

By: Representative Burnett

To: Gaming

## HOUSE BILL NO. 1132

1 AN ACT TO AMEND SECTIONS 27-115-55 AND 67-1-51, MISSISSIPPI  
2 CODE OF 1972, TO CLARIFY THAT A RETAIL LIQUOR STORE SHALL BE  
3 ELIGIBLE TO APPLY TO BECOME A LOTTERY RETAILER; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 27-115-55, Mississippi Code of 1972, is  
7 amended as follows:

8 27-115-55. (1) The Legislature hereby recognizes that to  
9 conduct a successful lottery, the corporation must develop and  
10 maintain a statewide network of lottery retailers that will serve  
11 the public convenience and promote the sale of tickets, while  
12 ensuring the integrity of the lottery operations, games and  
13 activities.

14 (2) To govern the selection of lottery retailers, the board  
15 shall, by administrative rules and regulations, develop a list of  
16 objective criteria upon which the selection of lottery retailers  
17 shall be based. In developing these criteria, the board shall  
18 consider such factors as the applicant's financial responsibility,  
19 location and security of the applicant's place of business or



20 activity, integrity, and reputation; however, the board shall not  
21 consider political affiliation, activities or monetary  
22 contributions to political organizations or candidates for any  
23 public office. The criteria shall include, but not be limited to,  
24 the following:

25 (a) The applicant shall be current in payment of all  
26 taxes, interest and penalties owed to any taxing political  
27 subdivision where the lottery retailer will sell lottery tickets.

28 (b) The applicant shall be current in filing all  
29 applicable tax returns and in payment of all taxes, interest and  
30 penalties owed to the State of Mississippi, excluding items under  
31 formal appeal pursuant to applicable statutes, before a license is  
32 issued and before each renewal.

33 (c) No person shall be selected as a lottery retailer  
34 for the sale of lottery tickets who:

35 (i) Has been convicted of a criminal offense  
36 related to the security or integrity of the lottery in this or any  
37 other jurisdiction.

38 (ii) Has been convicted of any illegal gambling  
39 activity, false statements, false swearing or perjury in this or  
40 any other jurisdiction, or convicted of a felony.

41 (iii) Has been found to have violated the  
42 provisions of this chapter or any administrative rules and  
43 regulations adopted under this chapter, unless either ten (10)



44 years have passed since the violation, or the president and the  
45 board find the violation both minor and unintentional in nature.

46 (iv) Is a vendor or an employee or agent of any  
47 vendor doing business with the corporation.

48 (v) Resides in the same household as an officer or  
49 board member of the corporation.

50 (vi) Has made a statement of material fact to the  
51 corporation, knowing such statement to be false.

52 (d) A retail liquor store shall be eligible to apply to  
53 become a lottery retailer.

54 **SECTION 2.** Section 67-1-51, Mississippi Code of 1972, is  
55 amended as follows:

56 **[Through December 31, 2020, this section shall read as**  
57 **follows:]**

58 67-1-51. (1) Permits which may be issued by the department  
59 shall be as follows:

60 (a) **Manufacturer's permit.** A manufacturer's permit  
61 shall permit the manufacture, importation in bulk, bottling and  
62 storage of alcoholic liquor and its distribution and sale to  
63 manufacturers holding permits under this chapter in this state and  
64 to persons outside the state who are authorized by law to purchase  
65 the same, and to sell exclusively to the department.

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

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



69 production of distilled spirits by distillation or redistillation  
70 and/or to operate a rectifying plant for the purifying, refining,  
71 mixing, blending, flavoring or reducing in proof of distilled  
72 spirits and alcohol.

