholic beverages for his own account, and no such beverage  
722 shall be brought into this state in pursuance of the exercise of  
723 such permit otherwise than through a permit issued to a wholesaler  
724 or manufacturer in the state.

725           (e) **Native wine retailer's permit.** Except as otherwise  
726 provided in subsection (5) of this section, a native wine  
727 retailer's permit shall be issued only to a holder of a Class 3  
728 manufacturer's permit, and shall authorize the holder thereof to  
729 make retail sales of native wines to consumers for on-premises  
730 consumption or to consumers in originally sealed and unopened  
731 containers at an establishment located on the premises of or in  
732 the immediate vicinity of a native winery. When selling to  
733 consumers for on-premises consumption, a holder of a native wine  
734 retailer's permit may add to the native wine alcoholic beverages  
735 not produced on the premises, so long as the total volume of  
736 foreign beverage components does not exceed twenty percent (20%)



737 of the mixed beverage. Hours of sale shall be the same as those  
738 authorized for on-premises permittees in the city or county in  
739 which the native wine retailer is located.

740 (f) **Temporary retailer's permit.** Except as otherwise  
741 provided in subsection (5) of this section, a temporary retailer's  
742 permit shall permit the purchase and resale of alcoholic  
743 beverages, including native wines and native spirits, during legal  
744 hours on the premises described in the temporary permit only.

745 Temporary retailer's permits shall be of the following  
746 classes:

747 Class 1. A temporary one-day permit may be issued to bona  
748 fide nonprofit civic or charitable organizations authorizing the  
749 sale of alcoholic beverages, including native wine and native  
750 spirit, for consumption on the premises described in the temporary  
751 permit only. Class 1 permits may be issued only to applicants  
752 demonstrating to the department, by a statement signed under  
753 penalty of perjury submitted ten (10) days prior to the proposed  
754 date or such other time as the department may determine, that they  
755 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
756 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
757 Class 1 permittees shall obtain all alcoholic beverages from  
758 package retailers located in the county in which the temporary  
759 permit is issued. Alcoholic beverages remaining in stock upon  
760 expiration of the temporary permit may be returned by the  
761 permittee to the package retailer for a refund of the purchase



762 price upon consent of the package retailer or may be kept by the  
763 permittee exclusively for personal use and consumption, subject to  
764 all laws pertaining to the illegal sale and possession of  
765 alcoholic beverages. The department, following review of the  
766 statement provided by the applicant and the requirements of the  
767 applicable statutes and regulations, may issue the permit.

768 Class 2. A temporary permit, not to exceed seventy (70)  
769 days, may be issued to prospective permittees seeking to transfer  
770 a permit authorized in paragraph (c) of this subsection. A Class  
771 2 permit may be issued only to applicants demonstrating to the  
772 department, by a statement signed under the penalty of perjury,  
773 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
774 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
775 67-1-59. The department, following a preliminary review of the  
776 statement provided by the applicant and the requirements of the  
777 applicable statutes and regulations, may issue the permit.

778 Class 2 temporary permittees must purchase their alcoholic  
779 beverages directly from the department or, with approval of the  
780 department, purchase the remaining stock of the previous  
781 permittee. If the proposed applicant of a Class 1 or Class 2  
782 temporary permit falsifies information contained in the  
783 application or statement, the applicant shall never again be  
784 eligible for a retail alcohol beverage permit and shall be subject  
785 to prosecution for perjury.





786           Class 3. A temporary one-day permit may be issued to a  
787 retail establishment authorizing the complimentary distribution of  
788 wine, including native wine, to patrons of the retail  
789 establishment at an open house or promotional event, for  
790 consumption only on the premises described in the temporary  
791 permit. A Class 3 permit may be issued only to an applicant  
792 demonstrating to the department, by a statement signed under  
793 penalty of perjury submitted ten (10) days before the proposed  
794 date or such other time as the department may determine, that it  
795 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
796 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
797 A Class 3 permit holder shall obtain all alcoholic beverages from  
798 the holder(s) of a package retailer's permit located in the county  
799 in which the temporary permit is issued. Wine remaining in stock  
800 upon expiration of the temporary permit may be returned by the  
801 Class 3 temporary permit holder to the package retailer for a  
802 refund of the purchase price, with consent of the package  
803 retailer, or may be kept by the Class 3 temporary permit holder  
804 exclusively for personal use and consumption, subject to all laws  
805 pertaining to the illegal sale and possession of alcoholic  
806 beverages. The department, following review of the statement  
807 provided by the applicant and the requirements of the applicable  
808 statutes and regulations, may issue the permit. No retailer may  
809 receive more than twelve (12) Class 3 temporary permits in a  
810 calendar year. A Class 3 temporary permit shall not be issued to



