

By: Representatives Felsher, Bennett, Zuber

To: Ways and Means

HOUSE BILL NO. 1288

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
 2 CREATE A CHARTER VESSEL OPERATOR'S PERMIT TO AUTHORIZE THE HOLDER
 3 THEREOF TO SELL AND SERVE ALCOHOL TO THE PASSENGERS OF A CHARTER
 4 VESSEL OPERATOR; TO DEFINE A CHARTER VESSEL OPERATOR AS A COMMON
 5 CARRIER THAT IS CERTIFIED TO CARRY AT LEAST 49 PASSENGERS,
 6 OPERATES ONLY IN THE WATERS WITHIN THE STATE OF MISSISSIPPI, WHICH
 7 LIE SOUTH OF INTERSTATE-10 IN THE THREE (3) MOST SOUTHERN COUNTIES
 8 IN THE STATE OF MISSISSIPPI, EXTENDING NOT FURTHER THAN ONE (1)
 9 MILE SOUTH OF SUCH COUNTIES, AND PROVIDES VESSEL SERVICES FOR
 10 TOURS AND CRUISES IN SUCH WATERS; TO AMEND SECTION 27-71-5,
 11 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
 12 ACT; AND FOR RELATED PURPOSES.

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

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

16 67-1-51. (1) Permits which may be issued by the department
 17 shall be as follows:

18 (a) **Manufacturer's permit.** A manufacturer's permit
 19 shall permit the manufacture, importation in bulk, bottling and
 20 storage of alcoholic liquor and its distribution and sale to
 21 manufacturers holding permits under this chapter in this state and
 22 to persons outside the state who are authorized by law to purchase
 23 the same, and to sell as provided by this chapter.



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

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

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

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

37 (b) **Package retailer's permit.** Except as otherwise
38 provided in this paragraph and Section 67-1-52, a package
39 retailer's permit shall authorize the holder thereof to operate a
40 store exclusively for the sale at retail in original sealed and
41 unopened packages of alcoholic beverages, including native wines,
42 not to be consumed on the premises where sold. Alcoholic
43 beverages shall not be sold by any retailer in any package or
44 container containing less than fifty (50) milliliters by liquid
45 measure. A package retailer's permit, with prior approval from
46 the department, shall authorize the holder thereof to sample new
47 product furnished by a manufacturer's representative or his
48 employees at the permitted place of business so long as the



49 sampling otherwise complies with this chapter and applicable
50 department regulations. Such samples may not be provided to
51 customers at the permitted place of business. In addition to the
52 sale at retail of packages of alcoholic beverages, the holder of a
53 package retailer's permit is authorized to sell at retail
54 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
55 other beverages commonly used to mix with alcoholic beverages.
56 Nonalcoholic beverages sold by the holder of a package retailer's
57 permit shall not be consumed on the premises where sold.

58 (c) **On-premises retailer's permit.** Except as otherwise
59 provided in subsection (5) of this section, an on-premises
60 retailer's permit shall authorize the sale of alcoholic beverages,
61 including native wines, for consumption on the licensed premises
62 only; however, a patron of the permit holder may remove one (1)
63 bottle of wine from the licensed premises if: (i) the patron
64 consumed a portion of the bottle of wine in the course of
65 consuming a meal purchased on the licensed premises; (ii) the
66 permit holder securely reseals the bottle; (iii) the bottle is
67 placed in a bag that is secured in a manner so that it will be
68 visibly apparent if the bag is opened; and (iv) a dated receipt
69 for the wine and the meal is available. Additionally, as part of
70 a carryout order, a permit holder may sell one (1) bottle of wine
71 to be removed from the licensed premises for every two (2) entrees
72 ordered. Such a permit shall be issued only to qualified hotels,
73 restaurants and clubs, and to common carriers with adequate