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

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

79 (b) **Package retailer's permit.** Except as otherwise  
80 provided in this paragraph and Section 67-1-52, a package  
81 retailer's permit shall authorize the holder thereof to operate a  
82 store exclusively for the sale at retail in original sealed and  
83 unopened packages of alcoholic beverages, including native wines,  
84 not to be consumed on the premises where sold. Alcoholic  
85 beverages shall not be sold by any retailer in any package or  
86 container containing less than fifty (50) milliliters by liquid  
87 measure. A package retailer's permit, with prior approval from  
88 the department, shall authorize the holder thereof to sample new  
89 product furnished by a manufacturer's representative or his  
90 employees at the permitted place of business so long as the  
91 sampling otherwise complies with this chapter and applicable  
92 department regulations. Such samples may not be provided to  
93 customers at the permitted place of business. In addition to the



94 sale at retail of packages of alcoholic beverages, the holder of a  
95 package retailer's permit is authorized to sell at retail  
96 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
97 other beverages commonly used to mix with alcoholic beverages.  
98 Nonalcoholic beverages sold by the holder of a package retailer's  
99 permit shall not be consumed on the premises where sold.

100           (c) **On-premises retailer's permit.** Except as otherwise  
101 provided in subsection (5) of this section, an on-premises  
102 retailer's permit shall authorize the sale of alcoholic beverages,  
103 including native wines, for consumption on the licensed premises  
104 only; however, a patron of the permit holder may remove one (1)  
105 bottle of wine from the licensed premises if: (i) the patron  
106 consumed a portion of the bottle of wine in the course of  
107 consuming a meal purchased on the licensed premises; (ii) the  
108 permit holder securely reseals the bottle; (iii) the bottle is  
109 placed in a bag that is secured in a manner so that it will be  
110 visibly apparent if the bag is opened; and (iv) a dated receipt  
111 for the wine and the meal is available. Additionally, as part of  
112 a carryout order, a permit holder may sell one (1) bottle of wine  
113 to be removed from the licensed premises for every two (2) entrees  
114 ordered. Such a permit shall be issued only to qualified hotels,  
115 restaurants and clubs, and to common carriers with adequate  
116 facilities for serving passengers. In resort areas, whether  
117 inside or outside of a municipality, the department, in its  
118 discretion, may issue on-premises retailer's permits to such



119 establishments as it deems proper. An on-premises retailer's  
120 permit when issued to a common carrier shall authorize the sale  
121 and serving of alcoholic beverages aboard any licensed vehicle  
122 while moving through any county of the state; however, the sale of  
123 such alcoholic beverages shall not be permitted while such vehicle  
124 is stopped in a county that has not legalized such sales. If an  
125 on-premises retailer's permit is applied for by a common carrier  
126 operating solely in the water, such common carrier must, along  
127 with all other qualifications for a permit, (i) be certified to  
128 carry at least one hundred fifty (150) passengers and/or provide  
129 overnight accommodations for at least fifty (50) passengers and  
130 (ii) operate primarily in the waters within the State of  
131 Mississippi which lie adjacent to the State of Mississippi south  
132 of the three (3) most southern counties in the State of  
133 Mississippi and/or on the Mississippi River or navigable waters  
134 within any county bordering on the Mississippi River.

135           (d) **Solicitor's permit.** A solicitor's permit shall  
136 authorize the holder thereof to act as salesman for a manufacturer  
137 or wholesaler holding a proper permit, to solicit on behalf of his  
138 employer orders for alcoholic beverages, and to otherwise promote  
139 his employer's products in a legitimate manner. Such a permit  
140 shall authorize the representation of and employment by one (1)  
141 principal only. However, the permittee may also, in the  
142 discretion of the department, be issued additional permits to  
143 represent other principals. No such permittee shall buy or sell



144 alcoholic beverages for his own account, and no such beverage  
145 shall be brought into this state in pursuance of the exercise of  
146 such permit otherwise than through a permit issued to a wholesaler  
147 or manufacturer in the state.

