

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1135**

**BY: Committee**

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

96 (p) 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, is  
164 amended as follows:

165 67-1-51. (1) Permits which may be issued by the department  
166 shall be as follows:

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

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

174 Class 1. Distiller's and/or rectifier's permit, which shall  
175 authorize the holder thereof to operate a distillery for the  
176 production of distilled spirits by distillation or redistillation



177 and/or to operate a rectifying plant for the purifying, refining,  
178 mixing, blending, flavoring or reducing in proof of distilled  
179 spirits and alcohol.

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

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

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





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

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



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

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



252 shall be brought into this state in pursuance of the exercise of  
253 such permit otherwise than through a permit issued to a wholesaler  
254 or manufacturer in the state.

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

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

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



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

298           Class 2. A temporary permit, not to exceed seventy (70)  
299 days, may be issued to prospective permittees seeking to transfer  
300 a permit authorized in paragraph (c) of this subsection. A Class  
301 2 permit may be issued only to applicants demonstrating to the



302 department, by a statement signed under the penalty of perjury,  
303 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
304 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
305 67-1-59. The department, following a preliminary review of the  
306 statement provided by the applicant and the requirements of the  
307 applicable statutes and regulations, may issue the permit.

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

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



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

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



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



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

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

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





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

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

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

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



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

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



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

461           (o) **Temporary theatre permit.** A temporary theatre  
462 permit, not to exceed five (5) days, may be issued to a charitable  
463 nonprofit organization that is exempt from taxation under Section  
464 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
465 a theatre facility that features plays and other theatrical  
466 performances and productions. Except as otherwise provided in  
467 subsection (5) of this section, the permit shall authorize the  
468 holder to sell alcoholic beverages, including native wines, to  
469 patrons of the theatre during performances and productions at the  
470 theatre facility for consumption during such performances and  
471 productions on the premises of the facility described in the  
472 permit. A temporary theatre permit holder shall obtain all  
473 alcoholic beverages from package retailers located in the county  
474 in which the permit is issued. Alcoholic beverages remaining in  
475 stock upon expiration of the temporary theatre permit may be  
476 returned by the permittee to the package retailer for a refund of



477 the purchase price upon consent of the package retailer or may be  
478 kept by the permittee exclusively for personal use and  
479 consumption, subject to all laws pertaining to the illegal sale  
480 and possession of alcoholic beverages.

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



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

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



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

532 (r) **Festival Wine Permit.** Any wine manufacturer or  
533 native wine producer permitted by Mississippi or any other state  
534 is eligible to obtain a Festival Wine Permit. This permit  
535 authorizes the entity to transport product manufactured by it to  
536 festivals held within the State of Mississippi and sell sealed,  
537 unopened bottles to festival participants. The holder of this  
538 permit may provide samples at no charge to participants.  
539 "Festival" means any event at which three (3) or more vendors are  
540 present at a location for the sale or distribution of goods. The  
541 holder of a Festival Wine Permit is not required to purchase the  
542 alcoholic beverages authorized to be sold by this paragraph from  
543 the department's liquor distribution warehouse. However, if the  
544 holder does not purchase the alcoholic beverages from the  
545 department's liquor distribution warehouse, the holder of this  
546 permit shall pay to the department all taxes, fees and surcharges  
547 on the alcoholic beverages sold at such festivals that are imposed  
548 upon the sale of alcoholic beverages shipped by the Alcoholic  
549 Beverage Control Division of the Department of Revenue.  
550 Additionally, the entity shall file all applicable reports and  
551 returns as prescribed by the department. This permit is issued