74 facilities for serving passengers. In resort areas, whether
75 inside or outside of a municipality, the department, in its
76 discretion, may issue on-premises retailer's permits to such
77 establishments as it deems proper. An on-premises retailer's
78 permit when issued to a common carrier shall authorize the sale
79 and serving of alcoholic beverages aboard any licensed vehicle
80 while moving through any county of the state; however, the sale of
81 such alcoholic beverages shall not be permitted while such vehicle
82 is stopped in a county that has not legalized such sales. If an
83 on-premises retailer's permit is applied for by a common carrier
84 operating solely in the water, such common carrier must, along
85 with all other qualifications for a permit, (i) be certified to
86 carry at least one hundred fifty (150) passengers and/or provide
87 overnight accommodations for at least fifty (50) passengers and
88 (ii) operate primarily in the waters within the State of
89 Mississippi which lie adjacent to the State of Mississippi south
90 of the three (3) most southern counties in the State of
91 Mississippi and/or on the Mississippi River or navigable waters
92 within any county bordering on the Mississippi River.

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



99 principal only. However, the permittee may also, in the
100 discretion of the department, be issued additional permits to
101 represent other principals. No such permittee shall buy or sell
102 alcoholic beverages for his own account, and no such beverage
103 shall be brought into this state in pursuance of the exercise of
104 such permit otherwise than through a permit issued to a wholesaler
105 or manufacturer in the state.

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

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



124 beverages, including native wines, during legal hours on the
125 premises described in the temporary permit only.

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

128 Class 1. A temporary one-day permit may be issued to bona
129 fide nonprofit civic or charitable organizations authorizing the
130 sale of alcoholic beverages, including native wine, for
131 consumption on the premises described in the temporary permit
132 only. Class 1 permits may be issued only to applicants
133 demonstrating to the department, by a statement signed under
134 penalty of perjury submitted ten (10) days prior to the proposed
135 date or such other time as the department may determine, that they
136 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
137 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
138 Class 1 permittees shall obtain all alcoholic beverages from
139 package retailers located in the county in which the temporary
140 permit is issued. Alcoholic beverages remaining in stock upon
141 expiration of the temporary permit may be returned by the
142 permittee to the package retailer for a refund of the purchase
143 price upon consent of the package retailer or may be kept by the
144 permittee exclusively for personal use and consumption, subject to
145 all laws pertaining to the illegal sale and possession of
146 alcoholic beverages. The department, following review of the
147 statement provided by the applicant and the requirements of the
148 applicable statutes and regulations, may issue the permit.



149 Class 2. A temporary permit, not to exceed seventy (70)
150 days, may be issued to prospective permittees seeking to transfer
151 a permit authorized in paragraph (c) of this subsection. A Class
152 2 permit may be issued only to applicants demonstrating to the
153 department, by a statement signed under the penalty of perjury,
154 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
155 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
156 67-1-59. The department, following a preliminary review of the
157 statement provided by the applicant and the requirements of the
158 applicable statutes and regulations, may issue the permit.

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

167 Class 3. A temporary one-day permit may be issued to a
168 retail establishment authorizing the complimentary distribution of
169 wine, including native wine, to patrons of the retail
170 establishment at an open house or promotional event, for
171 consumption only on the premises described in the temporary
172 permit. A Class 3 permit may be issued only to an applicant
173 demonstrating to the department, by a statement signed under



174 penalty of perjury submitted ten (10) days before the proposed
175 date or such other time as the department may determine, that it
176 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
177 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
178 A Class 3 permit holder shall obtain all alcoholic beverages from
179 the holder(s) of a package retailer's permit located in the county
180 in which the temporary permit is issued. Wine remaining in stock
181 upon expiration of the temporary permit may be returned by the
182 Class 3 temporary permit holder to the package retailer for a
183 refund of the purchase price, with consent of the package
184 retailer, or may be kept by the Class 3 temporary permit holder
185 exclusively for personal use and consumption, subject to all laws
186 pertaining to the illegal sale and possession of alcoholic
187 beverages. The department, following review of the statement
188 provided by the applicant and the requirements of the applicable
189 statutes and regulations, may issue the permit. No retailer may
190 receive more than twelve (12) Class 3 temporary permits in a
191 calendar year. A Class 3 temporary permit shall not be issued to
192 a retail establishment that either holds a merchant permit issued
193 under paragraph (1) of this subsection, or holds a permit issued
194 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
195 the holder to engage in the business of a retailer of light wine
196 or beer.

