

By: Representative Busby

To: Ways and Means

## HOUSE BILL NO. 578

1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF A WINE  
2 MANUFACTURER'S PERMIT IN THIS STATE, OR WHO IS LICENSED OR  
3 PERMITTED OUTSIDE OF THE STATE TO ENGAGE IN THE ACTIVITY OF  
4 MANUFACTURING, SUPPLYING, IMPORTING, DISTRIBUTING, WHOLESALING OR  
5 RETAILING WINE, TO SELL AND SHIP WINE DIRECTLY TO RESIDENTS IN  
6 THIS STATE, IF THE PERSON OBTAINS A DIRECT WINE SHIPPER'S PERMIT  
7 FROM THE DEPARTMENT OF REVENUE; TO PROVIDE FOR THE ISSUANCE OF  
8 DIRECT WINE SHIPPER'S PERMITS; TO REQUIRE THE HOLDER OF A DIRECT  
9 WINE SHIPPER'S PERMIT TO KEEP CERTAIN RECORDS; TO PROHIBIT THE  
10 HOLDER OF A DIRECT WINE SHIPPER'S PERMIT FROM SELLING OR SHIPPING  
11 LIGHT WINE OR BEER OR ANY ALCOHOLIC BEVERAGE OTHER THAN WINE; TO  
12 LIMIT THE AMOUNT OF WINE THAT A HOLDER OF A DIRECT WINE SHIPPER'S  
13 PERMIT MAY SELL OR SHIP TO AN INDIVIDUAL EACH YEAR; TO PROVIDE FOR  
14 THE ANNUAL RENEWAL OF DIRECT WINE SHIPPER'S PERMITS; TO PROVIDE  
15 THAT PERSONS PURCHASING OR RECEIVING A DIRECT SHIPMENT OF WINE  
16 FROM A DIRECT WINE SHIPPER MUST BE AT LEAST TWENTY-ONE YEARS OF  
17 AGE; TO PROVIDE THAT PERSONS RECEIVING A DIRECT SHIPMENT OF WINE  
18 FROM A DIRECT WINE SHIPPER SHALL USE THE WINE FOR PERSONAL  
19 CONSUMPTION ONLY AND MAY NOT RESELL IT; TO AUTHORIZE THE  
20 COMMISSIONER OF REVENUE TO ADOPT ANY RULES OR REGULATIONS AS  
21 NECESSARY TO CARRY OUT THIS ACT; TO PROVIDE PENALTIES FOR  
22 VIOLATIONS OF THIS ACT; TO AMEND SECTIONS 27-71-5, 27-71-7,  
23 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THE  
24 PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A DIRECT WINE SHIPPER'S  
25 PERMIT; TO LEVY A TAX UPON THE SALES AND SHIPMENTS OF WINE MADE BY  
26 A DIRECT WINE SHIPPER; TO REQUIRE A CERTAIN AMOUNT OF THE TAXES  
27 LEVIED TO BE DEPOSITED INTO THE MENTAL HEALTH PROGRAMS FUND; TO  
28 AMEND SECTIONS 67-1-41, 67-1-45, 67-1-53, 67-1-55, 67-1-57,  
29 67-1-73, 97-31-47 AND 97-31-49, MISSISSIPPI CODE OF 1972, IN  
30 CONFORMITY TO THE FOREGOING PROVISIONS OF THIS ACT; TO AMEND  
31 SECTION 67-1-51, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE  
32 FOREGOING PROVISIONS OF THIS ACT; TO PROVIDE THAT A HOLDER OF A  
33 PACKAGE RETAILER'S PERMIT MAY SELL AT RETAIL THROUGH THE INTERNET  
34 AND SHIP WINE IN ORIGINAL SEALED AND UNOPENED PACKAGES TO



RESIDENTS IN THIS STATE; TO PROVIDE THAT A HOLDER OF A PACKAGE  
RETAILER'S PERMIT MAKING SALES OF WINE THROUGH THE INTERNET MAY  
NOT SELL OR SHIP ANY ALCOHOLIC BEVERAGE OTHER THAN WINE OR SHIP  
WINE TO AN ADDRESS IN A COUNTY THAT HAS NOT VOTED IN FAVOR OF  
COMING OUT FROM UNDER THE DRY LAW; TO BRING FORWARD SECTION  
67-1-67, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE TRANSFER  
OF PERMITS UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW,  
FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

**SECTION 1.** As used in Sections 1 through 9 of this act, the  
following words shall have the meanings as defined in this section  
unless the context otherwise requires:

(a) "Department" means the Department of Revenue.

(b) "Direct wine shipper" means the holder of a direct  
wine shipper's permit issued by the department under Sections 1  
through 9 of this act.

(c) "Permit" means a direct wine shipper's permit  
issued by the department under Sections 1 through 9 of this act.

(d) "Wine" means any product obtained from the  
alcoholic fermentation of the juice of sound, ripe grapes, fruits  
or berries, made in accordance with the revenue laws of the United  
States, and containing more than five percent (5%) of alcohol by  
weight.

In addition, the definitions in Section 67-1-5 shall be  
applicable to the terms used in Sections 1 through 9 of this act  
unless the context otherwise requires.

**SECTION 2.** A person must hold a permit as a direct wine  
shipper issued by the department before the person may engage in  
selling and shipping wine directly to a resident in this state. A



64 direct wine shipper may sell and ship wine directly to residents  
65 in this state without being required to transact the sale and  
66 shipment through the Alcoholic Beverage Control Division of the  
67 department.

68 **SECTION 3.** To qualify for a permit, an applicant shall be:

69 (a) A holder of a Class 2 manufacturer's permit issued  
70 in accordance with Section 67-1-51; or

71 (b) A person licensed or permitted outside of this  
72 state to engage in the activity of manufacturing, supplying,  
73 importing, distributing, wholesaling or retailing wine.

74 **SECTION 4.** (1) An applicant for a permit shall:

75 (a) Submit to the department a completed application on  
76 a form provided by the department, containing all information that  
77 is required by the department;

78 (b) Provide to the department a copy of the applicant's  
79 current license or permit to engage in the activity of  
80 manufacturing, supplying, importing, distributing, wholesaling or  
81 retailing wine issued in this or any other state; and

82 (c) Pay to the department the tax prescribed in Section  
83 27-71-5.

84 (2) After a person complies with the provisions of  
85 subsection (1) of this section, the department may conduct any  
86 investigation as it considers necessary regarding the issuance of  
87 a permit, and the department shall issue a permit to the applicant  
88 if the requirements of Sections 1 through 9 of this act are met.