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

559 This paragraph (r) shall stand repealed from and after July  
560 1, 2023.

561 (s) **Delivery service permit.** Any individual, limited  
562 liability company, corporation or partnership registered to do  
563 business in this state is eligible to obtain a delivery service  
564 permit. Subject to the provisions of Section 1 of this act, this  
565 permit authorizes the permittee, or its employee or an independent  
566 contractor acting on its behalf, to deliver alcoholic beverages,  
567 beer, light wine and light spirit product from a licensed retailer  
568 to a person in this state who is at least twenty-one (21) years of  
569 age for the individual's use and not for resale. This permit does  
570 not authorize the delivery of alcoholic beverages, beer, light  
571 wine or light spirit product to the premises of a location with a  
572 permit for the manufacture, distribution or retail sale of  
573 alcoholic beverages, beer, light wine or light spirit product.  
574 The holder of a package retailer's permit or an on-premises  
575 retailer's permit under Section 67-1-51 or of a beer, light wine  
576 and light spirit product permit under Section 67-3-19 is



577 authorized to apply for a delivery service permit as a privilege  
578 separate from its existing retail permit.

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

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

589 A church or funeral home may waive the distance restrictions  
590 imposed in this subsection in favor of allowing issuance by the  
591 department of a permit, pursuant to subsection (1) of this  
592 section, to authorize activity relating to the manufacturing, sale  
593 or storage of alcoholic beverages which would otherwise be  
594 prohibited under the minimum distance criterion. Such waiver  
595 shall be in written form from the owner, the governing body, or  
596 the appropriate officer of the church or funeral home having the  
597 authority to execute such a waiver, and the waiver shall be filed  
598 with and verified by the department before becoming effective.

599 The distance restrictions imposed in this subsection shall  
600 not apply to the sale or storage of alcoholic beverages at a bed  
601 and breakfast inn listed in the National Register of Historic





602 Places or to the sale or storage of alcoholic beverages in a  
603 historic district that is listed in the National Register of  
604 Historic Places, is a qualified resort area and is located in a  
605 municipality having a population greater than one hundred thousand  
606 (100,000) according to the latest federal decennial census.

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

616 (5) (a) In addition to any other authority granted under  
617 this section, the holder of a permit issued under subsection  
618 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
619 sell or otherwise provide alcoholic beverages and/or wine to a  
620 patron of the permit holder in the manner authorized in the permit  
621 and the patron may remove an open glass, cup or other container of  
622 the alcoholic beverage and/or wine from the licensed premises and  
623 may possess and consume the alcoholic beverage or wine outside of  
624 the licensed premises if: (i) the licensed premises is located  
625 within a leisure and recreation district created under Section  
626 67-1-101 and (ii) the patron remains within the boundaries of the



627 leisure and recreation district while in possession of the  
628 alcoholic beverage or wine.

629 (b) Nothing in this subsection shall be construed to  
630 allow a person to bring any alcoholic beverages into a permitted  
631 premises except to the extent otherwise authorized by this  
632 chapter.

633 **SECTION 3.** Section 67-1-37, Mississippi Code of 1972, is  
634 amended as follows:

635 67-1-37. The Department of Revenue, under its duties and  
636 powers with respect to the Alcoholic Beverage Control Division  
637 therein, shall have the following powers, functions and duties:

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

642 (b) To revoke, suspend or cancel, for violation of or  
643 noncompliance with the provisions of this chapter, or the law  
644 governing the production and sale of native wines, or any lawful  
645 rules and regulations of the department issued hereunder, or for  
646 other sufficient cause, any permit issued by it under the  
647 provisions of this chapter. The department shall also be  
648 authorized to suspend the permit of any permit holder for being  
649 out of compliance with an order for support, as defined in Section  
650 93-11-153. The procedure for suspension of a permit for being out  
651 of compliance with an order for support, and the procedure for the



652 reissuance or reinstatement of a permit suspended for that  
653 purpose, and the payment of any fees for the reissuance or  
654 reinstatement of a permit suspended for that purpose, shall be  
655 governed by Section 93-11-157 or Section 93-11-163, as the case  
656 may be. If there is any conflict between any provision of Section  
657 93-11-157 or Section 93-11-163 and any provision of this chapter,  
658 the provisions of Section 93-11-157 or Section 93-11-163, as the  
659 case may be, shall control.

660 (c) To prescribe forms of permits and applications for  
661 permits and of all reports which it deems necessary in  
662 administering this chapter.