811 a retail establishment that either holds a merchant permit issued  
812 under paragraph (1) of this subsection, or holds a permit issued  
813 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
814 the holder to engage in the business of a retailer of light wine  
815 or beer.

816 (g) **Caterer's permit.** A caterer's permit shall permit  
817 the purchase of alcoholic beverages by a person engaging in  
818 business as a caterer and the resale of alcoholic beverages by  
819 such person in conjunction with such catering business. No person  
820 shall qualify as a caterer unless forty percent (40%) or more of  
821 the revenue derived from such catering business shall be from the  
822 serving of prepared food and not from the sale of alcoholic  
823 beverages and unless such person has obtained a permit for such  
824 business from the Department of Health. A caterer's permit shall  
825 not authorize the sale of alcoholic beverages on the premises of  
826 the person engaging in business as a caterer; however, the holder  
827 of an on-premises retailer's permit may hold a caterer's permit.  
828 When the holder of an on-premises retailer's permit or an  
829 affiliated entity of the holder also holds a caterer's permit, the  
830 caterer's permit shall not authorize the service of alcoholic  
831 beverages on a consistent, recurring basis at a separate, fixed  
832 location owned or operated by the caterer, on-premises retailer or  
833 affiliated entity and an on-premises retailer's permit shall be  
834 required for the separate location. All sales of alcoholic  
835 beverages by holders of a caterer's permit shall be made at the



836 location being catered by the caterer, and, except as otherwise  
837 provided in subsection (5) of this section, such sales may be made  
838 only for consumption at the catered location. The location being  
839 catered may be anywhere within a county or judicial district that  
840 has voted to come out from under the dry laws or in which the sale  
841 and distribution of alcoholic beverages is otherwise authorized by  
842 law. Such sales shall be made pursuant to any other conditions  
843 and restrictions which apply to sales made by on-premises retail  
844 permittees. The holder of a caterer's permit or his employees  
845 shall remain at the catered location as long as alcoholic  
846 beverages are being sold pursuant to the permit issued under this  
847 paragraph (g), and the permittee shall have at the location the  
848 identification card issued by the Alcoholic Beverage Control  
849 Division of the department. No unsold alcoholic beverages may be  
850 left at the catered location by the permittee upon the conclusion  
851 of his business at that location. Appropriate law enforcement  
852 officers and Alcoholic Beverage Control Division personnel may  
853 enter a catered location on private property in order to enforce  
854 laws governing the sale or serving of alcoholic beverages.

855 (h) **Research permit.** A research permit shall authorize  
856 the holder thereof to operate a research facility for the  
857 professional research of alcoholic beverages. Such permit shall  
858 authorize the holder of the permit to import and purchase limited  
859 amounts of alcoholic beverages from the department or from



860 importers, wineries and distillers of alcoholic beverages for  
861 professional research.

862           (i) **Alcohol processing permit.** An alcohol processing  
863 permit shall authorize the holder thereof to purchase, transport  
864 and possess alcoholic beverages for the exclusive use in cooking,  
865 processing or manufacturing products which contain alcoholic  
866 beverages as an integral ingredient. An alcohol processing permit  
867 shall not authorize the sale of alcoholic beverages on the  
868 premises of the person engaging in the business of cooking,  
869 processing or manufacturing products which contain alcoholic  
870 beverages. The amounts of alcoholic beverages allowed under an  
871 alcohol processing permit shall be set by the department.

872           (j) **Hospitality cart permit.** A hospitality cart permit  
873 shall authorize the sale of alcoholic beverages from a mobile cart  
874 on a golf course that is the holder of an on-premises retailer's  
875 permit. The alcoholic beverages sold from the cart must be  
876 consumed within the boundaries of the golf course.

