

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1135: Alcoholic beverages; create delivery service permit.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

24                   (a) May contract with the holder of a package  
25 retailer's permit or an on-premises retailer's permit under  
26 Section 67-1-51 or the holder of a beer, light wine and light  
27 spirit product retail permit under Section 67-3-19 for the purpose  
28 of intrastate delivery of alcoholic beverages or beer, light wine  
29 and light spirit product, as authorized to be sold under the  
30 respective permits;

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



35 light spirit product retail permit under Section 67-3-19,  
36 respectively;

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

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

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

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



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

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

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

74 (j) Shall return all alcoholic beverages, beer, light  
75 wine or light spirit product to the retailer if the recipient is  
76 under the age of twenty-one (21) years, appears intoxicated, fails  
77 to provide proof of identification, fails or refuses to sign for  
78 delivery, fails to complete the identification verification  
79 process or declines to accept delivery, or if any circumstances in  
80 the delivery environment indicate illegal conduct, overconsumption  
81 of alcohol, or an otherwise unsafe environment for the consumption  
82 of alcohol;

83 (k) May not deliver any alcoholic beverage, beer, light  
84 wine or light spirit product to any person located within a



85 jurisdiction that is dry for that product, as provided by the  
86 division's wet-dry map;

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

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

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

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

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

102 (a) File an application with the division;

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

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



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

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

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

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

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

129 (4) The division may enforce the requirements of this  
130 section by the same administrative proceedings that apply to other  
131 alcoholic beverage licenses or permits, including, without  
132 limitation, any disciplinary action applicable to the package  
133 retailer's permittee, on-premises retailer's permittee, retail



134 permittee for beer, light wine or light spirit product, or  
135 delivery service permittee resulting from any unlawful sale to a  
136 minor.

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

150 (6) Nothing in this section shall be construed to limit or  
151 otherwise diminish the ability of the division to enforce the  
152 provisions of Chapters 1 and 3, Title 67, Mississippi Code of  
153 1972, with respect to the liability of any package retailer's  
154 permittee, on-premises retailer's permittee, retail permittee for  
155 beer, light wine or light spirit product, or delivery service  
156 permittee engaging in delivery activity authorized by this  
157 section.



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

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

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

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

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

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



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

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

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

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





206 package retailer's permit is authorized to sell at retail  
207 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
208 other beverages commonly used to mix with alcoholic beverages.  
209 Nonalcoholic beverages sold by the holder of a package retailer's  
210 permit shall not be consumed on the premises where sold.

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



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

246           (d) **Solicitor's permit.** A solicitor's permit shall  
247 authorize the holder thereof to act as salesman for a manufacturer  
248 or wholesaler holding a proper permit, to solicit on behalf of his  
249 employer orders for alcoholic beverages, and to otherwise promote  
250 his employer's products in a legitimate manner. Such a permit  
251 shall authorize the representation of and employment by one (1)  
252 principal only. However, the permittee may also, in the  
253 discretion of the department, be issued additional permits to  
254 represent other principals. No such permittee shall buy or sell  
255 alcoholic beverages for his own account, and no such beverage



256 shall be brought into this state in pursuance of the exercise of  
257 such permit otherwise than through a permit issued to a wholesaler  
258 or manufacturer in the state.

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

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

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



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

302           Class 2. A temporary permit, not to exceed seventy (70)  
303 days, may be issued to prospective permittees seeking to transfer  
304 a permit authorized in paragraph (c) of this subsection. A Class  
305 2 permit may be issued only to applicants demonstrating to the



306 department, by a statement signed under the penalty of perjury,  
307 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
308 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
309 67-1-59. The department, following a preliminary review of the  
310 statement provided by the applicant and the requirements of the  
311 applicable statutes and regulations, may issue the permit.

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

320 Class 3. A temporary one-day permit may be issued to a  
321 retail establishment authorizing the complimentary distribution of  
322 wine, including native wine, to patrons of the retail  
323 establishment at an open house or promotional event, for  
324 consumption only on the premises described in the temporary  
325 permit. A Class 3 permit may be issued only to an applicant  
326 demonstrating to the department, by a statement signed under  
327 penalty of perjury submitted ten (10) days before the proposed  
328 date or such other time as the department may determine, that it  
329 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
330 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.