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

667 (e) To issue rules regulating the advertising of  
668 alcoholic beverages in the state in any class of media and  
669 permitting advertising of the retail price of alcoholic beverages.

670 (f) To issue reasonable rules and regulations, not  
671 inconsistent with the federal laws or regulations, requiring  
672 informative labeling of all alcoholic beverages offered for sale  
673 within this state and providing for the standards of fill and  
674 shapes of retail containers of alcoholic beverages; however, such  
675 containers shall not contain less than fifty (50) milliliters by  
676 liquid measure.



677           (g) Subject to the provisions of subsection (3) of  
678 Section 67-1-51, to issue rules and regulations governing the  
679 issuance of retail permits for premises located near or around  
680 schools, colleges, universities, churches and other public  
681 institutions, and specifying the distances therefrom within which  
682 no such permit shall be issued. The Alcoholic Beverage Control  
683 Division shall not issue a package retailer's or on-premises  
684 retailer's permit for the sale or consumption of alcoholic  
685 beverages in or on the campus of any public school, community or  
686 junior college, college or university.

687           (h) To adopt and promulgate, repeal and amend, such  
688 rules, regulations, standards, requirements and orders, not  
689 inconsistent with this chapter or any law of this state or of the  
690 United States, as it deems necessary to control the manufacture,  
691 importation, transportation, distribution, delivery and sale of  
692 alcoholic liquor, whether intended for beverage or nonbeverage use  
693 in a manner not inconsistent with the provisions of this chapter  
694 or any other statute, including the native wine laws.

695           (i) To call upon other administrative departments of  
696 the state, county and municipal governments, county and city  
697 police departments and upon prosecuting officers for such  
698 information and assistance as it may deem necessary in the  
699 performance of its duties.

700           (j) To prepare and submit to the Governor during the  
701 month of January of each year a detailed report of its official



702 acts during the preceding fiscal year ending June 30, including  
703 such recommendations as it may see fit to make, and to transmit a  
704 like report to each member of the Legislature of this state upon  
705 the convening thereof at its next regular session.

706 (k) To inspect, or cause to be inspected, any premises  
707 where alcoholic liquors intended for sale are manufactured,  
708 stored, distributed or sold, and to examine or cause to be  
709 examined all books and records pertaining to the business  
710 conducted therein.

711 (l) To investigate the administration of laws in  
712 relation to alcoholic liquors in this and other states and any  
713 foreign countries, and to recommend from time to time to the  
714 Governor and through him to the Legislature of this state such  
715 amendments to this chapter, if any, as it may think desirable.

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

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

725 (o) To enforce the provisions made unlawful by Chapter  
726 3, Title 67 and Section 97-5-49.



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

730 (q) To prescribe and charge a fee to defray the costs  
731 of shipping alcoholic beverages, provided that such fee is  
732 determined in a manner provided by the department by rules and/or  
733 regulations adopted in accordance with the Mississippi  
734 Administrative Procedures Law.

735 **SECTION 4.** Section 67-1-83, Mississippi Code of 1972, is  
736 amended as follows:

737 67-1-83. (1) It shall be unlawful for any permittee or  
738 other person to sell or furnish any alcoholic beverage to any  
739 person who is visibly intoxicated, or to any person who is known  
740 to habitually drink alcoholic beverages to excess, or to any  
741 person who is known to be an habitual user of narcotics or other  
742 habit-forming drugs. It shall also be unlawful for the holder of  
743 any package retailer's permit to sell any alcoholic beverages  
744 except by delivery in person to the purchaser at the place of  
745 business of the permittee, unless the holder of a package  
746 retailer's permit also holds a delivery service permit or uses a  
747 delivery service permittee to effect delivery.

748 (2) It shall be unlawful for any permittee or other person  
749 to sell or furnish any alcoholic beverage to any person to whom  
750 the commission has, after investigation, decided to prohibit the  
751 sale of those beverages because of an appeal to the commission so



752 to do by the husband, wife, father, mother, brother, sister,  
753 child, or employer of the person. The interdiction in those cases  
754 shall last until removed by the commission, but no person shall be  
755 held to have violated this subsection unless he has been informed  
756 by the commission, by registered letter, that it is forbidden to  
757 sell to that individual or unless that fact is otherwise known to  
758 the permittee or other person.