877           (k) **Special service permit.** A special service permit  
878 shall authorize the holder to sell commercially sealed alcoholic  
879 beverages to the operator of a commercial or private aircraft for  
880 en route consumption only by passengers. A special service permit  
881 shall be issued only to a fixed-base operator who contracts with  
882 an airport facility to provide fueling and other associated  
883 services to commercial and private aircraft.



884           (1) **Merchant permit.** Except as otherwise provided in  
885 subsection (5) of this section, a merchant permit shall be issued  
886 only to the owner of a spa facility, an art studio or gallery, or  
887 a cooking school, and shall authorize the holder to serve  
888 complimentary by the glass wine only, including native wine, at  
889 the holder's spa facility, art studio or gallery, or cooking  
890 school. A merchant permit holder shall obtain all wine from the  
891 holder of a package retailer's permit.

892           (m) **Temporary alcoholic beverages charitable auction**  
893 **permit.** A temporary permit, not to exceed five (5) days, may be  
894 issued to a qualifying charitable nonprofit organization that is  
895 exempt from taxation under Section 501(c)(3) or (4) of the  
896 Internal Revenue Code of 1986. The permit shall authorize the  
897 holder to sell alcoholic beverages for the limited purpose of  
898 raising funds for the organization during a live or silent auction  
899 that is conducted by the organization and that meets the following  
900 requirements: (i) the auction is conducted in an area of the  
901 state where the sale of alcoholic beverages is authorized; (ii) if  
902 the auction is conducted on the premises of an on-premises  
903 retailer's permit holder, then the alcoholic beverages to be  
904 auctioned must be stored separately from the alcoholic beverages  
905 sold, stored or served on the premises, must be removed from the  
906 premises immediately following the auction, and may not be  
907 consumed on the premises; (iii) the permit holder may not conduct  
908 more than two (2) auctions during a calendar year; (iv) the permit



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

911           (n) **Event venue retailer's permit.** An event venue  
912 retailer's permit shall authorize the holder thereof to purchase  
913 and resell alcoholic beverages, including native wines and native  
914 spirits, for consumption on the premises during legal hours during  
915 events held on the licensed premises if food is being served at  
916 the event by a caterer who is not affiliated with or related to  
917 the permittee. The caterer must serve at least three (3) entrees.  
918 The permit may only be issued for venues that can accommodate two  
919 hundred (200) persons or more. The number of persons a venue may  
920 accommodate shall be determined by the local fire department and  
921 such determination shall be provided in writing and submitted  
922 along with all other documents required to be provided for an  
923 on-premises retailer's permit. The permittee must derive the  
924 majority of its revenue from event-related fees, including, but  
925 not limited to, admission fees or ticket sales for live  
926 entertainment in the building. "Event-related fees" do not  
927 include alcohol, beer or light wine sales or any fee which may be  
928 construed to cover the cost of alcohol, beer or light wine. This  
929 determination shall be made on a per event basis. An event may  
930 not last longer than two (2) consecutive days per week.

931           (o) **Temporary theatre permit.** A temporary theatre  
932 permit, not to exceed five (5) days, may be issued to a charitable  
933 nonprofit organization that is exempt from taxation under Section



934 501(c) (3) or (4) of the Internal Revenue Code and owns or operates  
935 a theatre facility that features plays and other theatrical  
936 performances and productions. Except as otherwise provided in  
937 subsection (5) of this section, the permit shall authorize the  
938 holder to sell alcoholic beverages, including native wines and  
939 native spirits, to patrons of the theatre during performances and  
940 productions at the theatre facility for consumption during such  
941 performances and productions on the premises of the facility  
942 described in the permit. A temporary theatre permit holder shall  
943 obtain all alcoholic beverages from package retailers located in  
944 the county in which the permit is issued. Alcoholic beverages  
945 remaining in stock upon expiration of the temporary theatre permit  
946 may be returned by the permittee to the package retailer for a  
947 refund of the purchase price upon consent of the package retailer  
948 or may be kept by the permittee exclusively for personal use and  
949 consumption, subject to all laws pertaining to the illegal sale  
950 and possession of alcoholic beverages.