331 A Class 3 permit holder shall obtain all alcoholic beverages from  
332 the holder(s) of a package retailer's permit located in the county  
333 in which the temporary permit is issued. Wine remaining in stock  
334 upon expiration of the temporary permit may be returned by the  
335 Class 3 temporary permit holder to the package retailer for a  
336 refund of the purchase price, with consent of the package  
337 retailer, or may be kept by the Class 3 temporary permit holder  
338 exclusively for personal use and consumption, subject to all laws  
339 pertaining to the illegal sale and possession of alcoholic  
340 beverages. The department, following review of the statement  
341 provided by the applicant and the requirements of the applicable  
342 statutes and regulations, may issue the permit. No retailer may  
343 receive more than twelve (12) Class 3 temporary permits in a  
344 calendar year. A Class 3 temporary permit shall not be issued to  
345 a retail establishment that either holds a merchant permit issued  
346 under paragraph (1) of this subsection, or holds a permit issued  
347 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
348 the holder to engage in the business of a retailer of light wine  
349 or beer.

350 (g) **Caterer's permit.** A caterer's permit shall permit  
351 the purchase of alcoholic beverages by a person engaging in  
352 business as a caterer and the resale of alcoholic beverages by  
353 such person in conjunction with such catering business. No person  
354 shall qualify as a caterer unless forty percent (40%) or more of  
355 the revenue derived from such catering business shall be from the



356 serving of prepared food and not from the sale of alcoholic  
357 beverages and unless such person has obtained a permit for such  
358 business from the Department of Health. A caterer's permit shall  
359 not authorize the sale of alcoholic beverages on the premises of  
360 the person engaging in business as a caterer; however, the holder  
361 of an on-premises retailer's permit may hold a caterer's permit.  
362 When the holder of an on-premises retailer's permit or an  
363 affiliated entity of the holder also holds a caterer's permit, the  
364 caterer's permit shall not authorize the service of alcoholic  
365 beverages on a consistent, recurring basis at a separate, fixed  
366 location owned or operated by the caterer, on-premises retailer or  
367 affiliated entity and an on-premises retailer's permit shall be  
368 required for the separate location. All sales of alcoholic  
369 beverages by holders of a caterer's permit shall be made at the  
370 location being catered by the caterer, and, except as otherwise  
371 provided in subsection (5) of this section, such sales may be made  
372 only for consumption at the catered location. The location being  
373 catered may be anywhere within a county or judicial district that  
374 has voted to come out from under the dry laws or in which the sale  
375 and distribution of alcoholic beverages is otherwise authorized by  
376 law. Such sales shall be made pursuant to any other conditions  
377 and restrictions which apply to sales made by on-premises retail  
378 permittees. The holder of a caterer's permit or his employees  
379 shall remain at the catered location as long as alcoholic  
380 beverages are being sold pursuant to the permit issued under this



381 paragraph (g), and the permittee shall have at the location the  
382 identification card issued by the Alcoholic Beverage Control  
383 Division of the department. No unsold alcoholic beverages may be  
384 left at the catered location by the permittee upon the conclusion  
385 of his business at that location. Appropriate law enforcement  
386 officers and Alcoholic Beverage Control Division personnel may  
387 enter a catered location on private property in order to enforce  
388 laws governing the sale or serving of alcoholic beverages.

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

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





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

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

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

426           (m) **Temporary alcoholic beverages charitable auction**  
427 **permit.** A temporary permit, not to exceed five (5) days, may be  
428 issued to a qualifying charitable nonprofit organization that is  
429 exempt from taxation under Section 501(c)(3) or (4) of the  
430 Internal Revenue Code of 1986. The permit shall authorize the



431 holder to sell alcoholic beverages for the limited purpose of  
432 raising funds for the organization during a live or silent auction  
433 that is conducted by the organization and that meets the following  
434 requirements: (i) the auction is conducted in an area of the  
435 state where the sale of alcoholic beverages is authorized; (ii) if  
436 the auction is conducted on the premises of an on-premises  
437 retailer's permit holder, then the alcoholic beverages to be  
438 auctioned must be stored separately from the alcoholic beverages  
439 sold, stored or served on the premises, must be removed from the  
440 premises immediately following the auction, and may not be  
441 consumed on the premises; (iii) the permit holder may not conduct  
442 more than two (2) auctions during a calendar year; (iv) the permit  
443 holder may not pay a commission or promotional fee to any person  
444 to arrange or conduct the auction.

