

By: Representative Powell

To: Ways and Means

HOUSE BILL NO. 239

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
 2 DEFINE THE TERM "GROCERY STORE"; TO AMEND SECTION 67-1-51,
 3 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE
 4 TO ISSUE GROCERY STORE WINE-ONLY RETAILER'S PERMITS THAT AUTHORIZE
 5 THE HOLDER THEREOF TO SELL WINE AT RETAIL AT A GROCERY STORE IN
 6 ORIGINAL SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE
 7 PREMISES WHERE SOLD; TO PROVIDE THAT THE HOLDER OF A PACKAGE
 8 RETAILER'S PERMIT MAY SELL OTHER PRODUCTS AND MERCHANDISE, EXCEPT
 9 BEER, BUT MUST DERIVE AT LEAST 50% OF THE REVENUE OF THE LICENSED
 10 PREMISES FROM THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN ORIGINAL
 11 SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE LICENSED
 12 PREMISES; TO AUTHORIZE A PERSON TO OWN OR CONTROL ANY INTEREST IN
 13 NO MORE THAN SIX PACKAGE RETAILER'S PERMITS; TO AMEND SECTION
 14 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE LICENSE TAX
 15 REQUIRED FOR GROCERY STORE WINE-ONLY RETAILER'S PERMITS; TO AMEND
 16 SECTIONS 67-1-41, 67-1-75, 67-1-83 AND 67-1-85, MISSISSIPPI CODE
 17 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, is
 20 amended as follows:

21 67-1-5. For the purposes of this chapter and unless
 22 otherwise required by the context:

23 (a) "Alcoholic beverage" means any alcoholic liquid,
 24 including wines of more than five percent (5%) of alcohol by
 25 weight, capable of being consumed as a beverage by a human being,



26 but shall not include light wine, light spirit product and beer,
27 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
28 include native wines and native spirits. The words "alcoholic
29 beverage" shall not include ethyl alcohol manufactured or
30 distilled solely for fuel purposes or beer of an alcoholic content
31 of more than eight percent (8%) by weight if the beer is legally
32 manufactured in this state for sale in another state.

33 (b) "Alcohol" means the product of distillation of any
34 fermented liquid, whatever the origin thereof, and includes
35 synthetic ethyl alcohol, but does not include denatured alcohol or
36 wood alcohol.

37 (c) "Distilled spirits" means any beverage containing
38 more than six percent (6%) of alcohol by weight produced by
39 distillation of fermented grain, starch, molasses or sugar,
40 including dilutions and mixtures of these beverages.

41 (d) "Wine" or "vinous liquor" means any product
42 obtained from the alcoholic fermentation of the juice of sound,
43 ripe grapes, fruits, honey or berries and made in accordance with
44 the revenue laws of the United States.

45 (e) "Person" means and includes any individual,
46 partnership, corporation, association or other legal entity
47 whatsoever.

48 (f) "Manufacturer" means any person engaged in
49 manufacturing, distilling, rectifying, blending or bottling any
50 alcoholic beverage.



51 (g) "Wholesaler" means any person, other than a
52 manufacturer, engaged in distributing or selling any alcoholic
53 beverage at wholesale for delivery within or without this state
54 when such sale is for the purpose of resale by the purchaser.

55 (h) "Retailer" means any person who sells, distributes,
56 or offers for sale or distribution, any alcoholic beverage for use
57 or consumption by the purchaser and not for resale.

58 (i) "State Tax Commission," "commission" or
59 "department" means the Department of Revenue of the State of
60 Mississippi, which shall create a division in its organization to
61 be known as the Alcoholic Beverage Control Division. Any
62 reference to the commission or the department hereafter means the
63 powers and duties of the Department of Revenue with reference to
64 supervision of the Alcoholic Beverage Control Division.

65 (j) "Division" means the Alcoholic Beverage Control
66 Division of the Department of Revenue.

67 (k) "Municipality" means any incorporated city or town
68 of this state.

69 (l) "Hotel" means an establishment within a
70 municipality, or within a qualified resort area approved as such
71 by the department, where, in consideration of payment, food and
72 lodging are habitually furnished to travelers and wherein are
73 located at least twenty (20) adequately furnished and completely
74 separate sleeping rooms with adequate facilities that persons
75 usually apply for and receive as overnight accommodations. Hotels



76 in towns or cities of more than twenty-five thousand (25,000)
77 population are similarly defined except that they must have fifty
78 (50) or more sleeping rooms. Any such establishment described in
79 this paragraph with less than fifty (50) beds shall operate one or
80 more regular dining rooms designed to be constantly frequented by
81 customers each day. When used in this chapter, the word "hotel"
82 shall also be construed to include any establishment that meets
83 the definition of "bed and breakfast inn" as provided in this
84 section.

85 (m) "Restaurant" means:

86 (i) A place which is regularly and in a bona fide
87 manner used and kept open for the serving of meals to guests for
88 compensation, which has suitable seating facilities for guests,
89 and which has suitable kitchen facilities connected therewith for
90 cooking an assortment of foods and meals commonly ordered at
91 various hours of the day; the service of such food as sandwiches
92 and salads only shall not be deemed in compliance with this
93 requirement. Except as otherwise provided in this paragraph, no
94 place shall qualify as a restaurant under this chapter unless
95 twenty-five percent (25%) or more of the revenue derived from such
96 place shall be from the preparation, cooking and serving of meals
97 and not from the sale of beverages, or unless the value of food
98 given to and consumed by customers is equal to twenty-five percent
99 (25%) or more of total revenue; or



100 (ii) Any privately owned business located in a
101 building in a historic district where the district is listed in
102 the National Register of Historic Places, where the building has a
103 total occupancy rating of not less than one thousand (1,000) and
104 where the business regularly utilizes ten thousand (10,000) square
105 feet or more in the building for live entertainment, including not
106 only the stage, lobby or area where the audience sits and/or
107 stands, but also any other portion of the building necessary for
108 the operation of the business, including any kitchen area, bar
109 area, storage area and office space, but excluding any area for
110 parking. In addition to the other requirements of this
111 subparagraph, the business must also serve food to guests for
112 compensation within the building and derive the majority of its
113 revenue from event-related fees, including, but not limited to,
114 admission fees or ticket sales to live entertainment in the
115 building, and from the rental of all or part of the facilities of
116 the business in the building to another party for a specific event
117 or function.

118 (n) "Club" means an association or a corporation:

119 (i) Organized or created under the laws of this
120 state for a period of five (5) years prior to July 1, 1966;

121 (ii) Organized not primarily for pecuniary profit
122 but for the promotion of some common object other than the sale or
123 consumption of alcoholic beverages;



124 (iii) Maintained by its members through the
125 payment of annual dues;

126 (iv) Owning, hiring or leasing a building or space
127 in a building of such extent and character as may be suitable and
128 adequate for the reasonable and comfortable use and accommodation
129 of its members and their guests;

130 (v) The affairs and management of which are
131 conducted by a board of directors, board of governors, executive
132 committee, or similar governing body chosen by the members at a
133 regular meeting held at some periodic interval; and

134 (vi) No member, officer, agent or employee of
135 which is paid, or directly or indirectly receives, in the form of
136 a salary or other compensation any profit from the distribution or
137 sale of alcoholic beverages to the club or to members or guests of
138 the club beyond such salary or compensation as may be fixed and
139 voted at a proper meeting by the board of directors or other
140 governing body out of the general revenues of the club.

141 The department may, in its discretion, waive the five-year
142 provision of this paragraph. In order to qualify under this
143 paragraph, a club must file with the department, at the time of
144 its application for a license under this chapter, two (2) copies
145 of a list of the names and residences of its members and similarly
146 file, within ten (10) days after the election of any additional
147 member, his name and address. Each club applying for a license
148 shall also file with the department at the time of the application



149 a copy of its articles of association, charter of incorporation,
150 bylaws or other instruments governing the business and affairs
151 thereof.