148           (e) **Native wine retailer's permit.** Except as otherwise  
149 provided in subsection (5) of this section, a native wine  
150 retailer's permit shall be issued only to a holder of a Class 3  
151 manufacturer's permit, and shall authorize the holder thereof to  
152 make retail sales of native wines to consumers for on-premises  
153 consumption or to consumers in originally sealed and unopened  
154 containers at an establishment located on the premises of or in  
155 the immediate vicinity of a native winery. When selling to  
156 consumers for on-premises consumption, a holder of a native wine  
157 retailer's permit may add to the native wine alcoholic beverages  
158 not produced on the premises, so long as the total volume of  
159 foreign beverage components does not exceed twenty percent (20%)  
160 of the mixed beverage. Hours of sale shall be the same as those  
161 authorized for on-premises permittees in the city or county in  
162 which the native wine retailer is located.

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



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

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the 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





193 a permit authorized in paragraph (c) of this subsection. A Class  
194 2 permit may be issued only to applicants demonstrating to the  
195 department, by a statement signed under the penalty of perjury,  
196 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
197 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
198 67-1-59. The department, following a preliminary review of the  
199 statement provided by the applicant and the requirements of the  
200 applicable statutes and regulations, may issue the permit.

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

209 Class 3. A temporary one-day permit may be issued to a  
210 retail establishment authorizing the complimentary distribution of  
211 wine, including native wine, to patrons of the retail  
212 establishment at an open house or promotional event, for  
213 consumption only on the premises described in the temporary  
214 permit. A Class 3 permit may be issued only to an applicant  
215 demonstrating to the department, by a statement signed under  
216 penalty of perjury submitted ten (10) days before the proposed  
217 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



243 shall qualify as a caterer unless forty percent (40%) or more of  
244 the revenue derived from such catering business shall be from the  
245 serving of prepared food and not from the sale of alcoholic  
246 beverages and unless such person has obtained a permit for such  
247 business from the Department of Health. A caterer's permit shall  
248 not authorize the sale of alcoholic beverages on the premises of  
249 the person engaging in business as a caterer; however, the holder  
250 of an on-premises retailer's permit may hold a caterer's permit.  
251 When the holder of an on-premises retailer's permit or an  
252 affiliated entity of the holder also holds a caterer's permit, the  
253 caterer's permit shall not authorize the service of alcoholic  
254 beverages on a consistent, recurring basis at a separate, fixed  
255 location owned or operated by the caterer, on-premises retailer or  
256 affiliated entity and an on-premises retailer's permit shall be  
257 required for the separate location. All sales of alcoholic  
258 beverages by holders of a caterer's permit shall be made at the  
259 location being catered by the caterer, and, except as otherwise  
260 provided in subsection (5) of this section, such sales may be made  
261 only for consumption at the catered location. The location being  
262 catered may be anywhere within a county or judicial district that  
263 has voted to come out from under the dry laws or in which the sale  
264 and distribution of alcoholic beverages is otherwise authorized by  
265 law. Such sales shall be made pursuant to any other conditions  
266 and restrictions which apply to sales made by on-premises retail  
267 permittees. The holder of a caterer's permit or his employees



shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control 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 permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

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

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

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is



exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction 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, light spirit product or light wine sales or any fee which may be construed to cover the cost of alcohol, beer, light spirit product 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.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's 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 shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic 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  
permittees' sales in that county or city. The holder of the  
permit shall be required to maintain all requirements set by Local  
Option Law for the service and sale of alcoholic beverages. This  
permit may be issued to entities participating in festivals at  
which a Class 1 temporary permit is in effect.

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

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

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

A church or funeral home may waive the distance restrictions  
imposed in this subsection in favor of allowing issuance by the  
department of a permit, pursuant to subsection (1) of this



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

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

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



492 (5) (a) In addition to any other authority granted under  
493 this section, the holder of a permit issued under subsection  
494 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
495 sell or otherwise provide alcoholic beverages and/or wine to a  
496 patron of the permit holder in the manner authorized in the permit  
497 and the patron may remove an open glass, cup or other container of  
498 the alcoholic beverage and/or wine from the licensed premises and  
499 may possess and consume the alcoholic beverage or wine outside of  
500 the licensed premises if: (i) the licensed premises is located  
501 within a leisure and recreation district created under Section  
502 67-1-101 and (ii) the patron remains within the boundaries of the  
503 leisure and recreation district while in possession of the  
504 alcoholic beverage or wine.