445 (n) **Event venue retailer's permit.** An event venue  
446 retailer's permit shall authorize the holder thereof to purchase  
447 and resell alcoholic beverages, including native wines and native  
448 spirits, for consumption on the premises during legal hours during  
449 events held on the licensed premises if food is being served at  
450 the event by a caterer who is not affiliated with or related to  
451 the permittee. The caterer must serve at least three (3) entrees.  
452 The permit may only be issued for venues that can accommodate two  
453 hundred (200) persons or more. The number of persons a venue may  
454 accommodate shall be determined by the local fire department and  
455 such determination shall be provided in writing and submitted



456 along with all other documents required to be provided for an  
457 on-premises retailer's permit. The permittee must derive the  
458 majority of its revenue from event-related fees, including, but  
459 not limited to, admission fees or ticket sales for live  
460 entertainment in the building. "Event-related fees" do not  
461 include alcohol, beer or light wine sales or any fee which may be  
462 construed to cover the cost of alcohol, beer or light wine. This  
463 determination shall be made on a per event basis. An event may  
464 not last longer than two (2) consecutive days per week.

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



481 refund of the purchase price upon consent of the package retailer  
482 or may be kept by the permittee exclusively for personal use and  
483 consumption, subject to all laws pertaining to the illegal sale  
484 and possession of alcoholic beverages.

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



506 Mississippi, and (iii) provides charters under contract for tours  
507 and trips in such waters.

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



531 Division of the Department of Revenue. In addition to alcoholic  
532 beverages, the holder of a distillery retailer's permit may sell  
533 at retail promotional products from the same retail location,  
534 including shirts, hats, glasses, and other promotional products  
535 customarily sold by alcoholic beverage manufacturers.

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

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

554 Additionally, the entity shall file all applicable reports and  
555 returns as prescribed by the department. This permit is issued



556 per festival and provides authority to sell for two (2)  
557 consecutive days during the hours authorized for on-premises  
558 permittees' sales in that county or city. The holder of the  
559 permit shall be required to maintain all requirements set by Local  
560 Option Law for the service and sale of alcoholic beverages. This  
561 permit may be issued to entities participating in festivals at  
562 which a Class 1 temporary permit is in effect.

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

565 (s) Charter vessel operator's permit. Subject to the  
566 provisions of this paragraph (s), a charter vessel operator's  
567 permit shall authorize the holder thereof and its employees to  
568 sell and serve alcoholic beverages to passengers of the permit  
569 holder during public tours, historical tours, ecological tours and  
570 sunset cruises provided by the permit holder. The permit shall  
571 authorize the holder to only sell alcoholic beverages, including  
572 native wines, to passengers of the charter vessel operator during  
573 public tours, historical tours, ecological tours and sunset  
574 cruises provided by the permit holder aboard the charter vessel  
575 operator for consumption during such tours and cruises on the  
576 premises of the charter vessel operator described in the permit.  
577 For the purposes of this paragraph (s), "charter vessel operator"  
578 means a common carrier that (i) is certified to carry at least  
579 forty-nine (49) passengers, (ii) operates only in the waters  
580 within the State of Mississippi, which lie south of Interstate-10



581 in the three (3) most southern counties in the State of  
582 Mississippi, and lie adjacent to the State of Mississippi south of  
583 the three (3) most southern counties in the State of Mississippi,  
584 extending not further than one (1) mile south of such counties,  
585 and (iii) provides vessel services for tours and cruises in such  
586 waters as provided in this paragraph (s).

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

602 (u) **Delivery service permit.** Any individual, limited  
603 liability company, corporation or partnership registered to do  
604 business in this state is eligible to obtain a delivery service  
605 permit. Subject to the provisions of Section 1 of this act, this





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

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

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



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

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

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



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

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

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

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

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



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

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

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



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

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

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

719           (g) Subject to the provisions of subsection (3) of  
720 Section 67-1-51, to issue rules and regulations governing the  
721 issuance of retail permits for premises located near or around  
722 schools, colleges, universities, churches and other public  
723 institutions, and specifying the distances therefrom within which  
724 no such permit shall be issued. The Alcoholic Beverage Control  
725 Division shall not issue a package retailer's or on-premises  
726 retailer's permit for the sale or consumption of alcoholic  
727 beverages in or on the campus of any public school, community or  
728 junior college, college or university.