951 (p) **Charter ship operator's permit.** Subject to the  
952 provisions of this paragraph (p), a charter ship operator's permit  
953 shall authorize the holder thereof and its employees to serve,  
954 monitor, store and otherwise control the serving and availability  
955 of alcoholic beverages to customers of the permit holder during  
956 private charters under contract provided by the permit holder. A  
957 charter ship operator's permit shall authorize such action by the  
958 permit holder and its employees only as to alcoholic beverages



959 brought onto the permit holder's ship by customers of the permit  
960 holder as part of such a private charter. All such alcoholic  
961 beverages must be removed from the charter ship at the conclusion  
962 of each private charter. A charter ship operator's permit shall  
963 not authorize the permit holder to sell, charge for or otherwise  
964 supply alcoholic beverages to customers, except as authorized in  
965 this paragraph (p). For the purposes of this paragraph (p),  
966 "charter ship operator" means a common carrier that (i) is  
967 certified to carry at least one hundred fifty (150) passengers  
968 and/or provide overnight accommodations for at least fifty (50)  
969 passengers, (ii) operates only in the waters within the State of  
970 Mississippi, which lie adjacent to the State of Mississippi south  
971 of the three (3) most southern counties in the State of  
972 Mississippi, and (iii) provides charters under contract for tours  
973 and trips in such waters.

974 (q) **Distillery retailer's permit.** The holder of a  
975 Class 1 manufacturer's permit may obtain a distillery retailer's  
976 permit. A distillery retailer's permit shall authorize the holder  
977 thereof to sell at retail alcoholic beverages to consumers for  
978 on-premises consumption, or to consumers by the sealed and  
979 unopened bottle from a retail location at the distillery for  
980 off-premises consumption. The holder may only sell product  
981 manufactured by the manufacturer at the distillery described in  
982 the permit. However, when selling to consumers for on-premises  
983 consumption, a holder of a distillery retailer's permit may add





984 other beverages, alcoholic or not, so long as the total volume of  
985 other beverage components containing alcohol does not exceed  
986 twenty percent (20%). Hours of sale shall be the same as those  
987 authorized for on-premises permittees in the city or county in  
988 which the distillery retailer is located.

989         The holder shall not sell at retail more than ten percent  
990 (10%) of the alcoholic beverages produced annually at its  
991 distillery. The holder shall not make retail sales of more than  
992 two and twenty-five one-hundredths (2.25) liters, in the  
993 aggregate, of the alcoholic beverages produced at its distillery  
994 to any one (1) individual for consumption off the premises of the  
995 distillery within a twenty-four-hour period. The hours of sale  
996 shall be the same as those hours for package retailers under this  
997 chapter. The holder of a distillery retailer's permit is not  
998 required to purchase the alcoholic beverages authorized to be sold  
999 by this paragraph from the department's liquor distribution  
1000 warehouse; however, if the holder does not purchase the alcoholic  
1001 beverages from the department's liquor distribution warehouse, the  
1002 holder shall pay to the department all taxes, fees and surcharges  
1003 on the alcoholic beverages that are imposed upon the sale of  
1004 alcoholic beverages shipped by the Alcoholic Beverage Control  
1005 Division of the Department of Revenue. In addition to alcoholic  
1006 beverages, the holder of a distillery retailer's permit may sell  
1007 at retail promotional products from the same retail location,



1008 including shirts, hats, glasses, and other promotional products  
1009 customarily sold by alcoholic beverage manufacturers.

1010 (r) **Festival Wine Permit.** Any wine manufacturer or  
1011 native wine producer permitted by Mississippi or any other state  
1012 is eligible to obtain a Festival Wine Permit. This permit  
1013 authorizes the entity to transport product manufactured by it to  
1014 festivals held within the State of Mississippi and sell sealed,  
1015 unopened bottles to festival participants. The holder of this  
1016 permit may provide samples at no charge to participants.  
1017 "Festival" means any event at which three (3) or more vendors are  
1018 present at a location for the sale or distribution of goods. The  
1019 holder of a Festival Wine Permit is not required to purchase the  
1020 alcoholic beverages authorized to be sold by this paragraph from  
1021 the department's liquor distribution warehouse. However, if the  
1022 holder does not purchase the alcoholic beverages from the  
1023 department's liquor distribution warehouse, the holder of this  
1024 permit shall pay to the department all taxes, fees and surcharges  
1025 on the alcoholic beverages sold at such festivals that are imposed  
1026 upon the sale of alcoholic beverages shipped by the Alcoholic  
1027 Beverage Control Division of the Department of Revenue.  
1028 Additionally, the entity shall file all applicable reports and  
1029 returns as prescribed by the department. This permit is issued  
1030 per festival and provides authority to sell for two (2)  
1031 consecutive days during the hours authorized for on-premises  
1032 permittees' sales in that county or city. The holder of the