505 (b) Nothing in this subsection shall be construed to  
506 allow a person to bring any alcoholic beverages into a permitted  
507 premises except to the extent otherwise authorized by this  
508 chapter.

509 **[From and after January 1, 2021, this section shall read as**  
510 **follows:]**

511 67-1-51. (1) Permits which may be issued by the department  
512 shall be as follows:

513 (a) **Manufacturer's permit.** A manufacturer's permit  
514 shall permit the manufacture, importation in bulk, bottling and  
515 storage of alcoholic liquor and its distribution and sale to  
516 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. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new



product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages, and lottery tickets sold in accordance with the Alyce G. Clarke Mississippi Lottery Law. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

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



567 a carryout order, a permit holder may sell one (1) bottle of wine  
568 to be removed from the licensed premises for every two (2) entrees  
569 ordered. Such a permit shall be issued only to qualified hotels,  
570 restaurants and clubs, and to common carriers with adequate  
571 facilities for serving passengers. In resort areas, whether  
572 inside or outside of a municipality, the department, in its  
573 discretion, may issue on-premises retailer's permits to such  
574 establishments as it deems proper. An on-premises retailer's  
575 permit when issued to a common carrier shall authorize the sale  
576 and serving of alcoholic beverages aboard any licensed vehicle  
577 while moving through any county of the state; however, the sale of  
578 such alcoholic beverages shall not be permitted while such vehicle  
579 is stopped in a county that has not legalized such sales. If an  
580 on-premises retailer's permit is applied for by a common carrier  
581 operating solely in the water, such common carrier must, along  
582 with all other qualifications for a permit, (i) be certified to  
583 carry at least one hundred fifty (150) passengers and/or provide  
584 overnight accommodations for at least fifty (50) passengers and  
585 (ii) operate primarily in the waters within the State of  
586 Mississippi which lie adjacent to the State of Mississippi south  
587 of the three (3) most southern counties in the State of  
588 Mississippi and/or on the Mississippi River or navigable waters  
589 within any county bordering on the Mississippi River.

590 (d) **Solicitor's permit.** A solicitor's permit shall  
591 authorize the holder thereof to act as salesman for a manufacturer





or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

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



authorized for on-premises permittees in the city or county in which the native wine retailer is located.

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

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

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the 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



641 permittee exclusively for personal use and consumption, subject to  
642 all laws pertaining to the illegal sale and possession of  
643 alcoholic beverages. The department, following review of the  
644 statement provided by the applicant and the requirements of the  
645 applicable statutes and regulations, may issue the permit.

646       Class 2. A temporary permit, not to exceed seventy (70)  
647 days, may be issued to prospective permittees seeking to transfer  
648 a permit authorized in paragraph (c) of this subsection. A Class  
649 2 permit may be issued only to applicants demonstrating to the  
650 department, by a statement signed under the penalty of perjury,  
651 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
652 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
653 67-1-59. The department, following a preliminary review of the  
654 statement provided by the applicant and the requirements of the  
655 applicable statutes and regulations, may issue the permit.

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

664       Class 3. A temporary one-day permit may be issued to a  
665 retail establishment authorizing the complimentary distribution of



666 wine, including native wine, to patrons of the retail  
667 establishment at an open house or promotional event, for  
668 consumption only on the premises described in the temporary  
669 permit. A Class 3 permit may be issued only to an applicant  
670 demonstrating to the department, by a statement signed under  
671 penalty of perjury submitted ten (10) days before the proposed  
672 date or such other time as the department may determine, that it  
673 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
674 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
675 A Class 3 permit holder shall obtain all alcoholic beverages from  
676 the holder(s) of a package retailer's permit located in the county  
677 in which the temporary permit is issued. Wine remaining in stock  
678 upon expiration of the temporary permit may be returned by the  
679 Class 3 temporary permit holder to the package retailer for a  
680 refund of the purchase price, with consent of the package  
681 retailer, or may be kept by the Class 3 temporary permit holder  
682 exclusively for personal use and consumption, subject to all laws  
683 pertaining to the illegal sale and possession of alcoholic  
684 beverages. The department, following review of the statement  
685 provided by the applicant and the requirements of the applicable  
686 statutes and regulations, may issue the permit. No retailer may  
687 receive more than twelve (12) Class 3 temporary permits in a  
688 calendar year. A Class 3 temporary permit shall not be issued to  
689 a retail establishment that either holds a merchant permit issued  
690 under paragraph (1) of this subsection, or holds a permit issued