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

765 (4) Any person who violates any of the provisions of this  
766 section shall be guilty of a misdemeanor and, upon conviction,  
767 shall be punished by a fine of not more than Five Hundred Dollars  
768 (\$500.00) or by imprisonment in the county jail for a term of not  
769 more than six (6) months, or by both that fine and imprisonment,  
770 in the discretion of the court. In addition, the commission shall  
771 immediately revoke the permit of any permittee who violates the  
772 provisions of this section.

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

775 67-3-5. (1) It shall be lawful, subject to the provisions  
776 set forth in this chapter and in Section 67-1-51, in this state to



777 transport, store, sell, distribute, possess, receive, deliver  
778 and/or manufacture light wine, light spirit product and beer, and  
779 it is hereby declared that it is the legislative intent that this  
780 chapter privileges the lawful sale and manufacture, within this  
781 state, of such light wines, light spirit products and beer. In  
782 determining if a wine product is "light wine," or contains an  
783 alcoholic content of more than five percent (5%) by weight, or is  
784 not an "alcoholic beverage" as defined in the Local Option  
785 Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi  
786 Code of 1972, the alcoholic content of such wine product shall be  
787 subject to the same permitted tolerance as is allowed by the  
788 labeling requirements for light wine provided for in Section  
789 27-71-509.

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

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

799 67-3-25. (1) Any permit issued authorizing the sale or  
800 delivery of light wines, light spirit products and/or beer for  
801 consumption shall be construed to authorize the sale or delivery





802 of light wines, light spirit products and/or beer by the bottle,  
803 by the glass or by draught, and in or from the original package.

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

807 (3) Except as otherwise provided in this section, permits  
808 shall be issued for twelve (12) months and shall be renewed  
809 annually on the first day of the month in which the permit  
810 expires. The commissioner may issue temporary permits for less  
811 than a full year. All permits shall show the effective date and  
812 expiration date of the permit, the business location, individual  
813 or business name and mailing address of the permittee.

814 **SECTION 7.** Section 27-71-5, Mississippi Code of 1972, is  
815 amended as follows:

816 27-71-5. (1) Upon each person approved for a permit under  
817 the provisions of the Alcoholic Beverage Control Law and  
818 amendments thereto, there is levied and imposed for each location  
819 for the privilege of engaging and continuing in this state in the  
820 business authorized by such permit, an annual privilege license  
821 tax in the amount provided in the following schedule:

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



827	(c) Manufacturer's permit, Class 3, native wine	
828	manufacturer per ten thousand (10,000) gallons or part thereof	
829	produced .....	\$ 10.00
830	(d) Native wine retailer's permit.....	\$ 50.00
831	(e) Package retailer's permit, each.....	\$ 900.00
832	(f) On-premises retailer's permit, except for clubs and	
833	common carriers, each .....	\$ 450.00
834	(g) On-premises retailer's permit for wine of more than	
835	five percent (5%) alcohol by weight, but not more than twenty-one	
836	percent (21%) alcohol by weight, each.....	\$ 225.00
837	(h) On-premises retailer's permit for clubs...	\$ 225.00
838	(i) On-premises retailer's permit for common carriers,	
839	per car, plane, or other vehicle .....	\$ 120.00
840	(j) Solicitor's permit, regardless of any other	
841	provision of law, solicitor's permits shall be issued only in the	
842	discretion of the department .....	\$ 100.00
843	(k) Filing fee for each application except for an	
844	employee identification card.....	\$ 25.00
845	(l) Temporary permit, Class 1, each.....	\$ 10.00
846	(m) Temporary permit, Class 2, each.....	\$ 50.00
847	(n) (i) Caterer's permit .....	\$ 600.00
848	(ii) Caterer's permit for holders of on-premises	
849	retailer's permit .....	\$ 150.00
850	(o) Research permit .....	\$ 100.00
851	(p) Temporary permit, Class 3 (wine only).....	\$ 10.00