89           **SECTION 5.**   (1)   A direct wine shipper shall:

90                   (a)   Ensure that all containers of wine sold and shipped  
91 directly to a resident in this state are conspicuously labeled  
92 with the words "CONTAINS ALCOHOL:   SIGNATURE OF PERSON AGE 21  
93 YEARS OR OLDER REQUIRED FOR DELIVERY";

94                   (b)   Report to the department annually the total amount  
95 of wine, by type, sold and shipped into or within the state the  
96 preceding calendar year;

97                   (c)   Maintain for at least three (3) years all records  
98 that allow the department to ascertain the truthfulness of the  
99 information filed under Sections 1 through 9 of this act;

100                   (d)   Allow the department to perform an audit of the  
101 direct wine shipper's records upon request; and

102                   (e)   Be deemed to have consented to the jurisdiction of  
103 the department or any other state agency and the state courts  
104 concerning enforcement of Sections 1 through 9 of this act and any  
105 related laws, rules or regulations.

106           (2)   A direct wine shipper may not:

107                   (a)   Sell or ship any light wine or beer that is  
108 regulated under Section 67-3-1 et seq. or any alcoholic beverage  
109 other than wine;

110                   (b)   Sell or ship more than twenty-four (24) nine-liter  
111 cases of wine annually to any one (1) individual; or

112                   (c)   Ship wine to an address in a county that has not  
113 voted in favor of coming out from under the dry law.



114        **SECTION 6.**    A direct wine shipper may annually renew his or  
115 her permit, if the direct wine shipper:

116                (a)    Is otherwise entitled to receive a permit;  
117                (b)    Provides to the department a copy of his or her  
118 current license or permit to engage in the activity of  
119 manufacturing, supplying, importing, distributing, wholesaling or  
120 retailing wine issued in this or any other state; and

121                (c)    Pays to the department a renewal fee as prescribed  
122 in Section 27-71-5.

123        **SECTION 7.**    (1)    To purchase and receive a direct shipment of  
124 wine from a direct wine shipper, a resident of this state must be  
125 at least twenty-one (21) years of age, and a person who is at  
126 least twenty-one (21) years of age must sign for any wine shipped  
127 from a direct wine shipper.

128                (2)    A shipment of wine may be ordered or purchased from a  
129 direct wine shipper through a computer network.

130                (3)    A person who receives a direct shipment of wine from a  
131 direct wine shipper shall use the wine for personal consumption  
132 only and may not resell it.

133        **SECTION 8.**    The Commissioner of Revenue of the department may  
134 adopt any rules or regulations as necessary to carry out Sections  
135 1 through 9 of this act. All of the enforcement provisions of  
136 Section 67-1-1 et seq. that are not in conflict with Sections 1  
137 through 9 of this act may be used by the department to enforce the  
138 provisions of Sections 1 through 9 of this act.



**SECTION 9.**

(1) Any person who makes, participates in, transports, imports or receives a sale or shipment of wine in violation of Sections 1 through 9 of this act is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than six (6) months, or both. Each sale or shipment in violation of Sections 1 through 9 of this act shall constitute a separate offense.

(2) If any holder of a direct wine shipper's permit violates any provision of Sections 1 through 9 of this act, the department may suspend or revoke the permit and impose civil penalties as authorized under Section 67-1-1 et seq.

**SECTION 10.** Section 27-71-5, Mississippi Code of 1972, is amended as follows:

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

- (a) Except as otherwise provided in this subsection
- (1), manufacturer's permit, Class 1, distiller's and/or rectifier's..... \$4,500.00
- (b) Manufacturer's permit, Class 2, wine
- Manufacturer..... \$1,800.00



164 (c) Manufacturer's permit, Class 3, native wine  
 165 manufacturer per ten thousand (10,000) gallons or part thereof  
 166 produced..... \$ 10.00  
 167 (d) Native wine retailer's permit..... \$ 50.00  
 168 (e) Package retailer's permit, each..... \$ 900.00  
 169 (f) On-premises retailer's permit, except for clubs and  
 170 common carriers, each..... \$ 450.00  
 171 (g) On-premises retailer's permit for wine of more than  
 172 five percent (5%) alcohol by weight, but not more than twenty-one  
 173 percent (21%) alcohol by weight, each..... \$ 225.00  
 174 (h) On-premises retailer's permit for clubs..... \$ 225.00  
 175 (i) On-premises retailer's permit for common carriers,  
 176 per car, plane, or other vehicle..... \$ 120.00  
 177 (j) Solicitor's permit, regardless of any other  
 178 provision of law, solicitor's permits shall be issued only in the  
 179 discretion of the department..... \$ 100.00  
 180 (k) Filing fee for each application except for an  
 181 employee identification card..... \$ 25.00  
 182 (l) Temporary permit, Class 1, each..... \$ 10.00  
 183 (m) Temporary permit, Class 2, each..... \$ 50.00  
 184 (n) (i) Caterer's permit..... \$ 600.00  
 185 (ii) Caterer's permit for holders of on-premises  
 186 retailer's permit..... \$ 150.00  
 187 (o) Research permit..... \$ 100.00  
 188 (p) Temporary permit, Class 3 (wine only)..... \$ 10.00



189	(q) Special service permit.....	\$ 225.00
190	(r) Merchant permit.....	\$ 225.00
191	(s) Temporary alcoholic beverages charitable auction	
192	permit.....	\$ 10.00
193	(t) Event venue retailer's permit.....	\$ 225.00
194	(u) Temporary theatre permit, each.....	\$ 10.00
195	(v) Charter ship operator's permit.....	\$ 100.00
196	(w) Distillery retailer's permit.....	\$ 450.00
197	(x) Festival wine permit.....	\$ 10.00
198	<u>(y) Direct wine shipper's permit.....</u>	<u>\$ 100.00</u>

199       If a person approved for a manufacturer's permit, Class 1,  
200 distiller's permit produces a product with at least fifty-one  
201 percent (51%) of the finished product by volume being obtained  
202 from alcoholic fermentation of grapes, fruits, berries, honey  
203 and/or vegetables grown and produced in Mississippi, and produces  
204 all of the product by using not more than one (1) still having a  
205 maximum capacity of one hundred fifty (150) liters, the annual  
206 privilege license tax for such a permit shall be Ten Dollars  
207 (\$10.00) per ten thousand (10,000) gallons or part thereof  
208 produced. Bulk, concentrated or fortified ingredients used for  
209 blending may be produced outside this state and used in producing  
210 such a product.