152 (o) "Qualified resort area" means any area or locality
153 outside of the limits of incorporated municipalities in this state
154 commonly known and accepted as a place which regularly and
155 customarily attracts tourists, vacationists and other transients
156 because of its historical, scenic or recreational facilities or
157 attractions, or because of other attributes which regularly and
158 customarily appeal to and attract tourists, vacationists and other
159 transients in substantial numbers; however, no area or locality
160 shall so qualify as a resort area until it has been duly and
161 properly approved as such by the department. The department may
162 not approve an area as a qualified resort area after July 1, 2018,
163 if any portion of such proposed area is located within two (2)
164 miles of a convent or monastery that is located in a county
165 traversed by Interstate 55 and U.S. Highway 98. A convent or
166 monastery may waive such distance restrictions in favor of
167 allowing approval by the department of an area as a qualified
168 resort area. Such waiver shall be in written form from the owner,
169 the governing body, or the appropriate officer of the convent or
170 monastery having the authority to execute such a waiver, and the
171 waiver shall be filed with and verified by the department before
172 becoming effective.



173 (i) The department may approve an area or locality
174 outside of the limits of an incorporated municipality that is in
175 the process of being developed as a qualified resort area if such
176 area or locality, when developed, can reasonably be expected to
177 meet the requisites of the definition of the term "qualified
178 resort area." In such a case, the status of qualified resort area
179 shall not take effect until completion of the development.

180 (ii) The term includes any state park which is
181 declared a resort area by the department; however, such
182 declaration may only be initiated in a written request for resort
183 area status made to the department by the Executive Director of
184 the Department of Wildlife, Fisheries and Parks, and no permit for
185 the sale of any alcoholic beverage, as defined in this chapter,
186 except an on-premises retailer's permit, shall be issued for a
187 hotel, restaurant or bed and breakfast inn in such park.

188 (iii) The term includes:

189 1. The clubhouses associated with the state
190 park golf courses at the Lefleur's Bluff State Park, the John Kyle
191 State Park, the Percy Quin State Park and the Hugh White State
192 Park;

193 2. The clubhouse and associated golf course,
194 tennis courts and related facilities and swimming pool and related
195 facilities where the golf course, tennis courts and related
196 facilities and swimming pool and related facilities are adjacent
197 to one or more planned residential developments and the golf



198 course and all such developments collectively include at least
199 seven hundred fifty (750) acres and at least four hundred (400)
200 residential units;

201 3. Any facility located on property that is a
202 game reserve with restricted access that consists of at least
203 three thousand (3,000) contiguous acres with no public roads and
204 that offers as a service hunts for a fee to overnight guests of
205 the facility;

206 4. Any facility located on federal property
207 surrounding a lake and designated as a recreational area by the
208 United States Army Corps of Engineers that consists of at least
209 one thousand five hundred (1,500) acres;

210 5. Any facility that is located in a
211 municipality that is bordered by the Pearl River, traversed by
212 Mississippi Highway 25, adjacent to the boundaries of the Jackson
213 International Airport and is located in a county which has voted
214 against coming out from under the dry law; however, any such
215 facility may only be located in areas designated by the governing
216 authorities of such municipality;

217 6. Any municipality with a population in
218 excess of ten thousand (10,000) according to the latest federal
219 decennial census that is located in a county that is bordered by
220 the Pearl River and is not traversed by Interstate Highway 20,
221 with a population in excess of forty-five thousand (45,000)



222 according to the latest federal decennial census; however, the
223 governing authorities of such a municipality may by ordinance:

224 a. Specify the hours of operation of
225 facilities that offer alcoholic beverages for sale;

226 b. Specify the percentage of revenue
227 that facilities that offer alcoholic beverages for sale must
228 derive from the preparation, cooking and serving of meals and not
229 from the sale of beverages;

230 c. Designate the areas in which
231 facilities that offer alcoholic beverages for sale may be located;

232 7. The West Pearl Restaurant Tax District as
233 defined in Chapter 912, Local and Private Laws of 2007;

234 8. a. Land that is located in any county in
235 which Mississippi Highway 43 and Mississippi Highway 25 intersect
236 and:

237 A. Owned by the Pearl River Valley
238 Water Supply District, and/or

239 B. Located within the Reservoir
240 Community District, zoned commercial, east of Old Fannin Road,
241 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
242 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
243 Drive and/or Lake Vista Place, and/or

244 C. Located within the Reservoir
245 Community District, zoned commercial, west of Old Fannin Road,



246 south of Spillway Road and extending to the boundary of the
247 corporate limits of the City of Flowood, Mississippi;

248 b. The board of supervisors of such
249 county, with respect to B and C of item 8.a., may by resolution or
250 other order:

251 A. Specify the hours of operation
252 of facilities that offer alcoholic beverages for sale,

253 B. Specify the percentage of
254 revenue that facilities that offer alcoholic beverages for sale
255 must derive from the preparation, cooking and serving of meals and
256 not from the sale of beverages, and

257 C. Designate the areas in which
258 facilities that offer alcoholic beverages for sale may be located;

259 9. Any facility located on property that is a
260 game reserve with restricted access that consists of at least
261 eight hundred (800) contiguous acres with no public roads, that
262 offers as a service hunts for a fee to overnight guests of the
263 facility, and has accommodations for at least fifty (50) overnight
264 guests;

265 10. Any facility that:

266 a. Consists of at least six thousand
267 (6,000) square feet being heated and cooled along with an
268 additional adjacent area that consists of at least two thousand
269 two hundred (2,200) square feet regardless of whether heated and
270 cooled,



271 b. For a fee is used to host events such
272 as weddings, reunions and conventions,

273 c. Provides lodging accommodations
274 regardless of whether part of the facility and/or located adjacent
275 to or in close proximity to the facility, and

276 d. Is located on property that consists
277 of at least thirty (30) contiguous acres;

278 11. Any facility and related property:

279 a. Located on property that consists of
280 at least one hundred twenty-five (125) contiguous acres and
281 consisting of an eighteen (18) hole golf course, and/or located in
282 a facility that consists of at least eight thousand (8,000) square
283 feet being heated and cooled,

284 b. Used for the purpose of providing
285 meals and hosting events, and

286 c. Used for the purpose of teaching
287 culinary arts courses and/or turf management and grounds keeping
288 courses, and/or outdoor recreation and leadership courses;

289 12. Any facility and related property that:

290 a. Consist of at least eight thousand
291 (8,000) square feet being heated and cooled,

292 b. For a fee is used to host events,

293 c. Is used for the purpose of culinary
294 arts courses, and/or live entertainment courses and art
295 performances, and/or outdoor recreation and leadership courses;



296 13. The clubhouse and associated golf course
297 where the golf course is adjacent to one or more residential
298 developments and the golf course and all such developments
299 collectively include at least two hundred (200) acres and at least
300 one hundred fifty (150) residential units and are located a. in a
301 county that has voted against coming out from under the dry law;
302 and b. outside of but in close proximity to a municipality in such
303 county which has voted under Section 67-1-14, after January 1,
304 2013, to come out from under the dry law;

305 14. The clubhouse and associated eighteen
306 (18) hole golf course located in a municipality traversed by
307 Interstate Highway 55 and U.S. Highway 51 that has voted to come
308 out from under the dry law;

309 15. a. Land that is planned for mixed use
310 development and consists of at least two hundred (200) contiguous
311 acres with one or more planned residential developments
312 collectively planned to include at least two hundred (200)
313 residential units when completed, and also including a facility
314 that consists of at least four thousand (4,000) square feet that
315 is not part of such land but is located adjacent to or in close
316 proximity thereto, and which land is located:

317 A. In a county that has voted to
318 come out from under the dry law,

319 B. Outside the corporate limits of
320 any municipality in such county and adjacent to or in close



321 proximity to a golf course located in a municipality in such
322 county, and

323 C. Within one (1) mile of a state
324 institution of higher learning;

325 b. The board of supervisors of such
326 county may by resolution or other order:

327 A. Specify the hours of operation
328 of facilities that offer alcoholic beverages for sale,

329 B. Specify the percentage of
330 revenue that facilities that offer alcoholic beverages for sale
331 must derive from the preparation, cooking and serving of meals and
332 not from the sale of beverages, and

333 C. Designate the areas in which
334 facilities that offer alcoholic beverages for sale may be located;

335 16. Any facility with a capacity of five
336 hundred (500) people or more, to be used as a venue for private
337 events, on a tract of land in the Southwest Quarter of Section 33,
338 Township 2 South, Range 7 East, of a county where U.S. Highway 45
339 and U.S. Highway 72 intersect and that has not voted to come out
340 from under the dry law;

341 17. One hundred five (105) contiguous acres,
342 more or less, located in Hinds County, Mississippi, and in the
343 City of Jackson, Mississippi, whereon are constructed a variety of
344 buildings, improvements, grounds or objects for the purpose of



345 holding events thereon to promote agricultural and industrial
346 development in Mississippi;

347 18. Land that is owned by a state institution
348 of higher learning and:

349 a. Located entirely within a county that
350 has elected by majority vote not to permit the transportation,
351 storage, sale, distribution, receipt and/or manufacture of light
352 wine and beer pursuant to Section 67-3-7, and

353 b. Adjacent to but outside the
354 incorporated limits of a municipality that has elected by majority
355 vote to permit the sale, receipt, storage and transportation of
356 light wine and beer pursuant to Section 67-3-9.