691 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
692 the holder to engage in the business of a retailer of light wine  
693 or beer.

694 (g) **Caterer's permit.** A caterer's permit shall permit  
695 the purchase of alcoholic beverages by a person engaging in  
696 business as a caterer and the resale of alcoholic beverages by  
697 such person in conjunction with such catering business. No person  
698 shall qualify as a caterer unless forty percent (40%) or more of  
699 the revenue derived from such catering business shall be from the  
700 serving of prepared food and not from the sale of alcoholic  
701 beverages and unless such person has obtained a permit for such  
702 business from the Department of Health. A caterer's permit shall  
703 not authorize the sale of alcoholic beverages on the premises of  
704 the person engaging in business as a caterer; however, the holder  
705 of an on-premises retailer's permit may hold a caterer's permit.  
706 When the holder of an on-premises retailer's permit or an  
707 affiliated entity of the holder also holds a caterer's permit, the  
708 caterer's permit shall not authorize the service of alcoholic  
709 beverages on a consistent, recurring basis at a separate, fixed  
710 location owned or operated by the caterer, on-premises retailer or  
711 affiliated entity and an on-premises retailer's permit shall be  
712 required for the separate location. All sales of alcoholic  
713 beverages by holders of a caterer's permit shall be made at the  
714 location being catered by the caterer, and, except as otherwise  
715 provided in subsection (5) of this section, such sales may be made



only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control 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.



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

750           (j) **Hospitality cart permit.** A hospitality cart permit  
751 shall authorize the sale of alcoholic beverages from a mobile cart  
752 on a golf course that is the holder of an on-premises retailer's  
753 permit. The alcoholic beverages sold from the cart must be  
754 consumed within the boundaries of the golf course.

755           (k) **Special service permit.** A special service permit  
756 shall authorize the holder to sell commercially sealed alcoholic  
757 beverages to the operator of a commercial or private aircraft for  
758 en route consumption only by passengers. A special service permit  
759 shall be issued only to a fixed-base operator who contracts with  
760 an airport facility to provide fueling and other associated  
761 services to commercial and private aircraft.

762           (l) **Merchant permit.** Except as otherwise provided in  
763 subsection (5) of this section, a merchant permit shall be issued  
764 only to the owner of a spa facility, an art studio or gallery, or



a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

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





789                   (n)   **Event venue retailer's permit.**   An event venue  
790   retailer's permit shall authorize the holder thereof to purchase  
791   and resell alcoholic beverages, including native wines, for  
792   consumption on the premises during legal hours during events held  
793   on the licensed premises if food is being served at the event by a  
794   caterer who is not affiliated with or related to the permittee.  
795   The caterer must serve at least three (3) entrees.   The permit may  
796   only be issued for venues that can accommodate two hundred (200)  
797   persons or more.   The number of persons a venue may accommodate  
798   shall be determined by the local fire department and such  
799   determination shall be provided in writing and submitted along  
800   with all other documents required to be provided for an  
801   on-premises retailer's permit.   The permittee must derive the  
802   majority of its revenue from event-related fees, including, but  
803   not limited to, admission fees or ticket sales for live  
804   entertainment in the building.   "Event-related fees" do not  
805   include alcohol, beer or light wine sales or any fee which may be  
806   construed to cover the cost of alcohol, beer or light wine.   This  
807   determination shall be made on a per event basis.   An event may  
808   not last longer than two (2) consecutive days per week.