211       In addition to the filing fee imposed by paragraph (k) of  
212 this subsection, a fee to be determined by the Department of  
213 Revenue may be charged to defray costs incurred to process





214 applications. The additional fees shall be paid into the State  
215 Treasury to the credit of a special fund account, which is hereby  
216 created, and expenditures therefrom shall be made only to defray  
217 the costs incurred by the Department of Revenue in processing  
218 alcoholic beverage applications. Any unencumbered balance  
219 remaining in the special fund account on June 30 of any fiscal  
220 year shall lapse into the State General Fund.

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

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

227 (2) (a) There is imposed and shall be collected from each  
228 permittee, except a common carrier, solicitor, holder of a direct  
229 wine shipper's permit or a temporary permittee, by the department,  
230 an additional license tax equal to the amounts imposed under  
231 subsection (1) of this section for the privilege of doing business  
232 within any municipality or county in which the licensee is  
233 located.

234 (b) (i) In addition to the tax imposed in paragraph  
235 (a) of this subsection, there is imposed and shall be collected by  
236 the department from each permittee described in subsection (1)(f),  
237 (g), (h), (m) and (t) of this section, an additional license tax  
238 for the privilege of doing business within any municipality or



county in which the licensee is located in the amount of Two Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each additional purchase of Five Thousand Dollars (\$5,000.00), or fraction thereof.

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

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

(c) If the licensee is located within a municipality, the department shall pay the amount of additional license tax collected under this section to the municipality, and if outside a



municipality the department shall pay the additional license tax to the county in which the licensee is located. Payments by the department to the respective local government subdivisions shall be made once each month for any collections during the preceding month.

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

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

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



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

**SECTION 11.** Section 27-71-7, Mississippi Code of 1972, is amended as follows:

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

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

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



(b) Until June 30, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the credit of the "Alcoholism Treatment and Rehabilitation Fund," a special fund which is hereby created in the State Treasury, and shall be used by the Division of Alcohol and Drug Abuse of the State Department of Mental Health and public or private centers or organizations solely for funding of treatment and rehabilitation programs for alcoholics and alcohol abusers which are sponsored by the division or public or private centers or organizations in such amounts as the Legislature may appropriate to the division for use by the division or public or private centers or organizations for such programs. Any tax revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund. It is the intent of the Legislature that the State Department of Mental Health shall continue to seek funds from other sources and shall use the funds appropriated for the purposes of this section and Section 27-71-29 to match all federal funds which may be available for alcoholism treatment and rehabilitation.

From and after July 1, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the credit of the "Mental Health Programs Fund," a special fund which is hereby created in the State Treasury and shall be used by the State Department of Mental Health for the service programs of the department. Any revenue in



the "Alcoholism Treatment and Rehabilitation Fund" which is not encumbered at the end of Fiscal Year 1987 shall be deposited to the credit of the "Mental Health Programs Fund."

(3) There is levied and assessed upon the holder of a direct wine shipper's permit, a tax in the amount of thirty-four percent (34%) of the sales price of each sale and shipment of wine made to a resident in this state. The holder of a direct wine shipper's permit shall file a monthly report with the department along with a copy of the invoice for each sale and shipment of wine and remit any taxes due; however, no report shall be required for months in which no sales or shipments were made into this state. The report, together with copies of the invoices and the payment of all taxes, shall be filed with the department not later than the twentieth day of the month following the month in which the shipment was made. Permittees who fail to timely file and pay taxes as required by this subsection shall pay a late fee in the amount of Fifty Dollars (\$50.00), in addition to any other penalty authorized by this article.

**SECTION 12.** Section 27-71-15, Mississippi Code of 1972, is amended as follows:

27-71-15. Except as otherwise provided in Section 67-9-1 for the transportation of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and in Sections 1 through 9 of this act for the sale and shipment of wine by the holder of a direct wine shipper's permit, if transportation



requires passage through a county which has not authorized the sale of alcoholic beverages, such transportation shall be by a sealed vehicle. Such seal shall remain unbroken until the vehicle shall reach the place of business operated by the permittee. The operator of any vehicle transporting alcoholic beverages shall have in his possession an invoice issued by the \* \* \* department at the time of the wholesale sale covering the merchandise transported by the vehicle. The \* \* \* department is authorized to issue regulations controlling the transportation of alcoholic beverages.

When the restrictions imposed by this section and by the regulation of the \* \* \* department have not been violated, the person transporting alcoholic beverages through a county wherein the sale of alcoholic beverages is prohibited shall not be guilty of unlawful possession and such merchandise shall be immune from seizure.

**SECTION 13.** Section 27-71-29, Mississippi Code of 1972, is amended as follows:

27-71-29. (1) All taxes levied by this article shall be paid to the Department of Revenue in cash or by personal check, cashier's check, bank exchange, post office money order or express money order and shall be deposited by the department in the State Treasury on the same day collected, but no remittances other than cash shall be a final discharge of liability for the tax herein



imposed and levied unless and until it has been paid in cash to the department.

(2) All taxes levied under Section 27-71-7(1) and received by the department under this article shall be paid into the General Fund, and the three percent (3%) levied under Section 27-71-7(2) and received by the department under this article shall be paid into the special fund in the State Treasury designated as the "Alcoholism Treatment and Rehabilitation Fund" as required by law. Any funds derived from the sale of alcoholic beverages in excess of inventory requirements shall be paid not less often than annually into the General Fund, except for fees charged by the department for the defraying of costs associated with shipping alcoholic beverages. The revenue derived from these fees shall be deposited by the department into a special fund, hereby created in the State Treasury, which is designated the "ABC Shipping Fund." The monies in this special fund shall be earmarked for use by the department for any expenditure made to ship alcoholic beverages. Any net proceeds remaining in the special fund on August 1 of any fiscal year shall lapse into the General Fund. "Net proceeds" in this section means the total of all fees collected by the department to defray the costs of shipping less the actual costs of shipping.

(3) All taxes levied under Section 27-71-7(3) and received by the department under this article shall be paid into the General Fund, except for an amount equivalent to the three percent





(3%) levied under Section 27-71-7(2), which shall be paid into the special fund in the State Treasury designated as the "Mental Health Programs Fund" as required by law.

**SECTION 14.** Section 67-1-41, Mississippi Code of 1972, is amended as follows:

67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department except as authorized in subsections (4), (9) and (12) of this section and Sections 1 through 9 of this act. The department may establish warehouses, purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this chapter.