1033 permit shall be required to maintain all requirements set by Local  
1034 Option Law for the service and sale of alcoholic beverages. This  
1035 permit may be issued to entities participating in festivals at  
1036 which a Class 1 temporary permit is in effect.

1037 This paragraph (r) shall stand repealed from and after July  
1038 1, 2023.

1039 (s) **Charter vessel operator's permit.** Subject to the  
1040 provisions of this paragraph (s), a charter vessel operator's  
1041 permit shall authorize the holder thereof and its employees to  
1042 sell and serve alcoholic beverages to passengers of the permit  
1043 holder during public tours, historical tours, ecological tours and  
1044 sunset cruises provided by the permit holder. The permit shall  
1045 authorize the holder to only sell alcoholic beverages, including  
1046 native wines, to passengers of the charter vessel operator during  
1047 public tours, historical tours, ecological tours and sunset  
1048 cruises provided by the permit holder aboard the charter vessel  
1049 operator for consumption during such tours and cruises on the  
1050 premises of the charter vessel operator described in the permit.  
1051 For the purposes of this paragraph (s), "charter vessel operator"  
1052 means a common carrier that (i) is certified to carry at least  
1053 forty-nine (49) passengers, (ii) operates only in the waters  
1054 within the State of Mississippi, which lie south of Interstate-10  
1055 in the three (3) most southern counties in the State of  
1056 Mississippi, and lie adjacent to the State of Mississippi south of  
1057 the three (3) most southern counties in the State of Mississippi,



1058 extending not further than one (1) mile south of such counties,  
1059 and (iii) provides vessel services for tours and cruises in such  
1060 waters as provided in this paragraph (s).

1061 ( \* \* \*t) **Native spirit retailer's permit.** Except as  
1062 otherwise provided in subsection (5) of this section, a native  
1063 spirit retailer's permit shall be issued only to a holder of a  
1064 Class 4 manufacturer's permit, and shall authorize the holder  
1065 thereof to make retail sales of native spirits to consumers for  
1066 on-premises consumption or to consumers in originally sealed and  
1067 unopened containers at an establishment located on the premises of  
1068 or in the immediate vicinity of a native distillery. When selling  
1069 to consumers for on-premises consumption, a holder of a native  
1070 spirit retailer's permit may add to the native spirit alcoholic  
1071 beverages not produced on the premises, so long as the total  
1072 volume of foreign beverage components does not exceed twenty  
1073 percent (20%) of the mixed beverage. Hours of sale shall be the  
1074 same as those authorized for on-premises permittees in the city or  
1075 county in which the native spirit retailer is located.

1076 (u) **Delivery service permit.** Any individual, limited  
1077 liability company, corporation or partnership registered to do  
1078 business in this state is eligible to obtain a delivery service  
1079 permit. Subject to the provisions of Section 1 of House Bill No.  
1080 1135, 2021 Regular Session, this permit authorizes the permittee,  
1081 or its employee or an independent contractor acting on its behalf,  
1082 to deliver alcoholic beverages, beer, light wine and light spirit



1083 product from a licensed retailer to a person in this state who is  
1084 at least twenty-one (21) years of age for the individual's use and  
1085 not for resale. This permit does not authorize the delivery of  
1086 alcoholic beverages, beer, light wine or light spirit product to  
1087 the premises of a location with a permit for the manufacture,  
1088 distribution or retail sale of alcoholic beverages, beer, light  
1089 wine or light spirit product. The holder of a package retailer's  
1090 permit or an on-premises retailer's permit under Section 67-1-51  
1091 or of a beer, light wine and light spirit product permit under  
1092 Section 67-3-19 is authorized to apply for a delivery service  
1093 permit as a privilege separate from its existing retail permit.

1094 (2) Except as otherwise provided in subsection (4) of this  
1095 section, retail permittees may hold more than one (1) retail  
1096 permit, at the discretion of the department.