852	(q)	Special service permit .....	\$ 225.00
853	(r)	Merchant permit .....	\$ 225.00
854	(s)	Temporary alcoholic beverages charitable auction	
855		permit .....	\$ 10.00
856	(t)	Event venue retailer's permit.....	\$ 225.00
857	(u)	Temporary theatre permit, each.....	\$ 10.00
858	(v)	Charter ship operator's permit.....	\$ 100.00
859	(w)	Distillery retailer's permit.....	\$ 450.00
860	(x)	Festival wine permit .....	\$ 10.00
861	(y)	<u>Delivery service permit .....</u>	<u>\$ 500.00</u>

862 If a person approved for a manufacturer's permit, Class 1,  
863 distiller's permit produces a product with at least fifty-one  
864 percent (51%) of the finished product by volume being obtained  
865 from alcoholic fermentation of grapes, fruits, berries, honey  
866 and/or vegetables grown and produced in Mississippi, and produces  
867 all of the product by using not more than one (1) still having a  
868 maximum capacity of one hundred fifty (150) liters, the annual  
869 privilege license tax for such a permit shall be Ten Dollars  
870 (\$10.00) per ten thousand (10,000) gallons or part thereof  
871 produced. Bulk, concentrated or fortified ingredients used for  
872 blending may be produced outside this state and used in producing  
873 such a product.

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



877 applications. The additional fees shall be paid into the State  
878 Treasury to the credit of a special fund account, which is hereby  
879 created, and expenditures therefrom shall be made only to defray  
880 the costs incurred by the Department of Revenue in processing  
881 alcoholic beverage applications. Any unencumbered balance  
882 remaining in the special fund account on June 30 of any fiscal  
883 year shall lapse into the State General Fund.

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

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

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

896 (b) (i) In addition to the tax imposed in paragraph  
897 (a) of this subsection, there is imposed and shall be collected by  
898 the department from each permittee described in subsection (1)(f),  
899 (g), (h), (m) and (t) of this section, an additional license tax  
900 for the privilege of doing business within any municipality or  
901 county in which the licensee is located in the amount of Two



902 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five  
903 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars  
904 (\$225.00) for each additional purchase of Five Thousand Dollars  
905 (\$5,000.00), or fraction thereof.

906 (ii) In addition to the tax imposed in paragraph  
907 (a) of this subsection, there is imposed and shall be collected by  
908 the department from each permittee described in subsection (1)(n)  
909 and (r) of this section, an additional license tax for the  
910 privilege of doing business within any municipality or county in  
911 which the licensee is located in the amount of Two Hundred Fifty  
912 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars  
913 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each  
914 additional purchase of Five Thousand Dollars (\$5,000.00), or  
915 fraction thereof.

916 (iii) Any person who has paid the additional  
917 privilege license tax imposed by this paragraph, and whose permit  
918 is renewed, may add any unused fraction of Five Thousand Dollars  
919 (\$5,000.00) purchases to the first Five Thousand Dollars  
920 (\$5,000.00) purchases authorized by the renewal permit, and no  
921 additional license tax will be required until purchases exceed the  
922 sum of the two (2) figures.

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



927 to the county in which the licensee is located. Payments by the  
928 department to the respective local government subdivisions shall  
929 be made once each month for any collections during the preceding  
930 month.

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

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

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

950 (6) It shall be unlawful for any person to consume alcoholic  
951 beverages on the premises of any hotel restaurant, restaurant,



952 club or the interior of any public place defined in Chapter 1,  
953 Title 67, Mississippi Code of 1972, when the owner or manager  
954 thereof displays in several conspicuous places inside the  
955 establishment and at the entrances of establishment a sign  
956 containing the following language: NO ALCOHOLIC BEVERAGES  
957 ALLOWED.

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

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

966 **SECTION 10.** This act shall take effect and be in force from  
967 and after its passage.

**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.