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

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

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

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



461           (6) The department shall maintain all forms to be completed  
462 by applicants necessary for licensure by the department at all  
463 district offices of the department.

464           (7) The department may promulgate rules which authorize the  
465 manufacturer of an alcoholic beverage or wine to import, transport  
466 and furnish or give a sample of alcoholic beverages or wines to  
467 the holders of package retailer's permits, on-premises retailer's  
468 permits, native wine retailer's permits and temporary retailer's  
469 permits who have not previously purchased the brand of that  
470 manufacturer from the department. For each holder of the  
471 designated permits, the manufacturer may furnish not more than  
472 five hundred (500) milliliters of any brand of alcoholic beverage  
473 and not more than three (3) liters of any brand of wine.

474           (8) The department may promulgate rules disallowing open  
475 product sampling of alcoholic beverages or wines by the holders of  
476 package retailer's permits and permitting open product sampling of  
477 alcoholic beverages by the holders of on-premises retailer's  
478 permits. Permitted sample products shall be plainly identified  
479 "sample" and the actual sampling must occur in the presence of the  
480 manufacturer's representatives during the legal operating hours of  
481 on-premises retailers.

482           (9) The department may promulgate rules and regulations that  
483 authorize the holder of a research permit to import and purchase  
484 limited amounts of alcoholic beverages from importers, wineries  
485 and distillers of alcoholic beverages or from the department. The



department shall develop and provide forms to be completed by the research permittee verifying each transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department. The records and inventory of alcoholic beverages shall be open to inspection at any time by the Director of the Alcoholic Beverage Control Division or any duly authorized agent.

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

(11) **[Through June 30, 2023]** This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit or a festival wine permit.

(11) **[From and after July 1, 2023]** This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit.

(12) (a) An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department. No credit shall be provided to the permittee for any taxes paid to another state as a result of the



transaction. Package retailers may charge a service fee for receiving and handling shipments from wineries on behalf of the purchasers. The department shall develop and provide forms to be completed by the package retailer permittees verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.

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

(c) Shipments of wine into this state under this section shall be made by a duly licensed carrier. It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to package retailer permittees on behalf of consumers, to prepare and file with the department, on a schedule as determined by the department, of known wine shipments containing the name of the common or contract



536 carrier, firm or corporation making the report, the period of time  
537 covered by said report, the name and permit number of the winery,  
538 the name and permit number of the package retailer permittee  
539 receiving such wine, the weight of the package delivered to each  
540 package retailer permittee, a unique tracking number, and the date  
541 of delivery. Reports received by the department shall be made  
542 available by the department to the public via the Mississippi  
543 Public Records Act process in the same manner as other state  
544 alcohol filings.

545       Upon the department's request, any records supporting the  
546 report shall be made available to the department within a  
547 reasonable time after the department makes a written request for  
548 such records. Any records containing information relating to such  
549 reports shall be kept and preserved for a period of two (2) years,  
550 unless their destruction sooner is authorized, in writing, by the  
551 department, and shall be open and available to inspection by the  
552 department upon the department's written request. Reports shall  
553 also be made available to any law enforcement or regulatory body  
554 in the state in which the railroad company, express company,  
555 common or contract carrier making the report resides or does  
556 business.

557       Any common or contract carrier that willfully fails to make  
558 reports, as provided by this section or any of the rules and  
559 regulations of the department for the administration and  
560 enforcement of this section, is subject to a notification of



violation. In the case of a continuing failure to make reports, the common or contract carrier is subject to possible license suspension and revocation at the department's discretion.

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

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

(13) If any provision of this chapter, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the Legislature to further limit rather than expand commerce in alcoholic beverages to protect the health, safety, and welfare of the state's residents, and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by this chapter upon all alcoholic beverages to curb relationships and practices calculated to stimulate sales and



impair the state's policy favoring trade stability and the promotion of temperance.

**SECTION 15.** Section 67-1-45, Mississippi Code of 1972, is amended as follows:

67-1-45. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine may sell native wines to the department or to consumers at the location of the native winery or its immediate vicinity. The holder of a direct wine shipper's permit may sell wines directly to residents in this state as authorized by Sections 1 through 9 of this act.

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

**SECTION 16.** Section 67-1-51, Mississippi Code of 1972, is amended as follows:

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

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and





storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this chapter.

Manufacturer's permits shall be of the following classes:

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

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

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

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, not to be consumed on the premises where sold. In addition, a holder of a package retailer's permit may sell at retail through the Internet and ship wine in original sealed and unopened



635 packages to residents in this state and which is not to be  
636 consumed on the premises where sold. A holder of a package  
637 retailer's permit making such sales of wine shall (i) ensure that  
638 all containers of wine sold and shipped directly to a resident in  
639 this state are conspicuously labeled with the words "CONTAINS  
640 WINE: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR  
641 DELIVERY" and (ii) report to the department annually the total  
642 amount of wine sold and shipped within the state during the  
643 preceding calendar year. A holder of a package retailer's permit  
644 who sells wine through the Internet may not sell or ship any  
645 alcoholic beverage other than wine or ship wine to an address in a  
646 county that has not voted in favor of coming out from under the  
647 dry law. Alcoholic beverages shall not be sold by any retailer in  
648 any package or container containing less than fifty (50)  
649 milliliters by liquid measure. A package retailer's permit, with  
650 prior approval from the department, shall authorize the holder  
651 thereof to sample new product furnished by a manufacturer's  
652 representative or his employees at the permitted place of business  
653 so long as the sampling otherwise complies with this chapter and  
654 applicable department regulations. Such samples may not be  
655 provided to customers at the permitted place of business. In  
656 addition to the sale at retail of packages of alcoholic beverages,  
657 the holder of a package retailer's permit is authorized to sell at  
658 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers  
659 and other beverages commonly used to mix with alcoholic beverages.