1097 (3) (a) Except as otherwise provided in this subsection, no  
1098 authority shall be granted to any person to manufacture, sell or  
1099 store for sale any intoxicating liquor as specified in this  
1100 chapter within four hundred (400) feet of any church, school,  
1101 kindergarten or funeral home. However, within an area zoned  
1102 commercial or business, such minimum distance shall be not less  
1103 than one hundred (100) feet.

1104 (b) A church or funeral home may waive the distance  
1105 restrictions imposed in this subsection in favor of allowing  
1106 issuance by the department of a permit, pursuant to subsection (1)  
1107 of this section, to authorize activity relating to the



1108 manufacturing, sale or storage of alcoholic beverages which would  
1109 otherwise be prohibited under the minimum distance criterion.  
1110 Such waiver shall be in written form from the owner, the governing  
1111 body, or the appropriate officer of the church or funeral home  
1112 having the authority to execute such a waiver, and the waiver  
1113 shall be filed with and verified by the department before becoming  
1114 effective.

1115           (c) The distance restrictions imposed in this  
1116 subsection shall not apply to the sale or storage of alcoholic  
1117 beverages at a bed and breakfast inn listed in the National  
1118 Register of Historic Places or to the sale or storage of alcoholic  
1119 beverages in a historic district that is listed in the National  
1120 Register of Historic Places, is a qualified resort area and is  
1121 located in a municipality having a population greater than one  
1122 hundred thousand (100,000) according to the latest federal  
1123 decennial census.

1124           (d) The distance restrictions imposed in this  
1125 subsection shall not apply to the sale or storage of alcoholic  
1126 beverages at a qualified resort area as defined in Section  
1127 67-1-5(o)(iii)32.

1128           (e) The distance restrictions imposed in this  
1129 subsection shall not apply to the sale or storage of alcoholic  
1130 beverages at a licensed premises in a building formerly owned by a  
1131 municipality and formerly leased by the municipality to a



1132 municipal school district and used by the municipal school  
1133 district as a district bus shop facility.

1134 (f) The distance restrictions imposed in this  
1135 subsection shall not apply to the sale or storage of alcoholic  
1136 beverages at a licensed premises in a building consisting of at  
1137 least five thousand (5,000) square feet and located approximately  
1138 six hundred (600) feet from the intersection of Mississippi  
1139 Highway 15 and Mississippi Highway 4.

1140 (g) The distance restrictions imposed in this  
1141 subsection shall not apply to the sale or storage of alcoholic  
1142 beverages at a licensed premises in a building located at the  
1143 southeast corner of Ward and Tate Streets in the City of  
1144 Senatobia, Mississippi.

1145 (4) No person, either individually or as a member of a firm,  
1146 partnership, limited liability company or association, or as a  
1147 stockholder, officer or director in a corporation, shall own or  
1148 control any interest in more than one (1) package retailer's  
1149 permit, nor shall such person's spouse, if living in the same  
1150 household of such person, any relative of such person, if living  
1151 in the same household of such person, or any other person living  
1152 in the same household with such person own any interest in any  
1153 other package retailer's permit.

1154 (5) (a) In addition to any other authority granted under  
1155 this section, the holder of a permit issued under subsection  
1156 (1) (c), (e), (f), (g), (l), (n) and/or (o) of this section may



1157 sell or otherwise provide alcoholic beverages and/or wine to a  
1158 patron of the permit holder in the manner authorized in the permit  
1159 and the patron may remove an open glass, cup or other container of  
1160 the alcoholic beverage and/or wine from the licensed premises and  
1161 may possess and consume the alcoholic beverage or wine outside of  
1162 the licensed premises if: (i) the licensed premises is located  
1163 within a leisure and recreation district created under Section  
1164 67-1-101 and (ii) the patron remains within the boundaries of the  
1165 leisure and recreation district while in possession of the  
1166 alcoholic beverage or wine.

1167 (b) Nothing in this subsection shall be construed to  
1168 allow a person to bring any alcoholic beverages into a permitted  
1169 premises except to the extent otherwise authorized by this  
1170 chapter.

1171 **SECTION 3.** This act shall take effect and be in force from  
1172 and after July 1, 2021.