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



199 business as a caterer and the resale of alcoholic beverages by
200 such person in conjunction with such catering business. No person
201 shall qualify as a caterer unless forty percent (40%) or more of
202 the revenue derived from such catering business shall be from the
203 serving of prepared food and not from the sale of alcoholic
204 beverages and unless such person has obtained a permit for such
205 business from the Department of Health. A caterer's permit shall
206 not authorize the sale of alcoholic beverages on the premises of
207 the person engaging in business as a caterer; however, the holder
208 of an on-premises retailer's permit may hold a caterer's permit.
209 When the holder of an on-premises retailer's permit or an
210 affiliated entity of the holder also holds a caterer's permit, the
211 caterer's permit shall not authorize the service of alcoholic
212 beverages on a consistent, recurring basis at a separate, fixed
213 location owned or operated by the caterer, on-premises retailer or
214 affiliated entity and an on-premises retailer's permit shall be
215 required for the separate location. All sales of alcoholic
216 beverages by holders of a caterer's permit shall be made at the
217 location being catered by the caterer, and, except as otherwise
218 provided in subsection (5) of this section, such sales may be made
219 only for consumption at the catered location. The location being
220 catered may be anywhere within a county or judicial district that
221 has voted to come out from under the dry laws or in which the sale
222 and distribution of alcoholic beverages is otherwise authorized by
223 law. Such sales shall be made pursuant to any other conditions



224 and restrictions which apply to sales made by on-premises retail
225 permittees. The holder of a caterer's permit or his employees
226 shall remain at the catered location as long as alcoholic
227 beverages are being sold pursuant to the permit issued under this
228 paragraph (g), and the permittee shall have at the location the
229 identification card issued by the Alcoholic Beverage Control
230 Division of the department. No unsold alcoholic beverages may be
231 left at the catered location by the permittee upon the conclusion
232 of his business at that location. Appropriate law enforcement
233 officers and Alcoholic Beverage Control Division personnel may
234 enter a catered location on private property in order to enforce
235 laws governing the sale or serving of alcoholic beverages.

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

243 (i) **Alcohol processing permit.** An alcohol processing
244 permit shall authorize the holder thereof to purchase, transport
245 and possess alcoholic beverages for the exclusive use in cooking,
246 processing or manufacturing products which contain alcoholic
247 beverages as an integral ingredient. An alcohol processing permit
248 shall not authorize the sale of alcoholic beverages on the



249 premises of the person engaging in the business of cooking,
250 processing or manufacturing products which contain alcoholic
251 beverages. The amounts of alcoholic beverages allowed under an
252 alcohol processing permit shall be set by the department.

253 (j) **Hospitality cart permit.** A hospitality cart permit
254 shall authorize the sale of alcoholic beverages from a mobile cart
255 on a golf course that is the holder of an on-premises retailer's
256 permit. The alcoholic beverages sold from the cart must be
257 consumed within the boundaries of the golf course.

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

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



273 (m) **Temporary alcoholic beverages charitable auction**
274 **permit.** A temporary permit, not to exceed five (5) days, may be
275 issued to a qualifying charitable nonprofit organization that is
276 exempt from taxation under Section 501(c)(3) or (4) of the
277 Internal Revenue Code of 1986. The permit shall authorize the
278 holder to sell alcoholic beverages for the limited purpose of
279 raising funds for the organization during a live or silent auction
280 that is conducted by the organization and that meets the following
281 requirements: (i) the auction is conducted in an area of the
282 state where the sale of alcoholic beverages is authorized; (ii) if
283 the auction is conducted on the premises of an on-premises
284 retailer's permit holder, then the alcoholic beverages to be
285 auctioned must be stored separately from the alcoholic beverages
286 sold, stored or served on the premises, must be removed from the
287 premises immediately following the auction, and may not be
288 consumed on the premises; (iii) the permit holder may not conduct
289 more than two (2) auctions during a calendar year; (iv) the permit
290 holder may not pay a commission or promotional fee to any person
291 to arrange or conduct the auction.