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

662           (c) **On-premises retailer's permit.** Except as otherwise  
663 provided in subsection (5) of this section, an on-premises  
664 retailer's permit shall authorize the sale of alcoholic beverages,  
665 including native wines, for consumption on the licensed premises  
666 only; however, a patron of the permit holder may remove one (1)  
667 bottle of wine from the licensed premises if: (i) the patron  
668 consumed a portion of the bottle of wine in the course of  
669 consuming a meal purchased on the licensed premises; (ii) the  
670 permit holder securely reseals the bottle; (iii) the bottle is  
671 placed in a bag that is secured in a manner so that it will be  
672 visibly apparent if the bag is opened; and (iv) a dated receipt  
673 for the wine and the meal is available. Additionally, as part of  
674 a carryout order, a permit holder may sell one (1) bottle of wine  
675 to be removed from the licensed premises for every two (2) entrees  
676 ordered. Such a permit shall be issued only to qualified hotels,  
677 restaurants and clubs, and to common carriers with adequate  
678 facilities for serving passengers. In resort areas, whether  
679 inside or outside of a municipality, the department, in its  
680 discretion, may issue on-premises retailer's permits to such  
681 establishments as it deems proper. An on-premises retailer's  
682 permit when issued to a common carrier shall authorize the sale  
683 and serving of alcoholic beverages aboard any licensed vehicle  
684 while moving through any county of the state; however, the sale of



685 such alcoholic beverages shall not be permitted while such vehicle  
686 is stopped in a county that has not legalized such sales. If an  
687 on-premises retailer's permit is applied for by a common carrier  
688 operating solely in the water, such common carrier must, along  
689 with all other qualifications for a permit, (i) be certified to  
690 carry at least one hundred fifty (150) passengers and/or provide  
691 overnight accommodations for at least fifty (50) passengers and  
692 (ii) operate primarily in the waters within the State of  
693 Mississippi which lie adjacent to the State of Mississippi south  
694 of the three (3) most southern counties in the State of  
695 Mississippi and/or on the Mississippi River or navigable waters  
696 within any county bordering on the Mississippi River.

697 (d) **Solicitor's permit.** A solicitor's permit shall  
698 authorize the holder thereof to act as salesman for a manufacturer  
699 or wholesaler holding a proper permit, to solicit on behalf of his  
700 employer orders for alcoholic beverages, and to otherwise promote  
701 his employer's products in a legitimate manner. Such a permit  
702 shall authorize the representation of and employment by one (1)  
703 principal only. However, the permittee may also, in the  
704 discretion of the department, be issued additional permits to  
705 represent other principals. No such permittee shall buy or sell  
706 alcoholic beverages for his own account, and no such beverage  
707 shall be brought into this state in pursuance of the exercise of  
708 such permit otherwise than through a permit issued to a wholesaler  
709 or manufacturer in the state.



710                   (e) **Native wine retailer's permit.** Except as otherwise  
711 provided in subsection (5) of this section, a native wine  
712 retailer's permit shall be issued only to a holder of a Class 3  
713 manufacturer's permit, and shall authorize the holder thereof to  
714 make retail sales of native wines to consumers for on-premises  
715 consumption or to consumers in originally sealed and unopened  
716 containers at an establishment located on the premises of or in  
717 the immediate vicinity of a native winery. When selling to  
718 consumers for on-premises consumption, a holder of a native wine  
719 retailer's permit may add to the native wine alcoholic beverages  
720 not produced on the premises, so long as the total volume of  
721 foreign beverage components does not exceed twenty percent (20%)  
722 of the mixed beverage. Hours of sale shall be the same as those  
723 authorized for on-premises permittees in the city or county in  
724 which the native wine retailer is located.

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

730           Temporary retailer's permits shall be of the following  
731 classes:

732           Class 1. A temporary one-day permit may be issued to bona  
733 fide nonprofit civic or charitable organizations authorizing the  
734 sale of alcoholic beverages, including native wine, for



consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(1), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and



67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

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

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock



upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (1) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall





810 not authorize the sale of alcoholic beverages on the premises of  
811 the person engaging in business as a caterer; however, the holder  
812 of an on-premises retailer's permit may hold a caterer's permit.  
813 When the holder of an on-premises retailer's permit or an  
814 affiliated entity of the holder also holds a caterer's permit, the  
815 caterer's permit shall not authorize the service of alcoholic  
816 beverages on a consistent, recurring basis at a separate, fixed  
817 location owned or operated by the caterer, on-premises retailer or  
818 affiliated entity and an on-premises retailer's permit shall be  
819 required for the separate location. All sales of alcoholic  
820 beverages by holders of a caterer's permit shall be made at the  
821 location being catered by the caterer, and, except as otherwise  
822 provided in subsection (5) of this section, such sales may be made  
823 only for consumption at the catered location. The location being  
824 catered may be anywhere within a county or judicial district that  
825 has voted to come out from under the dry laws or in which the sale  
826 and distribution of alcoholic beverages is otherwise authorized by  
827 law. Such sales shall be made pursuant to any other conditions  
828 and restrictions which apply to sales made by on-premises retail  
829 permittees. The holder of a caterer's permit or his employees  
830 shall remain at the catered location as long as alcoholic  
831 beverages are being sold pursuant to the permit issued under this  
832 paragraph (g), and the permittee shall have at the location the  
833 identification card issued by the Alcoholic Beverage Control  
834 Division of the department. No unsold alcoholic beverages may be



left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

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

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

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's



860 permit. The alcoholic beverages sold from the cart must be  
861 consumed within the boundaries of the golf course.

862 (k) **Special service permit.** A special service permit  
863 shall authorize the holder to sell commercially sealed alcoholic  
864 beverages to the operator of a commercial or private aircraft for  
865 en route consumption only by passengers. A special service permit  
866 shall be issued only to a fixed-base operator who contracts with  
867 an airport facility to provide fueling and other associated  
868 services to commercial and private aircraft.

869 (l) **Merchant permit.** Except as otherwise provided in  
870 subsection (5) of this section, a merchant permit shall be issued  
871 only to the owner of a spa facility, an art studio or gallery, or  
872 a cooking school, and shall authorize the holder to serve  
873 complimentary by the glass wine only, including native wine, at  
874 the holder's spa facility, art studio or gallery, or cooking  
875 school. A merchant permit holder shall obtain all wine from the  
876 holder of a package retailer's permit.