809                   (o)   **Temporary theatre permit.**   A temporary theatre  
810   permit, not to exceed five (5) days, may be issued to a charitable  
811   nonprofit organization that is exempt from taxation under Section  
812   501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
813   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



839 beverages must be removed from the charter ship at the conclusion  
840 of each private charter. A charter ship operator's permit shall  
841 not authorize the permit holder to sell, charge for or otherwise  
842 supply alcoholic beverages to customers, except as authorized in  
843 this paragraph (p). For the purposes of this paragraph (p),  
844 "charter ship operator" means a common carrier that (i) is  
845 certified to carry at least one hundred fifty (150) passengers  
846 and/or provide overnight accommodations for at least fifty (50)  
847 passengers, (ii) operates only in the waters within the State of  
848 Mississippi, which lie adjacent to the State of Mississippi south  
849 of the three (3) most southern counties in the State of  
850 Mississippi, and (iii) provides charters under contract for tours  
851 and trips in such waters.

852           (q) **Distillery retailer's permit.** The holder of a  
853 Class 1 manufacturer's permit may obtain a distillery retailer's  
854 permit. A distillery retailer's permit shall authorize the holder  
855 thereof to sell at retail alcoholic beverages by the sealed and  
856 unopened bottle from a retail location at the distillery for  
857 off-premises consumption. The holder may only sell product  
858 manufactured by the manufacturer at the distillery described in  
859 the permit. The holder shall not sell at retail more than ten  
860 percent (10%) of the alcoholic beverages produced annually at its  
861 distillery. The holder shall not make retail sales of more than  
862 two and twenty-five one-hundredths (2.25) liters, in the  
863 aggregate, of the alcoholic beverages produced at its distillery



to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's 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 shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic 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 permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

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

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

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



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

919 A church or funeral home may waive the distance restrictions  
920 imposed in this subsection in favor of allowing issuance by the  
921 department of a permit, pursuant to subsection (1) of this  
922 section, to authorize activity relating to the manufacturing, sale  
923 or storage of alcoholic beverages which would otherwise be  
924 prohibited under the minimum distance criterion. Such waiver  
925 shall be in written form from the owner, the governing body, or  
926 the appropriate officer of the church or funeral home having the  
927 authority to execute such a waiver, and the waiver shall be filed  
928 with and verified by the department before becoming effective.

929 The distance restrictions imposed in this subsection shall  
930 not apply to the sale or storage of alcoholic beverages at a bed  
931 and breakfast inn listed in the National Register of Historic  
932 Places or to the sale or storage of alcoholic beverages in a  
933 historic district that is listed in the National Register of  
934 Historic Places, is a qualified resort area and is located in a  
935 municipality having a population greater than one hundred thousand  
936 (100,000) according to the latest federal decennial census.

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



939 stockholder, officer or director in a corporation, shall own or  
940 control any interest in more than one (1) package retailer's  
941 permit, nor shall such person's spouse, if living in the same  
942 household of such person, any relative of such person, if living  
943 in the same household of such person, or any other person living  
944 in the same household with such person own any interest in any  
945 other package retailer's permit.

946       (5) (a) In addition to any other authority granted under  
947 this section, the holder of a permit issued under subsection  
948 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
949 sell or otherwise provide alcoholic beverages and/or wine to a  
950 patron of the permit holder in the manner authorized in the permit  
951 and the patron may remove an open glass, cup or other container of  
952 the alcoholic beverage and/or wine from the licensed premises and  
953 may possess and consume the alcoholic beverage or wine outside of  
954 the licensed premises if: (i) the licensed premises is located  
955 within a leisure and recreation district created under Section  
956 67-1-101 and (ii) the patron remains within the boundaries of the  
957 leisure and recreation district while in possession of the  
958 alcoholic beverage or wine.

959       (b) Nothing in this subsection shall be construed to  
960 allow a person to bring any alcoholic beverages into a permitted  
961 premises except to the extent otherwise authorized by this  
962 chapter.



963           **SECTION 3.** This act shall take effect and be in force from  
964 and after its passage.