292 (n) **Event venue retailer's permit.** An event venue
293 retailer's permit shall authorize the holder thereof to purchase
294 and resell alcoholic beverages, including native wines, for
295 consumption on the premises during legal hours during events held
296 on the licensed premises if food is being served at the event by a
297 caterer who is not affiliated with or related to the permittee.



298 The caterer must serve at least three (3) entrees. The permit may
299 only be issued for venues that can accommodate two hundred (200)
300 persons or more. The number of persons a venue may accommodate
301 shall be determined by the local fire department and such
302 determination shall be provided in writing and submitted along
303 with all other documents required to be provided for an
304 on-premises retailer's permit. The permittee must derive the
305 majority of its revenue from event-related fees, including, but
306 not limited to, admission fees or ticket sales for live
307 entertainment in the building. "Event-related fees" do not
308 include alcohol, beer or light wine sales or any fee which may be
309 construed to cover the cost of alcohol, beer or light wine. This
310 determination shall be made on a per event basis. An event may
311 not last longer than two (2) consecutive days per week.

312 (o) **Temporary theatre permit.** A temporary theatre
313 permit, not to exceed five (5) days, may be issued to a charitable
314 nonprofit organization that is exempt from taxation under Section
315 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
316 a theatre facility that features plays and other theatrical
317 performances and productions. Except as otherwise provided in
318 subsection (5) of this section, the permit shall authorize the
319 holder to sell alcoholic beverages, including native wines, to
320 patrons of the theatre during performances and productions at the
321 theatre facility for consumption during such performances and
322 productions on the premises of the facility described in the



323 permit. A temporary theatre permit holder shall obtain all
324 alcoholic beverages from package retailers located in the county
325 in which the permit is issued. Alcoholic beverages remaining in
326 stock upon expiration of the temporary theatre permit may be
327 returned by the permittee to the package retailer for a refund of
328 the purchase price upon consent of the package retailer or may be
329 kept by the permittee exclusively for personal use and
330 consumption, subject to all laws pertaining to the illegal sale
331 and possession of alcoholic beverages.

332 (p) **Charter ship operator's permit.** Subject to the
333 provisions of this paragraph (p), a charter ship operator's permit
334 shall authorize the holder thereof and its employees to serve,
335 monitor, store and otherwise control the serving and availability
336 of alcoholic beverages to customers of the permit holder during
337 private charters under contract provided by the permit holder. A
338 charter ship operator's permit shall authorize such action by the
339 permit holder and its employees only as to alcoholic beverages
340 brought onto the permit holder's ship by customers of the permit
341 holder as part of such a private charter. All such alcoholic
342 beverages must be removed from the charter ship at the conclusion
343 of each private charter. A charter ship operator's permit shall
344 not authorize the permit holder to sell, charge for or otherwise
345 supply alcoholic beverages to customers, except as authorized in
346 this paragraph (p). For the purposes of this paragraph (p),
347 "charter ship operator" means a common carrier that (i) is



348 certified to carry at least one hundred fifty (150) passengers
349 and/or provide overnight accommodations for at least fifty (50)
350 passengers, (ii) operates only in the waters within the State of
351 Mississippi, which lie adjacent to the State of Mississippi south
352 of the three (3) most southern counties in the State of
353 Mississippi, and (iii) provides charters under contract for tours
354 and trips in such waters.