357 If any portion of the land described in this item 18 has been
358 declared a qualified resort area by the department before July 1,
359 2020, then that qualified resort area shall be incorporated into
360 the qualified resort area created by this item 18;

361 19. Any facility and related property:

362 a. Used as a flea market or similar
363 venue during a weekend (Saturday and Sunday) immediately preceding
364 the first Monday of a month and having an annual average of at
365 least one thousand (1,000) visitors for each such weekend and five
366 hundred (500) vendors for Saturday of each such weekend, and

367 b. Located in a county that has not
368 voted to come out from under the dry law and outside of but in



369 close proximity to a municipality located in such county and which
370 municipality has voted to come out from under the dry law;

371 20. Blocks 1, 2 and 3 of the original town
372 square in any municipality with a population in excess of one
373 thousand five hundred (1,500) according to the latest federal
374 decennial census and which is located in:

375 a. A county traversed by Interstate 55
376 and Interstate 20, and

377 b. A judicial district that has not
378 voted to come out from under the dry law;

379 21. Any municipality with a population in
380 excess of two thousand (2,000) according to the latest federal
381 decennial census and in which is located a part of White's Creek
382 Lake and in which U.S. Highway 82 intersects with Mississippi
383 Highway 9 and located in a county that is partially bordered on
384 one (1) side by the Big Black River; however, the governing
385 authorities of such a municipality may by ordinance:

386 a. Specify the hours of operation of
387 facilities that offer alcoholic beverages for sale;

388 b. Specify the percentage of revenue
389 that facilities that offer alcoholic beverages for sale must
390 derive from the preparation, cooking and serving of meals and not
391 from the sale of beverages; and

392 c. Designate the areas in which
393 facilities that offer alcoholic beverages for sale may be located;



394 22. A restaurant located on a two-acre tract
395 adjacent to a five-hundred-fifty-acre lake in the northeast corner
396 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

397 23. Any tracts of land in Oktibbeha County,
398 situated north of Bailey Howell Drive, Lee Boulevard and Old
399 Mayhew Road, east of George Perry Street and south of Mississippi
400 Highway 182, and not located on the property of a state
401 institution of higher learning; however, the board of supervisors
402 of such county may by resolution or other order:

403 a. Specify the hours of operation of
404 facilities that offer alcoholic beverages for sale;

405 b. Specify the percentage of revenue
406 that facilities that offer alcoholic beverages for sale must
407 derive from the preparation, cooking and serving of meals and not
408 from the sale of beverages; and

409 c. Designate the areas in which
410 facilities that offer alcoholic beverages for sale may be located;

411 24. A municipality in which Mississippi
412 Highway 27 and Mississippi Highway 28 intersect; however, the
413 governing authorities of such a municipality may by ordinance:

414 a. Specify the hours of operation of
415 facilities offering alcoholic beverages for sale;

416 b. Specify the percentage of revenue
417 that facilities offering alcoholic beverages for sale must derive



418 from the preparation, cooking and serving of meals and not from
419 the sale of beverages; and

420 c. Designate the areas in which
421 facilities offering alcoholic beverages for sale may be located;

422 25. A municipality through which run
423 Mississippi Highway 35 and Interstate 20; however, the governing
424 authorities of such a municipality may by ordinance:

425 a. Specify the hours of operation of
426 facilities that offer alcoholic beverages for sale;

427 b. Specify the percentage of revenue
428 that facilities that offer alcoholic beverages for sale must
429 derive from the preparation, cooking and serving of meals and not
430 from the sale of beverages; and

431 c. Designate the areas in which
432 facilities that offer alcoholic beverages for sale may be located;

433 26. A municipality in which Mississippi
434 Highway 16 and Mississippi Highway 35 intersect; however, the
435 governing authorities of such a municipality may by ordinance:

436 a. Specify the hours of operation of
437 facilities that offer alcoholic beverages for sale;

438 b. Specify the percentage of revenue
439 that facilities that offer alcoholic beverages for sale must
440 derive from the preparation, cooking and serving of meals and not
441 from the sale of beverages; and



442 c. Designate the areas in which
443 facilities that offer alcoholic beverages for sale may be located;

444 27. A municipality in which U.S. Highway 82
445 and Old Highway 61 intersect; however, the governing authorities
446 of such a municipality may by ordinance:

447 a. Specify the hours of operation of
448 facilities that offer alcoholic beverages for sale;

449 b. Specify the percentage of revenue
450 that facilities that offer alcoholic beverages for sale must
451 derive from the preparation, cooking and serving of meals and not
452 from the sale of beverages; and

453 c. Designate the areas in which
454 facilities that offer alcoholic beverages for sale may be located;

455 28. A municipality in which Mississippi
456 Highway 8 meets Mississippi Highway 1; however, the governing
457 authorities of such a municipality may by ordinance:

458 a. Specify the hours of operation of
459 facilities that offer alcoholic beverages for sale;

460 b. Specify the percentage of revenue
461 that facilities that offer alcoholic beverages for sale must
462 derive from the preparation, cooking and serving of meals and not
463 from the sale of beverages; and

464 c. Designate the areas in which
465 facilities that offer alcoholic beverages for sale may be located;



466 29. A municipality in which U.S. Highway 82
467 and Mississippi Highway 1 intersect; however, the governing
468 authorities of such a municipality may by ordinance:

469 a. Specify the hours of operation of
470 facilities that offer alcoholic beverages for sale;

471 b. Specify the percentage of revenue
472 that facilities that offer alcoholic beverages for sale must
473 derive from the preparation, cooking and serving of meals and not
474 from the sale of beverages; and

475 c. Designate the areas in which
476 facilities that offer alcoholic beverages for sale may be located;

477 30. A municipality in which Mississippi
478 Highway 50 meets Mississippi Highway 9; however, the governing
479 authorities of such a municipality may by ordinance:

480 a. Specify the hours of operation of
481 facilities that offer alcoholic beverages for sale;

482 b. Specify the percentage of revenue
483 that facilities that offer alcoholic beverages for sale must
484 derive from the preparation, cooking and serving of meals and not
485 from the sale of beverages; and

486 c. Designate the areas in which
487 facilities that offer alcoholic beverages for sale may be located;

488 31. An area bounded on the north by Pearl
489 Street, on the east by West Street, on the south by Court Street
490 and on the west by Farish Street, within a municipality bordered



491 on the east by the Pearl River and through which run Interstate 20
492 and Interstate 55; however, the governing authorities of the
493 municipality in which such area is located may by ordinance:

494 a. Specify the hours of operation of
495 facilities that offer alcoholic beverages for sale;

496 b. Specify the percentage of revenue
497 that facilities that offer alcoholic beverages for sale must
498 derive from the preparation, cooking and serving of meals and not
499 from the sale of beverages; and

500 c. Designate the areas in which
501 facilities that offer alcoholic beverages for sale may be located;

502 32. Any facility and related property that:

503 a. Is contracted for mixed-use
504 development improvements consisting of office and residential
505 space and a restaurant and lounge, partially occupying the
506 renovated space of a four-story commercial building which
507 previously served as a financial institution; and adjacent
508 property to the west consisting of a single-story office building
509 that was originally occupied by the Brotherhood of Carpenters and
510 Joiners of American Local Number 569; and

511 b. Is situated on a tract of land
512 consisting of approximately one and one-tenth (1.10) acres, and
513 the adjacent property to the west consisting of approximately 0.5
514 acres, located in a municipality which is the seat of county
515 government, situated south of Interstate 10, traversed by U.S.