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

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

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

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



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

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

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

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

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

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



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

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

792           (2) It shall be unlawful for any permittee or \* \* \* any  
793 employee or agent thereof to sell or furnish any alcoholic  
794 beverage to any person to whom the \* \* \* department has, after  
795 investigation, decided to prohibit the sale of those beverages  
796 because of an appeal to the \* \* \* department so to do by the  
797 husband, wife, father, mother, brother, sister, child, or employer  
798 of the person. The interdiction in those cases shall last until  
799 removed by the \* \* \* department, but no person shall be held to  
800 have violated this subsection unless he has been informed by  
801 the \* \* \* department, by registered letter, that it is forbidden





802 to sell to that individual or unless that fact is otherwise known  
803 to the permittee or \* \* \* its employee or agent.

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

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

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

821 67-3-5. (1) It shall be lawful, subject to the provisions  
822 set forth in this chapter and in Section 67-1-51, in this state to  
823 transport, store, sell, distribute, possess, receive, deliver  
824 and/or manufacture light wine, light spirit product and beer, and  
825 it is hereby declared that it is the legislative intent that this  
826 chapter privileges the lawful sale and manufacture, within this



827 state, of such light wines, light spirit products and beer. In  
828 determining if a wine product is "light wine," or contains an  
829 alcoholic content of more than five percent (5%) by weight, or is  
830 not an "alcoholic beverage" as defined in the Local Option  
831 Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi  
832 Code of 1972, the alcoholic content of such wine product shall be  
833 subject to the same permitted tolerance as is allowed by the  
834 labeling requirements for light wine provided for in Section  
835 27-71-509.

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

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

845 67-3-25. (1) Any permit issued authorizing the sale or  
846 delivery of light wines, light spirit products and/or beer for  
847 consumption shall be construed to authorize the sale or delivery  
848 of light wines, light spirit products and/or beer by the bottle,  
849 by the glass or by draught, and in or from the original package.



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

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

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

863 27-71-5. (1) Upon each person approved for a permit under  
864 the provisions of the Alcoholic Beverage Control Law and  
865 amendments thereto, there is levied and imposed for each location  
866 for the privilege of engaging and continuing in this state in the  
867 business authorized by such permit, an annual privilege license  
868 tax in the amount provided in the following schedule:

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



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

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

880 ( \* \* \*e) Native wine retailer's permit.....\$ 50.00  
881 ( \* \* \*f) Package retailer's permit, each.....\$ 900.00  
882 ( \* \* \*g) On-premises retailer's permit, except for  
883 clubs and common carriers, each.....\$ 450.00  
884 ( \* \* \*h) On-premises retailer's permit for wine of  
885 more than five percent (5%) alcohol by weight, but not more than  
886 twenty-one percent (21%) alcohol by weight, each.....\$ 225.00  
887 ( \* \* \*i) On-premises retailer's permit for clubs\$ 225.00  
888 ( \* \* \*j) On-premises retailer's permit for common  
889 carriers, per car, plane, or other vehicle.....\$ 120.00  
890 ( \* \* \*k) Solicitor's permit, regardless of any other  
891 provision of law, solicitor's permits shall be issued only in the  
892 discretion of the department.....\$ 100.00  
893 ( \* \* \*l) Filing fee for each application except for an  
894 employee identification card.....\$ 25.00  
895 ( \* \* \*m) Temporary permit, Class 1, each.....\$ 10.00  
896 ( \* \* \*n) Temporary permit, Class 2, each.....\$ 50.00  
897 ( \* \* \*o) (i) Caterer's permit.....\$ 600.00



898	(ii) Caterer's permit for holders of on-premises	
899	retailer's permit.....	\$ 150.00
900	( * * * <u>p</u> ) Research permit.....	\$ 100.00
901	( * * * <u>q</u> ) Temporary permit, Class 3	
902	(wine only).....	\$ 10.00
903	( * * * <u>r</u> ) Special service permit.....	\$ 225.00
904	( * * * <u>s</u> ) Merchant permit.....	\$ 225.00
905	( * * * <u>t</u> ) Temporary alcoholic beverages charitable	
906	auction permit.....	\$ 10.00
907	( * * * <u>u</u> ) Event venue retailer's permit.....	\$ 225.00
908	( * * * <u>v</u> ) Temporary theatre permit, each.....	\$ 10.00
909	( * * * <u>w</u> ) Charter ship operator's permit.....	\$ 100.00
910	( * * * <u>x</u> ) Distillery retailer's permit.....	\$ 450.00
911	( * * * <u>y</u> ) Festival wine permit.....	\$ 10.00
912	<u>(z) Charter vessel operator's permit.....</u>	<u>\$ 100.00</u>
913	<u>(aa) Native spirit retailer's permit.....</u>	<u>\$ 50.00</u>
914	<u>(bb) Delivery service permit.....</u>	<u>\$ 500.00</u>