355 (q) **Distillery retailer's permit.** The holder of a
356 Class 1 manufacturer's permit may obtain a distillery retailer's
357 permit. A distillery retailer's permit shall authorize the holder
358 thereof to sell at retail alcoholic beverages by the sealed and
359 unopened bottle from a retail location at the distillery for
360 off-premises consumption. The holder may only sell product
361 manufactured by the manufacturer at the distillery described in
362 the permit. The holder shall not sell at retail more than ten
363 percent (10%) of the alcoholic beverages produced annually at its
364 distillery. The holder shall not make retail sales of more than
365 two and twenty-five one-hundredths (2.25) liters, in the
366 aggregate, of the alcoholic beverages produced at its distillery
367 to any one (1) individual for consumption off the premises of the
368 distillery within a twenty-four-hour period. The hours of sale
369 shall be the same as those hours for package retailers under this
370 chapter. The holder of a distillery retailer's permit is not
371 required to purchase the alcoholic beverages authorized to be sold
372 by this paragraph from the department's liquor distribution



373 warehouse; however, if the holder does not purchase the alcoholic
374 beverages from the department's liquor distribution warehouse, the
375 holder shall pay to the department all taxes, fees and surcharges
376 on the alcoholic beverages that are imposed upon the sale of
377 alcoholic beverages shipped by the Alcoholic Beverage Control
378 Division of the Department of Revenue. In addition to alcoholic
379 beverages, the holder of a distillery retailer's permit may sell
380 at retail promotional products from the same retail location,
381 including shirts, hats, glasses, and other promotional products
382 customarily sold by alcoholic beverage manufacturers.

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

390 "Festival" means any event at which three (3) or more vendors are
391 present at a location for the sale or distribution of goods. The
392 holder of a Festival Wine Permit is not required to purchase the
393 alcoholic beverages authorized to be sold by this paragraph from
394 the department's liquor distribution warehouse. However, if the
395 holder does not purchase the alcoholic beverages from the
396 department's liquor distribution warehouse, the holder of this
397 permit shall pay to the department all taxes, fees and surcharges



398 on the alcoholic beverages sold at such festivals that are imposed
399 upon the sale of alcoholic beverages shipped by the Alcoholic
400 Beverage Control Division of the Department of Revenue.
401 Additionally, the entity shall file all applicable reports and
402 returns as prescribed by the department. This permit is issued
403 per festival and provides authority to sell for two (2)
404 consecutive days during the hours authorized for on-premises
405 permittees' sales in that county or city. The holder of the
406 permit shall be required to maintain all requirements set by Local
407 Option Law for the service and sale of alcoholic beverages. This
408 permit may be issued to entities participating in festivals at
409 which a Class 1 temporary permit is in effect.

410 This paragraph (r) shall stand repealed from and after July
411 1, 2023.

412 (s) Charter vessel operator's permit. Subject to the
413 provisions of this paragraph (s), a charter vessel operator's
414 permit shall authorize the holder thereof and its employees to
415 sell and serve alcoholic beverages to passengers of the permit
416 holder during public tours, historical tours, ecological tours and
417 sunset cruises provided by the permit holder. The permit shall
418 authorize the holder to only sell alcoholic beverages, including
419 native wines, to passengers of the charter vessel operator during
420 public tours, historical tours, ecological tours and sunset
421 cruises provided by the permit holder aboard the charter vessel
422 operator for consumption during such tours and cruises on the



423 premises of the charter vessel operator described in the permit.
424 For the purposes of this paragraph (s), "charter vessel operator"
425 means a common carrier that (i) is certified to carry at least
426 forty-nine (49) passengers, (ii) operates only in the waters
427 within the State of Mississippi, which lie south of Interstate-10
428 in the three (3) most southern counties in the State of
429 Mississippi, and lie adjacent to the State of Mississippi south of
430 the three (3) most southern counties in the State of Mississippi,
431 extending not further than one (1) mile south of such counties,
432 and (iii) provides vessel services for tours and cruises in such
433 waters as provided in this paragraph (s).

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

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

444 A church or funeral home may waive the distance restrictions
445 imposed in this subsection in favor of allowing issuance by the
446 department of a permit, pursuant to subsection (1) of this
447 section, to authorize activity relating to the manufacturing, sale



448 or storage of alcoholic beverages which would otherwise be
449 prohibited under the minimum distance criterion. Such waiver
450 shall be in written form from the owner, the governing body, or
451 the appropriate officer of the church or funeral home having the
452 authority to execute such a waiver, and the waiver shall be filed
453 with and verified by the department before becoming effective.