516 Highway 90, partially bordered on one (1) side by the Pascagoula
517 River and having its most southern boundary bordered by the Gulf
518 of Mexico, with a population greater than twenty-two thousand
519 (22,000) according to the 2010 federal decennial census; however,
520 the governing authorities of such a municipality may by ordinance:

521 A. Specify the hours of operation
522 of facilities that offer alcoholic beverages for sale;

523 B. Specify the percentage of
524 revenue that facilities that offer alcoholic beverages for sale
525 must derive from the preparation, cooking and serving of meals and
526 not from the sale of beverages; and

527 C. Designate the areas within the
528 facilities in which alcoholic beverages may be offered for sale;

529 33. Any facility with a maximum capacity of
530 one hundred twenty (120) people that consists of at least three
531 thousand (3,000) square feet being heated and cooled, has a
532 commercial kitchen, has a pavilion that consists of at least nine
533 thousand (9,000) square feet and is located on land more
534 particularly described as follows:

535 All that part of the East Half of the Northwest Quarter of
536 Section 21, Township 7 South, Range 4 East, Union County,
537 Mississippi, that lies South of Mississippi State Highway 348
538 right-of-way and containing 19.48 acres, more or less.

539 ALSO,



540 The Northeast 38 acres of the Southwest Quarter of Section
541 21, Township 7 South, Range 4 East, Union County,
542 Mississippi.

543 ALSO,

544 The South 81 1/2 acres of the Southwest Quarter of Section
545 21, Township 7 South, Range 4 East, Union County,
546 Mississippi; and

547 34. A municipality in which U.S. Highway 51
548 and Mississippi Highway 16 intersect; however, the governing
549 authorities of such a municipality may by ordinance:

550 a. Specify the hours of operation of
551 facilities that offer alcoholic beverages for sale;

552 b. Specify the percentage of revenue
553 that facilities that offer alcoholic beverages for sale must
554 derive from the preparation, cooking and serving of meals and not
555 from the sale of beverages; and

556 c. Designate the areas in which
557 facilities that offer alcoholic beverages for sale may be located.

558 The status of these municipalities, districts, clubhouses,
559 facilities, golf courses and areas described in subparagraph (iii)
560 of this paragraph (o) as qualified resort areas does not require
561 any declaration of same by the department.

562 (p) "Native wine" means any product, produced in
563 Mississippi for sale, having an alcohol content not to exceed
564 twenty-one percent (21%) by weight and made in accordance with



565 revenue laws of the United States, which shall be obtained
566 primarily from the alcoholic fermentation of the juice of ripe
567 grapes, fruits, berries, honey or vegetables grown and produced in
568 Mississippi; provided that bulk, concentrated or fortified wines
569 used for blending may be produced without this state and used in
570 producing native wines. The department shall adopt and promulgate
571 rules and regulations to permit a producer to import such bulk
572 and/or fortified wines into this state for use in blending with
573 native wines without payment of any excise tax that would
574 otherwise accrue thereon.

575 (q) "Native winery" means any place or establishment
576 within the State of Mississippi where native wine is produced, in
577 whole or in part, for sale.

578 (r) "Bed and breakfast inn" means an establishment
579 within a municipality where in consideration of payment, breakfast
580 and lodging are habitually furnished to travelers and wherein are
581 located not less than eight (8) and not more than nineteen (19)
582 adequately furnished and completely separate sleeping rooms with
583 adequate facilities, that persons usually apply for and receive as
584 overnight accommodations; however, such restriction on the minimum
585 number of sleeping rooms shall not apply to establishments on the
586 National Register of Historic Places. No place shall qualify as a
587 bed and breakfast inn under this chapter unless on the date of the
588 initial application for a license under this chapter more than



589 fifty percent (50%) of the sleeping rooms are located in a
590 structure formerly used as a residence.

591 (s) "Board" shall refer to the Board of Tax Appeals of
592 the State of Mississippi.

593 (t) "Spa facility" means an establishment within a
594 municipality or qualified resort area and owned by a hotel where,
595 in consideration of payment, patrons receive from licensed
596 professionals a variety of private personal care treatments such
597 as massages, facials, waxes, exfoliation and hairstyling.

598 (u) "Art studio or gallery" means an establishment
599 within a municipality or qualified resort area that is in the sole
600 business of allowing patrons to view and/or purchase paintings and
601 other creative artwork.

602 (v) "Cooking school" means an establishment within a
603 municipality or qualified resort area and owned by a nationally
604 recognized company that offers an established culinary education
605 curriculum and program where, in consideration of payment, patrons
606 are given scheduled professional group instruction on culinary
607 techniques. For purposes of this paragraph, the definition of
608 cooking school shall not include schools or classes offered by
609 grocery stores, convenience stores or drugstores.

610 (w) "Campus" means property owned by a public school
611 district, community or junior college, college or university in
612 this state where educational courses are taught, school functions
613 are held, tests and examinations are administered or academic



614 course credits are awarded; however, the term shall not include
615 any "restaurant" or "hotel" that is located on property owned by a
616 community or junior college, college or university in this state,
617 and is operated by a third party who receives all revenue
618 generated from food and alcoholic beverage sales.

619 (x) "Native spirit" shall mean any beverage, produced
620 in Mississippi for sale, manufactured primarily by the
621 distillation of fermented grain, starch, molasses or sugar
622 produced in Mississippi, including dilutions and mixtures of these
623 beverages. In order to be classified as "native spirit" under the
624 provisions of this chapter, at least fifty-one percent (51%) of
625 the finished product by volume shall have been obtained from
626 distillation of fermented grain, starch, molasses or sugar grown
627 and produced in Mississippi.

628 (y) "Native distillery" shall mean any place or
629 establishment within this state where native spirit is produced in
630 whole or in part for sale.

631 (z) "Grocery store" means a physical establishment that
632 has an inventory of human-consumable items and is located in a wet
633 county, municipality, judicial district or area.

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

636 67-1-51. (1) Permits which may be issued by the department
637 shall be as follows:



638 (a) **Manufacturer's permit.** A manufacturer's permit
639 shall permit the manufacture, importation in bulk, bottling and
640 storage of alcoholic liquor and its distribution and sale to
641 manufacturers holding permits under this chapter in this state and
642 to persons outside the state who are authorized by law to purchase
643 the same, and to sell as provided by this chapter.

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

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

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

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

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

660 (b) **Package retailer's permit.** Except as otherwise
661 provided in this paragraph and Section 67-1-52, a package
662 retailer's permit shall authorize the holder thereof to operate a



663 store exclusively for the sale at retail in original sealed and
664 unopened packages of alcoholic beverages, including native wines
665 and native spirits, not to be consumed on the premises where sold.
666 Alcoholic beverages shall not be sold by any retailer in any
667 package or container containing less than fifty (50) milliliters
668 by liquid measure. A package retailer's permit, with prior
669 approval from the department, shall authorize the holder thereof
670 to sample new product furnished by a manufacturer's representative
671 or his employees at the permitted place of business so long as the
672 sampling otherwise complies with this chapter and applicable
673 department regulations. Such samples may not be provided to
674 customers at the permitted place of business. In addition to the
675 sale at retail of packages of alcoholic beverages, the holder of a
676 package retailer's permit is authorized to sell at retail * * *
677 other products and merchandise, except beer, provided that at
678 least fifty percent (50%) of the revenue of the licensed premises
679 is derived from the retail sale in original sealed and unopened
680 packages of alcoholic beverages, including native wines, not to be
681 consumed on the premises where sold. Nonalcoholic beverages sold
682 by the holder of a package retailer's permit shall not be consumed
683 on the premises where sold.