877 (m) **Temporary alcoholic beverages charitable auction**  
878 **permit.** A temporary permit, not to exceed five (5) days, may be  
879 issued to a qualifying charitable nonprofit organization that is  
880 exempt from taxation under Section 501(c)(3) or (4) of the  
881 Internal Revenue Code of 1986. The permit shall authorize the  
882 holder to sell alcoholic beverages for the limited purpose of  
883 raising funds for the organization during a live or silent auction  
884 that is conducted by the organization and that meets the following



requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but



not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

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



consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

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



959                   (q) **Distillery retailer's permit.** The holder of a  
960 Class 1 manufacturer's permit may obtain a distillery retailer's  
961 permit. A distillery retailer's permit shall authorize the holder  
962 thereof to sell at retail alcoholic beverages by the sealed and  
963 unopened bottle from a retail location at the distillery for  
964 off-premises consumption. The holder may only sell product  
965 manufactured by the manufacturer at the distillery described in  
966 the permit. The holder shall not sell at retail more than ten  
967 percent (10%) of the alcoholic beverages produced annually at its  
968 distillery. The holder shall not make retail sales of more than  
969 two and twenty-five one-hundredths (2.25) liters, in the  
970 aggregate, of the alcoholic beverages produced at its distillery  
971 to any one (1) individual for consumption off the premises of the  
972 distillery within a twenty-four-hour period. The hours of sale  
973 shall be the same as those hours for package retailers under this  
974 chapter. The holder of a distillery retailer's permit is not  
975 required to purchase the alcoholic beverages authorized to be sold  
976 by this paragraph from the department's liquor distribution  
977 warehouse; however, if the holder does not purchase the alcoholic  
978 beverages from the department's liquor distribution warehouse, the  
979 holder shall pay to the department all taxes, fees and surcharges  
980 on the alcoholic beverages that are imposed upon the sale of  
981 alcoholic beverages shipped by the Alcoholic Beverage Control  
982 Division of the Department of Revenue. In addition to alcoholic  
983 beverages, the holder of a distillery retailer's permit may sell



at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

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

"Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue.

Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises





1009 permittees' sales in that county or city. The holder of the  
1010 permit shall be required to maintain all requirements set by Local  
1011 Option Law for the service and sale of alcoholic beverages. This  
1012 permit may be issued to entities participating in festivals at  
1013 which a Class 1 temporary permit is in effect.

1014 This paragraph (r) shall stand repealed from and after July  
1015 1, 2023.

1016 (s) Direct wine shipper's permit. A direct wine  
1017 shipper's permit shall authorize the holder to sell and ship a  
1018 limited amount of wine directly to residents in this state in  
1019 accordance with the provisions of Sections 1 through 9 of this  
1020 act, without being required to transact the sale and shipment of  
1021 those wines through the Alcoholic Beverage Control Division of the  
1022 department.

1023 (2) Except as otherwise provided in subsection (4) of this  
1024 section, retail permittees may hold more than one (1) retail  
1025 permit, at the discretion of the department.

1026 (3) Except as otherwise provided in this subsection, no  
1027 authority shall be granted to any person to manufacture, sell or  
1028 store for sale any intoxicating liquor as specified in this  
1029 chapter within four hundred (400) feet of any church, school,  
1030 kindergarten or funeral home. However, within an area zoned  
1031 commercial or business, such minimum distance shall be not less  
1032 than one hundred (100) feet.



1033           A church or funeral home may waive the distance restrictions  
1034 imposed in this subsection in favor of allowing issuance by the  
1035 department of a permit, pursuant to subsection (1) of this  
1036 section, to authorize activity relating to the manufacturing, sale  
1037 or storage of alcoholic beverages which would otherwise be  
1038 prohibited under the minimum distance criterion. Such waiver  
1039 shall be in written form from the owner, the governing body, or  
1040 the appropriate officer of the church or funeral home having the  
1041 authority to execute such a waiver, and the waiver shall be filed  
1042 with and verified by the department before becoming effective.

1043           The distance restrictions imposed in this subsection shall  
1044 not apply to the sale or storage of alcoholic beverages at a bed  
1045 and breakfast inn listed in the National Register of Historic  
1046 Places or to the sale or storage of alcoholic beverages in a  
1047 historic district that is listed in the National Register of  
1048 Historic Places, is a qualified resort area and is located in a  
1049 municipality having a population greater than one hundred thousand  
1050 (100,000) according to the latest federal decennial census.

1051           (4) No person, either individually or as a member of a firm,  
1052 partnership, limited liability company or association, or as a  
1053 stockholder, officer or director in a corporation, shall own or  
1054 control any interest in more than one (1) package retailer's  
1055 permit, nor shall such person's spouse, if living in the same  
1056 household of such person, any relative of such person, if living  
1057 in the same household of such person, or any other person living



1058 in the same household with such person own any interest in any  
1059 other package retailer's permit.

1060 (5) (a) In addition to any other authority granted under  
1061 this section, the holder of a permit issued under subsection  
1062 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
1063 sell or otherwise provide alcoholic beverages and/or wine to a  
1064 patron of the permit holder in the manner authorized in the permit  
1065 and the patron may remove an open glass, cup or other container of  
1066 the alcoholic beverage and/or wine from the licensed premises and  
1067 may possess and consume the alcoholic beverage or wine outside of  
1068 the licensed premises if: (i) the licensed premises is located  
1069 within a leisure and recreation district created under Section  
1070 67-1-101 and (ii) the patron remains within the boundaries of the  
1071 leisure and recreation district while in possession of the  
1072 alcoholic beverage or wine.

1073 (b) Nothing in this subsection shall be construed to  
1074 allow a person to bring any alcoholic beverages into a permitted  
1075 premises except to the extent otherwise authorized by this  
1076 chapter.

1077 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is  
1078 amended as follows:

1079 67-1-53. (1) Application for permits shall be in such form  
1080 and shall contain such information as shall be required by the  
1081 regulations of the \* \* \* department; however, no regulation of  
1082 the \* \* \* department shall require personal financial information



1083 from any officer of a corporation applying for an on-premises  
1084 retailer's permit to sell alcoholic beverages unless such officer  
1085 owns ten percent (10%) or more of the stock of such corporation.

1086 (2) Every applicant for each type of permit authorized by  
1087 Section 67-1-51 shall give notice of such application by  
1088 publication for two (2) consecutive issues in a newspaper of  
1089 general circulation published in the city or town in which  
1090 applicant's place of business is located. However, in instances  
1091 where no newspaper is published in the city or town, then the  
1092 notice shall be published in a newspaper of general circulation  
1093 published in the county where the applicant's business is located.  
1094 If no newspaper is published in the county, the notice shall be  
1095 published in a qualified newspaper which is published in the  
1096 closest neighboring county and circulated in the county of  
1097 applicant's residence. The notice shall be printed in ten-point  
1098 black face type and shall set forth the type of permit to be  
1099 applied for, the exact location of the place of business, the name  
1100 of the owner or owners thereof, and if operating under an assumed  
1101 name, the trade name together with the names of all owners, and if  
1102 a corporation, the names and titles of all officers. The cost of  
1103 such notice shall be borne by the applicant. The provisions of  
1104 this subsection (2) shall not apply to applicants for a direct  
1105 wine shipper's permit under Sections 1 through 9 of this act.