454 The distance restrictions imposed in this subsection shall
455 not apply to the sale or storage of alcoholic beverages at a bed
456 and breakfast inn listed in the National Register of Historic
457 Places or to the sale or storage of alcoholic beverages in a
458 historic district that is listed in the National Register of
459 Historic Places, is a qualified resort area and is located in a
460 municipality having a population greater than one hundred thousand
461 (100,000) according to the latest federal decennial census.

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

471 (5) (a) In addition to any other authority granted under
472 this section, the holder of a permit issued under subsection



473 (1) (c), (e), (f), (g), (l), (n) and/or (o) of this section may
474 sell or otherwise provide alcoholic beverages and/or wine to a
475 patron of the permit holder in the manner authorized in the permit
476 and the patron may remove an open glass, cup or other container of
477 the alcoholic beverage and/or wine from the licensed premises and
478 may possess and consume the alcoholic beverage or wine outside of
479 the licensed premises if: (i) the licensed premises is located
480 within a leisure and recreation district created under Section
481 67-1-101 and (ii) the patron remains within the boundaries of the
482 leisure and recreation district while in possession of the
483 alcoholic beverage or wine.

484 (b) Nothing in this subsection shall be construed to
485 allow a person to bring any alcoholic beverages into a permitted
486 premises except to the extent otherwise authorized by this
487 chapter.

488 **SECTION 2.** Section 27-71-5, Mississippi Code of 1972, is
489 amended as follows:

490 27-71-5. (1) Upon each person approved for a permit under
491 the provisions of the Alcoholic Beverage Control Law and
492 amendments thereto, there is levied and imposed for each location
493 for the privilege of engaging and continuing in this state in the
494 business authorized by such permit, an annual privilege license
495 tax in the amount provided in the following schedule:

496 (a) Except as otherwise provided in this subsection
497 (1), manufacturer's permit, Class 1, distiller's and/or



498	rectifier's.....	\$4,500.00
499	(b) Manufacturer's permit, Class 2, wine	
500	Manufacturer.....	\$1,800.00
501	(c) Manufacturer's permit, Class 3, native wine	
502	manufacturer per ten thousand (10,000) gallons or part thereof	
503	produced.....	\$ 10.00
504	(d) Native wine retailer's permit.....	\$ 50.00
505	(e) Package retailer's permit, each.....	\$ 900.00
506	(f) On-premises retailer's permit, except for clubs and	
507	common carriers, each.....	\$ 450.00
508	(g) On-premises retailer's permit for wine of more than	
509	five percent (5%) alcohol by weight, but not more than twenty-one	
510	percent (21%) alcohol by weight, each.....	\$ 225.00
511	(h) On-premises retailer's permit for clubs.....	\$ 225.00
512	(i) On-premises retailer's permit for common carriers,	
513	per car, plane, or other vehicle.....	\$ 120.00
514	(j) Solicitor's permit, regardless of any other	
515	provision of law, solicitor's permits shall be issued only in the	
516	discretion of the department.....	\$ 100.00
517	(k) Filing fee for each application except for an	
518	employee identification card.....	\$ 25.00
519	(l) Temporary permit, Class 1, each.....	\$ 10.00
520	(m) Temporary permit, Class 2, each.....	\$ 50.00
521	(n) (i) Caterer's permit.....	\$ 600.00



522	(ii) Caterer's permit for holders of on-premises		
523	retailer's permit.....	\$	150.00
524	(o) Research permit.....	\$	100.00
525	(p) Temporary permit, Class 3 (wine only).....	\$	10.00
526	(q) Special service permit.....	\$	225.00
527	(r) Merchant permit.....	\$	225.00
528	(s) Temporary alcoholic beverages charitable auction		
529	permit.....	\$	10.00
530	(t) Event venue retailer's permit.....	\$	225.00
531	(u) Temporary theatre permit, each.....	\$	10.00
532	(v) Charter ship operator's permit.....	\$	100.00
533	(w) Distillery retailer's permit.....	\$	450.00
534	(x) Festival wine permit.....	\$	10.00
535	<u>(y) Charter vessel operator's permit.....</u>	<u>\$</u>	<u>100.00</u>