684 (c) **On-premises retailer's permit.** Except as otherwise
685 provided in subsection (5) of this section, an on-premises
686 retailer's permit shall authorize the sale of alcoholic beverages,
687 including native wines and native spirits, for consumption on the



688 licensed premises only; however, a patron of the permit holder may
689 remove one (1) bottle of wine from the licensed premises if: (i)
690 the patron consumed a portion of the bottle of wine in the course
691 of consuming a meal purchased on the licensed premises; (ii) the
692 permit holder securely reseals the bottle; (iii) the bottle is
693 placed in a bag that is secured in a manner so that it will be
694 visibly apparent if the bag is opened; and (iv) a dated receipt
695 for the wine and the meal is available. Additionally, as part of
696 a carryout order, a permit holder may sell one (1) bottle of wine
697 to be removed from the licensed premises for every two (2) entrees
698 ordered. Such a permit shall be issued only to qualified hotels,
699 restaurants and clubs, small craft breweries, microbreweries, and
700 to common carriers with adequate facilities for serving
701 passengers. In resort areas, whether inside or outside of a
702 municipality, the department, in its discretion, may issue
703 on-premises retailer's permits to such establishments as it deems
704 proper. An on-premises retailer's permit when issued to a common
705 carrier shall authorize the sale and serving of alcoholic
706 beverages aboard any licensed vehicle while moving through any
707 county of the state; however, the sale of such alcoholic beverages
708 shall not be permitted while such vehicle is stopped in a county
709 that has not legalized such sales. If an on-premises retailer's
710 permit is applied for by a common carrier operating solely in the
711 water, such common carrier must, along with all other
712 qualifications for a permit, (i) be certified to carry at least



713 one hundred fifty (150) passengers and/or provide overnight
714 accommodations for at least fifty (50) passengers and (ii) operate
715 primarily in the waters within the State of Mississippi which lie
716 adjacent to the State of Mississippi south of the three (3) most
717 southern counties in the State of Mississippi and/or on the
718 Mississippi River or navigable waters within any county bordering
719 on the Mississippi River.

720 (d) **Solicitor's permit.** A solicitor's permit shall
721 authorize the holder thereof to act as salesman for a manufacturer
722 or wholesaler holding a proper permit, to solicit on behalf of his
723 employer orders for alcoholic beverages, and to otherwise promote
724 his employer's products in a legitimate manner. Such a permit
725 shall authorize the representation of and employment by one (1)
726 principal only. However, the permittee may also, in the
727 discretion of the department, be issued additional permits to
728 represent other principals. No such permittee shall buy or sell
729 alcoholic beverages for his own account, and no such beverage
730 shall be brought into this state in pursuance of the exercise of
731 such permit otherwise than through a permit issued to a wholesaler
732 or manufacturer in the state.

733 (e) **Native wine retailer's permit.** Except as otherwise
734 provided in subsection (5) of this section, a native wine
735 retailer's permit shall be issued only to a holder of a Class 3
736 manufacturer's permit, and shall authorize the holder thereof to
737 make retail sales of native wines to consumers for on-premises



738 consumption or to consumers in originally sealed and unopened
739 containers at an establishment located on the premises of or in
740 the immediate vicinity of a native winery. When selling to
741 consumers for on-premises consumption, a holder of a native wine
742 retailer's permit may add to the native wine alcoholic beverages
743 not produced on the premises, so long as the total volume of
744 foreign beverage components does not exceed twenty percent (20%)
745 of the mixed beverage. Hours of sale shall be the same as those
746 authorized for on-premises permittees in the city or county in
747 which the native wine retailer is located.

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

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

755 Class 1. A temporary one-day permit may be issued to bona
756 fide nonprofit civic or charitable organizations authorizing the
757 sale of alcoholic beverages, including native wine and native
758 spirit, for consumption on the premises described in the temporary
759 permit only. Class 1 permits may be issued only to applicants
760 demonstrating to the department, by a statement signed under
761 penalty of perjury submitted ten (10) days prior to the proposed
762 date or such other time as the department may determine, that they



763 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
764 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
765 Class 1 permittees shall obtain all alcoholic beverages from
766 package retailers located in the county in which the temporary
767 permit is issued. Alcoholic beverages remaining in stock upon
768 expiration of the temporary permit may be returned by the
769 permittee to the package retailer for a refund of the purchase
770 price upon consent of the package retailer or may be kept by the
771 permittee exclusively for personal use and consumption, subject to
772 all laws pertaining to the illegal sale and possession of
773 alcoholic beverages. The department, following review of the
774 statement provided by the applicant and the requirements of the
775 applicable statutes and regulations, may issue the permit.

776 Class 2. A temporary permit, not to exceed seventy (70)
777 days, may be issued to prospective permittees seeking to transfer
778 a permit authorized in paragraph (b) or (c) of this subsection. A
779 Class 2 permit may be issued only to applicants demonstrating to
780 the department, by a statement signed under the penalty of
781 perjury, that they meet the qualifications of Sections 67-1-5(1),
782 (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55,
783 67-1-57 and 67-1-59. The department, following a preliminary
784 review of the statement provided by the applicant and the
785 requirements of the applicable statutes and regulations, may issue
786 the permit.



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

795 Class 3. A temporary one-day permit may be issued to a
796 retail establishment authorizing the complimentary distribution of
797 wine, including native wine, to patrons of the retail
798 establishment at an open house or promotional event, for
799 consumption only on the premises described in the temporary
800 permit. A Class 3 permit may be issued only to an applicant
801 demonstrating to the department, by a statement signed under
802 penalty of perjury submitted ten (10) days before the proposed
803 date or such other time as the department may determine, that it
804 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
805 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
806 A Class 3 permit holder shall obtain all alcoholic beverages from
807 the holder(s) of a package retailer's permit located in the county
808 in which the temporary permit is issued. Wine remaining in stock
809 upon expiration of the temporary permit may be returned by the
810 Class 3 temporary permit holder to the package retailer for a
811 refund of the purchase price, with consent of the package



812 retailer, or may be kept by the Class 3 temporary permit holder
813 exclusively for personal use and consumption, subject to all laws
814 pertaining to the illegal sale and possession of alcoholic
815 beverages. The department, following review of the statement
816 provided by the applicant and the requirements of the applicable
817 statutes and regulations, may issue the permit. No retailer may
818 receive more than twelve (12) Class 3 temporary permits in a
819 calendar year. A Class 3 temporary permit shall not be issued to
820 a retail establishment that either holds a merchant permit issued
821 under paragraph (1) of this subsection, or holds a permit issued
822 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
823 the holder to engage in the business of a retailer of light wine
824 or beer.

825 (g) **Caterer's permit.** A caterer's permit shall permit
826 the purchase of alcoholic beverages by a person engaging in
827 business as a caterer and the resale of alcoholic beverages by
828 such person in conjunction with such catering business. No person
829 shall qualify as a caterer unless forty percent (40%) or more of
830 the revenue derived from such catering business shall be from the
831 serving of prepared food and not from the sale of alcoholic
832 beverages and unless such person has obtained a permit for such
833 business from the Department of Health. A caterer's permit shall
834 not authorize the sale of alcoholic beverages on the premises of
835 the person engaging in business as a caterer; however, the holder
836 of an on-premises retailer's permit may hold a caterer's permit.



837 When the holder of an on-premises retailer's permit or an
838 affiliated entity of the holder also holds a caterer's permit, the
839 caterer's permit shall not authorize the service of alcoholic
840 beverages on a consistent, recurring basis at a separate, fixed
841 location owned or operated by the caterer, on-premises retailer or
842 affiliated entity and an on-premises retailer's permit shall be
843 required for the separate location. All sales of alcoholic
844 beverages by holders of a caterer's permit shall be made at the
845 location being catered by the caterer, and, except as otherwise
846 provided in subsection (5) of this section, such sales may be made
847 only for consumption at the catered location. The location being
848 catered may be anywhere within a county or judicial district that
849 has voted to come out from under the dry laws or in which the sale
850 and distribution of alcoholic beverages is otherwise authorized by
851 law. Such sales shall be made pursuant to any other conditions
852 and restrictions which apply to sales made by on-premises retail
853 permittees. The holder of a caterer's permit or his employees
854 shall remain at the catered location as long as alcoholic
855 beverages are being sold pursuant to the permit issued under this
856 paragraph (g), and the permittee shall have at the location the
857 identification card issued by the Alcoholic Beverage Control
858 Division of the department. No unsold alcoholic beverages may be
859 left at the catered location by the permittee upon the conclusion
860 of his business at that location. Appropriate law enforcement
861 officers and Alcoholic Beverage Control Division personnel may



862 enter a catered location on private property in order to enforce
863 laws governing the sale or serving of alcoholic beverages.