1106           (3) Each application or filing made under this section shall  
1107 include the social security number(s) of the applicant in  
1108 accordance with Section 93-11-64, Mississippi Code of 1972.

1109           **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is  
1110 amended as follows:

1111           67-1-55. No permit of any type shall be issued by the \* \* \*  
1112 department until the applicant has first filed with the \* \* \*  
1113 department a sworn statement disclosing all persons who are  
1114 financially involved in the operation of the business for which  
1115 the permit is sought. If an applicant is an individual, he will  
1116 swear that he owns one hundred percent (100%) of the business for  
1117 which he is seeking a permit. If the applicant is a partnership,  
1118 all partners and their addresses shall be disclosed and the extent  
1119 of their interest in the partnership shall be disclosed. If the  
1120 applicant is a corporation, the total stock in the corporation  
1121 shall be disclosed and each shareholder and his address and the  
1122 amount of stock in the corporation owned by him shall be  
1123 disclosed. If the applicant is a limited liability company, each  
1124 member and their addresses shall be disclosed and the extent of  
1125 their interest in the limited liability company shall be  
1126 disclosed. If the applicant is a trust, the trustee and all  
1127 beneficiaries and their addresses shall be disclosed. If the  
1128 applicant is a combination of any of the above, all information  
1129 required to be disclosed above shall be required.



1130 All the disclosures shall be in writing and kept on file at  
1131 the \* \* \* department and shall be available to the public.

1132 Every applicant must, when applying for a renewal of his  
1133 permit, disclose any change in the ownership of the business or  
1134 any change in the beneficiaries of the income from the business.

1135 Any person who willfully fails to fully disclose the  
1136 information required by this section, or who gives false  
1137 information, shall be guilty of a misdemeanor and, upon conviction  
1138 thereof, shall be fined a sum not to exceed Five Hundred Dollars  
1139 (\$500.00) or imprisoned for not more than one (1) year, or both,  
1140 and the person or applicant shall never again be eligible for any  
1141 permit pertaining to alcoholic beverages.

1142 The provisions of this section shall not apply to applicants  
1143 for a direct wine shipper's permit under Sections 1 through 9 of  
1144 this act.

1145 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is  
1146 amended as follows:

1147 67-1-57. Before a permit is issued the department shall  
1148 satisfy itself:

1149 (a) That the applicant, if an individual, or if a  
1150 partnership, each of the members of the partnership, or if a  
1151 corporation, each of its principal officers and directors, or if a  
1152 limited liability company, each member of the limited liability  
1153 company, is of good moral character and, in addition, enjoys a  
1154 reputation of being a peaceable, law-abiding citizen of the



community in which he resides, and is generally fit for the trust to be reposed in him, is not less than twenty-one (21) years of age, and has not been convicted of a felony in any state or federal court.

(b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent of any other person, and that he intends to superintend in person the management of the business or that he will designate a manager to manage the business for him. Except for managers employed by the holder of a direct wine shipper's permit, all managers must be approved by the department prior to completing any managerial tasks on behalf of the permittee and must possess all of the qualifications required of a permittee; however, a felony conviction, other than a crime of violence, does not automatically disqualify a person from being approved as a manager if the person was released from incarceration at least three (3) years prior to application for approval as a manager. A felony conviction, other than a crime of violence, may be considered by the department in determining whether all other qualifications are met.

(c) That the applicant for a package retailer's permit, if an individual, is a resident of the State of Mississippi. If the applicant is a partnership, each member of the partnership



1180 must be a resident of the state. If the applicant is a limited  
1181 liability company, each member of the limited liability company  
1182 must be a resident of the state. If the applicant is a  
1183 corporation, the designated manager of the corporation must be a  
1184 resident of the state.

1185 (d) That the place for which the permit is to be issued  
1186 is an appropriate one considering the character of the premises  
1187 and the surrounding neighborhood.

1188 (e) That the place for which the permit is to be issued  
1189 is within the corporate limits of an incorporated municipality or  
1190 qualified resort area or club which comes within the provisions of  
1191 this chapter.

1192 (f) That the applicant is not indebted to the state for  
1193 any taxes, fees or payment of penalties imposed by any law of the  
1194 State of Mississippi or by any rule or regulation of the \* \* \*  
1195 department.

1196 (g) That the applicant is not in the habit of using  
1197 alcoholic beverages to excess and is not physically or mentally  
1198 incapacitated, and that the applicant has the ability to read and  
1199 write the English language.

1200 (h) That the \* \* \* department does not believe and has  
1201 no reason to believe that the applicant will sell or knowingly  
1202 permit any agent, servant or employee to unlawfully sell liquor in  
1203 a dry area or in any other manner contrary to law.





1204           (i) That the applicant is not residentially domiciled  
1205 with any person whose permit or license has been cancelled for  
1206 cause within the twelve (12) months next preceding the date of the  
1207 present application for a permit.

1208           (j) That the \* \* \* department has not, in the exercise  
1209 of its discretion which is reserved and preserved to it, refused  
1210 to grant permits under the restrictions of this section, as well  
1211 as under any other pertinent provision of this chapter.

1212           (k) That there are not sufficient legal reasons to deny  
1213 a permit on the ground that the premises for which the permit is  
1214 sought has previously been operated, used or frequented for any  
1215 purpose or in any manner that is lewd, immoral or offensive to  
1216 public decency. In the granting or withholding of any permit to  
1217 sell alcoholic beverages at retail, the \* \* \* department in  
1218 forming its conclusions may give consideration to any  
1219 recommendations made in writing by the district or county attorney  
1220 or county, circuit or chancery judge of the county, or the sheriff  
1221 of the county, or the mayor or chief of police of an incorporated  
1222 city or town wherein the applicant proposes to conduct his  
1223 business and to any recommendations made by representatives of the  
1224 commission.

1225           (l) That the applicant and the applicant's key  
1226 employees, as determined by the \* \* \* department, do not have a  
1227 disqualifying criminal record. In order to obtain a criminal  
1228 record history check, the applicant shall submit to the commission



1229 a set of fingerprints from any local law enforcement agency for  
1230 each person for whom the records check is required. The \* \* \*  
1231 department shall forward the fingerprints to the Mississippi  
1232 Department of Public Safety. If no disqualifying record is  
1233 identified at the state level, the Department of Public Safety  
1234 shall forward the fingerprints to the Federal Bureau of  
1235 Investigation for a national criminal history record check. Costs  
1236 for processing the set or sets of fingerprints shall be borne by  
1237 the applicant. The department may waive the fingerprint  
1238 requirement in the case of an applicant for a direct wine  
1239 shipper's permit. The \* \* \* department shall not deny employment  
1240 to an employee of the applicant prior to the identification of a  
1241 disqualifying record or other disqualifying information.