536 If a person approved for a manufacturer's permit, Class 1,
537 distiller's permit produces a product with at least fifty-one
538 percent (51%) of the finished product by volume being obtained
539 from alcoholic fermentation of grapes, fruits, berries, honey
540 and/or vegetables grown and produced in Mississippi, and produces
541 all of the product by using not more than one (1) still having a
542 maximum capacity of one hundred fifty (150) liters, the annual
543 privilege license tax for such a permit shall be Ten Dollars
544 (\$10.00) per ten thousand (10,000) gallons or part thereof
545 produced. Bulk, concentrated or fortified ingredients used for



546 blending may be produced outside this state and used in producing
547 such a product.

548 In addition to the filing fee imposed by paragraph (k) of
549 this subsection, a fee to be determined by the Department of
550 Revenue may be charged to defray costs incurred to process
551 applications. The additional fees shall be paid into the State
552 Treasury to the credit of a special fund account, which is hereby
553 created, and expenditures therefrom shall be made only to defray
554 the costs incurred by the Department of Revenue in processing
555 alcoholic beverage applications. Any unencumbered balance
556 remaining in the special fund account on June 30 of any fiscal
557 year shall lapse into the State General Fund.

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

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

564 (2) (a) There is imposed and shall be collected from each
565 permittee, except a common carrier, solicitor or a temporary
566 permittee, by the department, an additional license tax equal to
567 the amounts imposed under subsection (1) of this section for the
568 privilege of doing business within any municipality or county in
569 which the licensee is located.



570 (b) (i) In addition to the tax imposed in paragraph
571 (a) of this subsection, there is imposed and shall be collected by
572 the department from each permittee described in subsection (1)(f),
573 (g), (h), (m) and (t) of this section, an additional license tax
574 for the privilege of doing business within any municipality or
575 county in which the licensee is located in the amount of Two
576 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
577 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
578 (\$225.00) for each additional purchase of Five Thousand Dollars
579 (\$5,000.00), or fraction thereof.

580 (ii) In addition to the tax imposed in paragraph
581 (a) of this subsection, there is imposed and shall be collected by
582 the department from each permittee described in subsection (1)(n)
583 and (r) of this section, an additional license tax for the
584 privilege of doing business within any municipality or county in
585 which the licensee is located in the amount of Two Hundred Fifty
586 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
587 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
588 additional purchase of Five Thousand Dollars (\$5,000.00), or
589 fraction thereof.

590 (iii) Any person who has paid the additional
591 privilege license tax imposed by this paragraph, and whose permit
592 is renewed, may add any unused fraction of Five Thousand Dollars
593 (\$5,000.00) purchases to the first Five Thousand Dollars
594 (\$5,000.00) purchases authorized by the renewal permit, and no



595 additional license tax will be required until purchases exceed the
596 sum of the two (2) figures.

597 (c) If the licensee is located within a municipality,
598 the department shall pay the amount of additional license tax
599 collected under this section to the municipality, and if outside a
600 municipality the department shall pay the additional license tax
601 to the county in which the licensee is located. Payments by the
602 department to the respective local government subdivisions shall
603 be made once each month for any collections during the preceding
604 month.

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

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

616 (5) If any person shall engage or continue in any business
617 which is taxable under this section without having paid the tax as
618 provided in this section, the person shall be liable for the full
619 amount of the tax plus a penalty thereon equal to the amount



620 thereof, and, in addition, shall be punished by a fine of not more
621 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
622 county jail for a term of not more than six (6) months, or by both
623 such fine and imprisonment, in the discretion of the court.

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

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