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

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

881 (j) **Hospitality cart permit.** A hospitality cart permit
882 shall authorize the sale of alcoholic beverages from a mobile cart
883 on a golf course that is the holder of an on-premises retailer's
884 permit. The alcoholic beverages sold from the cart must be
885 consumed within the boundaries of the golf course.



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

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

901 (m) **Temporary alcoholic beverages charitable auction**
902 **permit.** A temporary permit, not to exceed five (5) days, may be
903 issued to a qualifying charitable nonprofit organization that is
904 exempt from taxation under Section 501(c)(3) or (4) of the
905 Internal Revenue Code of 1986. The permit shall authorize the
906 holder to sell alcoholic beverages for the limited purpose of
907 raising funds for the organization during a live or silent auction
908 that is conducted by the organization and that meets the following
909 requirements: (i) the auction is conducted in an area of the
910 state where the sale of alcoholic beverages is authorized; (ii) if



911 the auction is conducted on the premises of an on-premises
912 retailer's permit holder, then the alcoholic beverages to be
913 auctioned must be stored separately from the alcoholic beverages
914 sold, stored or served on the premises, must be removed from the
915 premises immediately following the auction, and may not be
916 consumed on the premises; (iii) the permit holder may not conduct
917 more than two (2) auctions during a calendar year; (iv) the permit
918 holder may not pay a commission or promotional fee to any person
919 to arrange or conduct the auction.

920 (n) **Event venue retailer's permit.** An event venue
921 retailer's permit shall authorize the holder thereof to purchase
922 and resell alcoholic beverages, including native wines and native
923 spirits, for consumption on the premises during legal hours during
924 events held on the licensed premises if food is being served at
925 the event by a caterer who is not affiliated with or related to
926 the permittee. The caterer must serve at least three (3) entrees.
927 The permit may only be issued for venues that can accommodate two
928 hundred (200) persons or more. The number of persons a venue may
929 accommodate shall be determined by the local fire department and
930 such determination shall be provided in writing and submitted
931 along with all other documents required to be provided for an
932 on-premises retailer's permit. The permittee must derive the
933 majority of its revenue from event-related fees, including, but
934 not limited to, admission fees or ticket sales for live
935 entertainment in the building. "Event-related fees" do not



936 include alcohol, beer or light wine sales or any fee which may be
937 construed to cover the cost of alcohol, beer or light wine. This
938 determination shall be made on a per event basis. An event may
939 not last longer than two (2) consecutive days per week.

940 (o) **Temporary theatre permit.** A temporary theatre
941 permit, not to exceed five (5) days, may be issued to a charitable
942 nonprofit organization that is exempt from taxation under Section
943 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
944 a theatre facility that features plays and other theatrical
945 performances and productions. Except as otherwise provided in
946 subsection (5) of this section, the permit shall authorize the
947 holder to sell alcoholic beverages, including native wines and
948 native spirits, to patrons of the theatre during performances and
949 productions at the theatre facility for consumption during such
950 performances and productions on the premises of the facility
951 described in the permit. A temporary theatre permit holder shall
952 obtain all alcoholic beverages from package retailers located in
953 the county in which the permit is issued. Alcoholic beverages
954 remaining in stock upon expiration of the temporary theatre permit
955 may be returned by the permittee to the package retailer for a
956 refund of the purchase price upon consent of the package retailer
957 or may be kept by the permittee exclusively for personal use and
958 consumption, subject to all laws pertaining to the illegal sale
959 and possession of alcoholic beverages.



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

983 (q) **Distillery retailer's permit.** The holder of a
984 Class 1 manufacturer's permit may obtain a distillery retailer's



985 permit. A distillery retailer's permit shall authorize the holder
986 thereof to sell at retail alcoholic beverages to consumers for
987 on-premises consumption, or to consumers by the sealed and
988 unopened bottle from a retail location at the distillery for
989 off-premises consumption. The holder may only sell product
990 manufactured by the manufacturer at the distillery described in
991 the permit. However, when selling to consumers for on-premises
992 consumption, a holder of a distillery retailer's permit may add
993 other beverages, alcoholic or not, so long as the total volume of
994 other beverage components containing alcohol does not exceed
995 twenty percent (20%). Hours of sale shall be the same as those
996 authorized for on-premises permittees in the city or county in
997 which the distillery retailer is located.

998 The holder shall not sell at retail more than ten percent
999 (10%) of the alcoholic beverages produced annually at its
1000 distillery. The holder shall not make retail sales of more than
1001 two and twenty-five one-hundredths (2.25) liters, in the
1002 aggregate, of the alcoholic beverages produced at its distillery
1003 to any one (1) individual for consumption off the premises of the
1004 distillery within a twenty-four-hour period. The hours of sale
1005 shall be the same as those hours for package retailers under this
1006 chapter. The holder of a distillery retailer's permit is not
1007 required to purchase the alcoholic beverages authorized to be sold
1008 by this paragraph from the department's liquor distribution
1009 warehouse; however, if the holder does not purchase the alcoholic



1010 beverages from the department's liquor distribution warehouse, the
1011 holder shall pay to the department all taxes, fees and surcharges
1012 on the alcoholic beverages that are imposed upon the sale of
1013 alcoholic beverages shipped by the Alcoholic Beverage Control
1014 Division of the Department of Revenue. In addition to alcoholic
1015 beverages, the holder of a distillery retailer's permit may sell
1016 at retail promotional products from the same retail location,
1017 including shirts, hats, glasses, and other promotional products
1018 customarily sold by alcoholic beverage manufacturers.

1019 (r) **Festival Wine Permit.** Any wine manufacturer or
1020 native wine producer permitted by Mississippi or any other state
1021 is eligible to obtain a Festival Wine Permit. This permit
1022 authorizes the entity to transport product manufactured by it to
1023 festivals held within the State of Mississippi and sell sealed,
1024 unopened bottles to festival participants. The holder of this
1025 permit may provide samples at no charge to participants.
1026 "Festival" means any event at which three (3) or more vendors are
1027 present at a location for the sale or distribution of goods. The
1028 holder of a Festival Wine Permit is not required to purchase the
1029 alcoholic beverages authorized to be sold by this paragraph from
1030 the department's liquor distribution warehouse. However, if the
1031 holder does not purchase the alcoholic beverages from the
1032 department's liquor distribution warehouse, the holder of this
1033 permit shall pay to the department all taxes, fees and surcharges
1034 on the alcoholic beverages sold at such festivals that are imposed



1035 upon the sale of alcoholic beverages shipped by the Alcoholic
1036 Beverage Control Division of the Department of Revenue.
1037 Additionally, the entity shall file all applicable reports and
1038 returns as prescribed by the department. This permit is issued
1039 per festival and provides authority to sell for two (2)
1040 consecutive days during the hours authorized for on-premises
1041 permittees' sales in that county or city. The holder of the
1042 permit shall be required to maintain all requirements set by Local
1043 Option Law for the service and sale of alcoholic beverages. This
1044 permit may be issued to entities participating in festivals at
1045 which a Class 1 temporary permit is in effect.

1046 This paragraph (r) shall stand repealed from and after July
1047 1, 2023.

1048 (s) **Charter vessel operator's permit.** Subject to the
1049 provisions of this paragraph (s), a charter vessel operator's
1050 permit shall authorize the holder thereof and its employees to
1051 sell and serve alcoholic beverages to passengers of the permit
1052 holder during public tours, historical tours, ecological tours and
1053 sunset cruises provided by the permit holder. The permit shall
1054 authorize the holder to only sell alcoholic beverages, including
1055 native wines, to passengers of the charter vessel operator during
1056 public tours, historical tours, ecological tours and sunset
1057 cruises provided by the permit holder aboard the charter vessel
1058 operator for consumption during such tours and cruises on the
1059 premises of the charter vessel operator described in the permit.



1060 For the purposes of this paragraph (s), "charter vessel operator"
1061 means a common carrier that (i) is certified to carry at least
1062 forty-nine (49) passengers, (ii) operates only in the waters
1063 within the State of Mississippi, which lie south of Interstate 10
1064 in the three (3) most southern counties in the State of
1065 Mississippi, and lie adjacent to the State of Mississippi south of
1066 the three (3) most southern counties in the State of Mississippi,
1067 extending not further than one (1) mile south of such counties,
1068 and (iii) provides vessel services for tours and cruises in such
1069 waters as provided in this paragraph (s).