1242 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is  
1243 amended as follows:

1244 67-1-73. (1) Except as otherwise provided in subsection (3)  
1245 of this section, every manufacturer, including native wine  
1246 producers, within or without the state, and every other shipper of  
1247 alcoholic beverages who sells any alcoholic beverage, including  
1248 native wine, within the state, shall, at the time of making such  
1249 sale, file with the \* \* \* department a copy of the invoice of such  
1250 sale showing in detail the kind of alcoholic beverage sold, the  
1251 quantities of each, the size of the container and the weight of  
1252 the contents, the alcoholic content, and the name and address of  
1253 the person to whom sold.



1254       (2) Except as otherwise provided in subsection (3) of this  
1255 section, every person transporting alcoholic beverages, including  
1256 native wine, within this state to a point within this state,  
1257 whether such transportation originates within or without this  
1258 state, shall, within five (5) days after delivery of such  
1259 shipment, furnish the \* \* \* department a copy of the bill of  
1260 lading or receipt, showing the name or consignor or consignee,  
1261 date, place received, destination, and quantity of alcoholic  
1262 beverages delivered. Upon failure to comply with the provisions  
1263 of this section, such person shall be deemed guilty of a  
1264 misdemeanor and, upon conviction, thereof shall be fined in the  
1265 sum of Fifty Dollars (\$50.00) for each offense.

1266       (3) Information regarding the sales, shipment, delivery and  
1267 transportation of wine in this state by the holder of a direct  
1268 wine shipper's permit under Sections 1 through 9 of this act shall  
1269 be in such form and content as prescribed by the department.

1270       **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is  
1271 amended as follows:

1272       97-31-47. It shall be unlawful for any transportation  
1273 company, or any agent, employee, or officer of such company, or  
1274 any other person, or corporation to transport into or deliver in  
1275 this state in any manner or by any means any spirituous, vinous,  
1276 malt, or other intoxicating liquors or drinks, or for any such  
1277 person, company, or corporation to transport any spirituous, malt,  
1278 vinous, or intoxicating liquors or drinks from one place within



1279 this state to another place within the state, or from one (1)  
1280 point within this state to any point without the state, except in  
1281 cases where this chapter \* \* \*, Section 67-9-1, or Sections 1  
1282 through 9 of this act authorizes the transportation.

1283       **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is  
1284 amended as follows:

1285       97-31-49. Except as otherwise provided in Sections 1 through  
1286 9 of this act, it shall be unlawful for any person, firm or  
1287 corporation in this state, in person, by letter, circular, or  
1288 other printed or written matter, or in any other manner, to  
1289 solicit or take order in this state for any liquors, bitters or  
1290 drinks prohibited by the laws of this state to be sold, bartered,  
1291 or otherwise disposed of. The inhibition of this section shall  
1292 apply to such liquors, bitters and drinks, whether the parties  
1293 intend that the same shall be shipped into this state from outside  
1294 of the state, or from one (1) point in this state to another point  
1295 in this state. If such order be in writing, parol evidence  
1296 thereof is admissible without producing or accounting for the  
1297 absence of the original; and the taking or soliciting of such  
1298 orders is within the inhibition of this section, although the  
1299 orders are subject to approval by some other person, and no part  
1300 of the price is paid, nor any part of the goods is delivered when  
1301 the order is taken.

1302       **SECTION 23.** Section 67-1-83, Mississippi Code of 1972, is  
1303 amended as follows:



1304           67-1-83. (1) It shall be unlawful for any permittee or  
1305 other person to sell or furnish any alcoholic beverage to any  
1306 person who is visibly intoxicated, or to any person who is known  
1307 to habitually drink alcoholic beverages to excess, or to any  
1308 person who is known to be an habitual user of narcotics or other  
1309 habit-forming drugs. Except as otherwise provided in Section  
1310 67-1-51(1)(b), it shall also be unlawful for the holder of any  
1311 package retailer's permit to sell any alcoholic beverages except  
1312 by delivery in person to the purchaser at the place of business of  
1313 the permittee.

1314           (2) It shall be unlawful for any permittee or other person  
1315 to sell or furnish any alcoholic beverage to any person to whom  
1316 the commission has, after investigation, decided to prohibit the  
1317 sale of those beverages because of an appeal to the commission so  
1318 to do by the husband, wife, father, mother, brother, sister,  
1319 child, or employer of the person. The interdiction in those cases  
1320 shall last until removed by the commission, but no person shall be  
1321 held to have violated this subsection unless he has been informed  
1322 by the commission, by registered letter, that it is forbidden to  
1323 sell to that individual or unless that fact is otherwise known to  
1324 the permittee or other person.

1325           (3) It shall be unlawful for any holder of a package  
1326 retailer's permit, or any employee or agent thereof, engaged  
1327 solely in the business of package retail sales under this chapter  
1328 to sell or furnish any alcoholic beverage before 10:00 a.m. and



1329 after 10:00 p.m. or to sell alcoholic beverages on Sunday and  
1330 Christmas Day.

1331 (4) Any person who violates any of the provisions of this  
1332 section shall be guilty of a misdemeanor and, upon conviction,  
1333 shall be punished by a fine of not more than Five Hundred Dollars  
1334 (\$500.00) or by imprisonment in the county jail for a term of not  
1335 more than six (6) months, or by both that fine and imprisonment,  
1336 in the discretion of the court. In addition, the commission shall  
1337 immediately revoke the permit of any permittee who violates the  
1338 provisions of this section.

1339 **SECTION 24.** Section 67-1-67, Mississippi Code of 1972, is  
1340 brought forward as follows:

1341 67-1-67. No permit shall be transferred by the permittee to  
1342 any other person or any other place except with the written  
1343 consent of the commission upon a regular application therefor in  
1344 writing and upon consideration thereof as provided in this chapter  
1345 for an original application for a permit. The commission shall  
1346 not approve the transfer of the permit of any person against whom  
1347 there is pending in the courts or before the commission any charge  
1348 of keeping a disorderly house, or of violating this chapter or the  
1349 laws against gambling in this state or against whom there is  
1350 pending any proceedings for the revocation, suspension or  
1351 cancellation of the permit.

1352 **SECTION 25.** This act shall take effect and be in force from  
1353 and after July 1, 2021.