915 If a person approved for a manufacturer's permit, Class 1,  
916 distiller's permit produces a product with at least fifty-one  
917 percent (51%) of the finished product by volume being obtained  
918 from alcoholic fermentation of grapes, fruits, berries, honey  
919 and/or vegetables grown and produced in Mississippi, and produces  
920 all of the product by using not more than one (1) still having a  
921 maximum capacity of one hundred fifty (150) liters, the annual  
922 privilege license tax for such a permit shall be Ten Dollars



923 (\$10.00) per ten thousand (10,000) gallons or part thereof  
924 produced. Bulk, concentrated or fortified ingredients used for  
925 blending may be produced outside this state and used in producing  
926 such a product.

927 In addition to the filing fee imposed by paragraph ( \* \* \*1)  
928 of this subsection, a fee to be determined by the Department of  
929 Revenue may be charged to defray costs incurred to process  
930 applications. The additional fees shall be paid into the State  
931 Treasury to the credit of a special fund account, which is hereby  
932 created, and expenditures therefrom shall be made only to defray  
933 the costs incurred by the Department of Revenue in processing  
934 alcoholic beverage applications. Any unencumbered balance  
935 remaining in the special fund account on June 30 of any fiscal  
936 year shall lapse into the State General Fund.

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

941 Paragraph ( \* \* \*y) of this subsection shall stand repealed  
942 from and after July 1, 2023.

943 (2) (a) There is imposed and shall be collected from each  
944 permittee, except a common carrier, solicitor \* \* \*, a temporary  
945 permittee or a delivery service permittee, by the department, an  
946 additional license tax equal to the amounts imposed under  
947 subsection (1) of this section for the privilege of doing business



948 within any municipality or county in which the licensee is  
949 located.

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

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

970           (iii) Any person who has paid the additional  
971 privilege license tax imposed by this paragraph, and whose permit  
972 is renewed, may add any unused fraction of Five Thousand Dollars



973 (\$5,000.00) purchases to the first Five Thousand Dollars  
974 (\$5,000.00) purchases authorized by the renewal permit, and no  
975 additional license tax will be required until purchases exceed the  
976 sum of the two (2) figures.

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

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

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

996 (5) If any person shall engage or continue in any business  
997 which is taxable under this section without having paid the tax as





998 provided in this section, the person shall be liable for the full  
999 amount of the tax plus a penalty thereon equal to the amount  
1000 thereof, and, in addition, shall be punished by a fine of not more  
1001 than One Thousand Dollars (\$1,000.00), or by imprisonment in the  
1002 county jail for a term of not more than six (6) months, or by both  
1003 such fine and imprisonment, in the discretion of the court.

1004 (6) It shall be unlawful for any person to consume alcoholic  
1005 beverages on the premises of any hotel restaurant, restaurant,  
1006 club or the interior of any public place defined in Chapter 1,  
1007 Title 67, Mississippi Code of 1972, when the owner or manager  
1008 thereof displays in several conspicuous places inside the  
1009 establishment and at the entrances of establishment a sign  
1010 containing the following language: NO ALCOHOLIC BEVERAGES  
1011 ALLOWED.

1012 **SECTION 8.** If any section, paragraph, sentence, clause,  
1013 phrase or any part of this act is declared by a court of competent  
1014 jurisdiction to be invalid or of no effect, the remaining  
1015 sections, paragraphs, sentences, clauses, phrases or parts thereof  
1016 shall be in no manner affected thereby but shall remain in full  
1017 force and effect.

1018 **SECTION 9.** Section 1 of this act shall be codified as a new  
1019 section in Chapter 1, Title 67, Mississippi Code of 1972.

1020 **SECTION 10.** This act shall take effect and be in force from  
1021 and after July 1, 2021.



**Further, amend by striking the title in its entirety and inserting in lieu thereof the following:**

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

CONFEREES FOR THE HOUSE

X (SIGNED)  
Lamar

X (SIGNED)  
Zuber

X (SIGNED)  
Powell

CONFEREES FOR THE SENATE

X (SIGNED)  
Harkins

X (SIGNED)  
Carter

X (SIGNED)  
Thompson