1070 (t) **Native spirit retailer's permit.** Except as
1071 otherwise provided in subsection (5) of this section, a native
1072 spirit retailer's permit shall be issued only to a holder of a
1073 Class 4 manufacturer's permit, and shall authorize the holder
1074 thereof to make retail sales of native spirits to consumers for
1075 on-premises consumption or to consumers in originally sealed and
1076 unopened containers at an establishment located on the premises of
1077 or in the immediate vicinity of a native distillery. When selling
1078 to consumers for on-premises consumption, a holder of a native
1079 spirit retailer's permit may add to the native spirit alcoholic
1080 beverages not produced on the premises, so long as the total
1081 volume of foreign beverage components does not exceed twenty
1082 percent (20%) of the mixed beverage. Hours of sale shall be the
1083 same as those authorized for on-premises permittees in the city or
1084 county in which the native spirit retailer is located.



1085 (u) **Delivery service permit.** Any individual, limited
1086 liability company, corporation or partnership registered to do
1087 business in this state is eligible to obtain a delivery service
1088 permit. Subject to the provisions of Section 67-1-51.1, this
1089 permit authorizes the permittee, or its employee or an independent
1090 contractor acting on its behalf, to deliver alcoholic beverages,
1091 beer, light wine and light spirit product from a licensed retailer
1092 to a person in this state who is at least twenty-one (21) years of
1093 age for the individual's use and not for resale. This permit does
1094 not authorize the delivery of alcoholic beverages, beer, light
1095 wine or light spirit product to the premises of a location with a
1096 permit for the manufacture, distribution or retail sale of
1097 alcoholic beverages, beer, light wine or light spirit product.
1098 The holder of a package retailer's permit or an on-premises
1099 retailer's permit under Section 67-1-51 or of a beer, light wine
1100 and light spirit product permit under Section 67-3-19 is
1101 authorized to apply for a delivery service permit as a privilege
1102 separate from its existing retail permit.

1103 (v) **Grocery store wine-only retailer's permit.** Except
1104 as otherwise provided in this paragraph (v), a grocery store
1105 wine-only retailer's permit shall authorize the holder thereof to
1106 sell wine at retail at a grocery store in original sealed and
1107 unopened packages not to be consumed on the premises where sold.
1108 Wine shall not be sold by any grocery store in any package or
1109 container containing less than fifty (50) milliliters by liquid



1110 measure. A grocery store wine-only retailer's permit, with prior
1111 approval from the department, shall authorize the holder thereof
1112 to sample the new product furnished by a manufacturer's
1113 representative or his employees at the permitted place of business
1114 so long as the sampling otherwise complies with this chapter and
1115 applicable department regulations. Such samples may not be
1116 provided to customers at the permitted place of business. Permits
1117 authorized under this paragraph (v) shall not be issued prior to
1118 July 1, 2023, and shall not be issued to a grocery store that is
1119 located within five hundred (500) feet of an establishment holding
1120 a package retailer's permit prior to July 1, 2023.

1121 (2) Except as otherwise provided in subsection (4) of this
1122 section, retail permittees may hold more than one (1) retail
1123 permit, at the discretion of the department.

1124 (3) (a) Except as otherwise provided in this subsection, no
1125 authority shall be granted to any person to manufacture, sell or
1126 store for sale any intoxicating liquor as specified in this
1127 chapter within four hundred (400) feet of any church, school,
1128 kindergarten or funeral home. However, within an area zoned
1129 commercial or business, such minimum distance shall be not less
1130 than one hundred (100) feet.

1131 (b) A church or funeral home may waive the distance
1132 restrictions imposed in this subsection in favor of allowing
1133 issuance by the department of a permit, pursuant to subsection (1)
1134 of this section, to authorize activity relating to the



1135 manufacturing, sale or storage of alcoholic beverages which would
1136 otherwise be prohibited under the minimum distance criterion.
1137 Such waiver shall be in written form from the owner, the governing
1138 body, or the appropriate officer of the church or funeral home
1139 having the authority to execute such a waiver, and the waiver
1140 shall be filed with and verified by the department before becoming
1141 effective.

1142 (c) The distance restrictions imposed in this
1143 subsection shall not apply to the sale or storage of alcoholic
1144 beverages at a bed and breakfast inn listed in the National
1145 Register of Historic Places or to the sale or storage of alcoholic
1146 beverages in a historic district that is listed in the National
1147 Register of Historic Places, is a qualified resort area and is
1148 located in a municipality having a population greater than one
1149 hundred thousand (100,000) according to the latest federal
1150 decennial census.

1151 (d) The distance restrictions imposed in this
1152 subsection shall not apply to the sale or storage of alcoholic
1153 beverages at a qualified resort area as defined in Section
1154 67-1-5(o)(iii)32.

1155 (e) The distance restrictions imposed in this
1156 subsection shall not apply to the sale or storage of alcoholic
1157 beverages at a licensed premises in a building formerly owned by a
1158 municipality and formerly leased by the municipality to a



1159 municipal school district and used by the municipal school
1160 district as a district bus shop facility.

1161 (f) The distance restrictions imposed in this
1162 subsection shall not apply to the sale or storage of alcoholic
1163 beverages at a licensed premises in a building consisting of at
1164 least five thousand (5,000) square feet and located approximately
1165 six hundred (600) feet from the intersection of Mississippi
1166 Highway 15 and Mississippi Highway 4.

1167 (g) The distance restrictions imposed in this
1168 subsection shall not apply to the sale or storage of alcoholic
1169 beverages at a licensed premises in a building located at the
1170 southeast corner of Ward and Tate Streets in the City of
1171 Senatobia, Mississippi.

1172 (4) No person, either individually or as a member of a firm,
1173 partnership, limited liability company or association, or as a
1174 stockholder, officer or director in a corporation, shall own or
1175 control any interest in more than * * * six (6) package retailer's
1176 permits, nor shall such person's spouse, if living in the same
1177 household of such person, any relative of such person, if living
1178 in the same household of such person, or any other person living
1179 in the same household with such person own any interest in any
1180 other package retailer's permit which, when combined with the
1181 number of package retailer's permits owned by the person or in
1182 which the person has a controlling interest, would total more than
1183 six (6) package retailer's permits.



1184 (5) (a) In addition to any other authority granted under
1185 this section, the holder of a permit issued under subsection
1186 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1187 sell or otherwise provide alcoholic beverages and/or wine to a
1188 patron of the permit holder in the manner authorized in the permit
1189 and the patron may remove an open glass, cup or other container of
1190 the alcoholic beverage and/or wine from the licensed premises and
1191 may possess and consume the alcoholic beverage or wine outside of
1192 the licensed premises if: (i) the licensed premises is located
1193 within a leisure and recreation district created under Section
1194 67-1-101 and (ii) the patron remains within the boundaries of the
1195 leisure and recreation district while in possession of the
1196 alcoholic beverage or wine.

1197 (b) Nothing in this subsection shall be construed to
1198 allow a person to bring any alcoholic beverages into a permitted
1199 premises except to the extent otherwise authorized by this
1200 chapter.

1201 **SECTION 3.** Section 27-71-5, Mississippi Code of 1972, is
1202 amended as follows:

1203 27-71-5. (1) Upon each person approved for a permit under
1204 the provisions of the Alcoholic Beverage Control Law and
1205 amendments thereto, there is levied and imposed for each location
1206 for the privilege of engaging and continuing in this state in the
1207 business authorized by such permit, an annual privilege license
1208 tax in the amount provided in the following schedule:



1209 (a) Except as otherwise provided in this subsection
1210 (1), manufacturer's permit, Class 1, distiller's and/or
1211 rectifier's:

1212 (i) For a permittee with annual production of
1213 five thousand (5,000) gallons or more.....\$4,500.00

1214 (ii) For a permittee with annual production under
1215 five thousand (5,000) gallons.....\$2,800.00

1216 (b) Manufacturer's permit, Class 2, wine
1217 manufacturer.....\$1,800.00

1218 (c) Manufacturer's permit, Class 3, native wine
1219 manufacturer per ten thousand (10,000) gallons or part thereof
1220 produced.....\$ 10.00

1221 (d) Manufacturer's permit, Class 4, native spirit
1222 manufacturer per one thousand (1,000) gallons or part thereof
1223 produced.....\$ 300.00

1224 (e) Native wine retailer's permit.....\$ 50.00

1225 (f) Package retailer's permit, each.....\$ 900.00

1226 (g) On-premises retailer's permit, except for clubs and
1227 common carriers, each.....\$ 450.00

1228 (h) On-premises retailer's permit for wine of more than
1229 five percent (5%) alcohol by weight, but not more than twenty-one
1230 percent (21%) alcohol by weight, each.....\$ 225.00

1231 (i) On-premises retailer's permit for clubs...\$ 225.00

1232 (j) On-premises retailer's permit for common carriers,
1233 per car, plane, or other vehicle.....\$ 120.00



1234	(k)	Solicitor's permit, regardless of any other	
1235		provision of law, solicitor's permits shall be issued only in the	
1236		discretion of the department.....	\$ 100.00
1237	(l)	Filing fee for each application except for an	
1238		employee identification card.....	\$ 25.00
1239	(m)	Temporary permit, Class 1, each.....	\$ 10.00
1240	(n)	Temporary permit, Class 2, each.....	\$ 50.00
1241	(o)	(i) Caterer's permit.....	\$ 600.00
1242		(ii) Caterer's permit for holders of on-premises	
1243		retailer's permit.....	\$ 150.00
1244	(p)	Research permit.....	\$ 100.00
1245	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
1246	(r)	Special service permit.....	\$ 225.00
1247	(s)	Merchant permit.....	\$ 225.00
1248	(t)	Temporary alcoholic beverages charitable auction	
1249		permit.....	\$ 10.00
1250	(u)	Event venue retailer's permit.....	\$ 225.00
1251	(v)	Temporary theatre permit, each.....	\$ 10.00
1252	(w)	Charter ship operator's permit.....	\$ 100.00
1253	(x)	Distillery retailer's permit.....	\$ 450.00
1254	(y)	Festival wine permit.....	\$ 10.00
1255	(z)	Charter vessel operator's permit.....	\$ 100.00
1256	(aa)	Native spirit retailer's permit.....	\$ 50.00
1257	(bb)	Delivery service permit.....	\$ 500.00
1258	(cc)	<u>Grocery store wine-only retailer's permit,</u>	



1259 each location.....\$ 900.00

1260 In addition to the filing fee imposed by paragraph (1) of
1261 this subsection, a fee to be determined by the Department of
1262 Revenue may be charged to defray costs incurred to process
1263 applications. The additional fees shall be paid into the State
1264 Treasury to the credit of a special fund account, which is hereby
1265 created, and expenditures therefrom shall be made only to defray
1266 the costs incurred by the Department of Revenue in processing
1267 alcoholic beverage applications. Any unencumbered balance
1268 remaining in the special fund account on June 30 of any fiscal
1269 year shall lapse into the State General Fund.

1270 All privilege taxes imposed by this section shall be paid in
1271 advance of doing business. A new permittee whose privilege tax is
1272 determined by production volume will pay the tax for the first
1273 year in accordance with department regulations. The additional
1274 privilege tax imposed for an on-premises retailer's permit based
1275 upon purchases shall be due and payable on demand.

1276 Paragraph (y) of this subsection shall stand repealed from
1277 and after July 1, 2023.

1278 (2) (a) There is imposed and shall be collected from each
1279 permittee, except a common carrier, solicitor, a temporary
1280 permittee or a delivery service permittee, by the department, an
1281 additional license tax equal to the amounts imposed under
1282 subsection (1) of this section for the privilege of doing business



1283 within any municipality or county in which the licensee is
1284 located.

1285 (b) (i) In addition to the tax imposed in paragraph
1286 (a) of this subsection, there is imposed and shall be collected by
1287 the department from each permittee described in subsection (1)(g),
1288 (h), (i), (n) and (u) of this section, an additional license tax
1289 for the privilege of doing business within any municipality or
1290 county in which the licensee is located in the amount of Two
1291 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
1292 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
1293 (\$225.00) for each additional purchase of Five Thousand Dollars
1294 (\$5,000.00), or fraction thereof.

1295 (ii) In addition to the tax imposed in paragraph
1296 (a) of this subsection, there is imposed and shall be collected by
1297 the department from each permittee described in subsection (1)(o)
1298 and (s) of this section, an additional license tax for the
1299 privilege of doing business within any municipality or county in
1300 which the licensee is located in the amount of Two Hundred Fifty
1301 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
1302 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
1303 additional purchase of Five Thousand Dollars (\$5,000.00), or
1304 fraction thereof.

1305 (iii) Any person who has paid the additional
1306 privilege license tax imposed by this paragraph, and whose permit
1307 is renewed, may add any unused fraction of Five Thousand Dollars



1308 (\$5,000.00) purchases to the first Five Thousand Dollars
1309 (\$5,000.00) purchases authorized by the renewal permit, and no
1310 additional license tax will be required until purchases exceed the
1311 sum of the two (2) figures.

1312 (c) If the licensee is located within a municipality,
1313 the department shall pay the amount of additional license tax
1314 collected under this section to the municipality, and if outside a
1315 municipality the department shall pay the additional license tax
1316 to the county in which the licensee is located. Payments by the
1317 department to the respective local government subdivisions shall
1318 be made once each month for any collections during the preceding
1319 month.

1320 (3) When an application for any permit, other than for
1321 renewal of a permit, has been rejected by the department, such
1322 decision shall be final. Appeal may be made in the manner
1323 provided by Section 67-1-39. Another application from an
1324 applicant who has been denied a permit shall not be reconsidered
1325 within a twelve-month period.

1326 (4) The number of permits issued by the department shall not
1327 be restricted or limited on a population basis; however, the
1328 foregoing limitation shall not be construed to preclude the right
1329 of the department to refuse to issue a permit because of the
1330 undesirability of the proposed location.

1331 (5) If any person shall engage or continue in any business
1332 which is taxable under this section without having paid the tax as



1333 provided in this section, the person shall be liable for the full
1334 amount of the tax plus a penalty thereon equal to the amount
1335 thereof, and, in addition, shall be punished by a fine of not more
1336 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
1337 county jail for a term of not more than six (6) months, or by both
1338 such fine and imprisonment, in the discretion of the court.

1339 (6) It shall be unlawful for any person to consume alcoholic
1340 beverages on the premises of any hotel restaurant, restaurant,
1341 club or the interior of any public place defined in Chapter 1,
1342 Title 67, Mississippi Code of 1972, when the owner or manager
1343 thereof displays in several conspicuous places inside the
1344 establishment and at the entrances of establishment a sign
1345 containing the following language: NO ALCOHOLIC BEVERAGES
1346 ALLOWED.

1347 **SECTION 4.** Section 67-1-41, Mississippi Code of 1972, is
1348 amended as follows:

1349 67-1-41. (1) The department is hereby created a wholesale
1350 distributor and seller of alcoholic beverages, not including malt
1351 liquors, within the State of Mississippi. It is granted the right
1352 to import and sell alcoholic beverages at wholesale within the
1353 state, and no person who is granted the right to sell, distribute
1354 or receive alcoholic beverages at retail shall purchase any
1355 alcoholic beverages from any source other than the department
1356 except as authorized in subsections (4), (9) and (12) of this
1357 section. The department may establish warehouses, purchase



1358 alcoholic beverages in such quantities and from such sources as it
1359 may deem desirable and sell the alcoholic beverages to authorized
1360 permittees within the state including, at the discretion of the
1361 department, any retail distributors operating within any military
1362 post or qualified resort areas within the boundaries of the state,
1363 keeping a correct and accurate record of all such transactions and
1364 exercising such control over the distribution of alcoholic
1365 beverages as seem right and proper in keeping with the provisions
1366 or purposes of this chapter.

1367 (2) No person for the purpose of sale shall manufacture,
1368 distill, brew, sell, possess, export, transport, distribute,
1369 warehouse, store, solicit, take orders for, bottle, rectify,
1370 blend, treat, mix or process any alcoholic beverage except in
1371 accordance with authority granted under this chapter, or as
1372 otherwise provided by law for native wines or native spirits.

1373 (3) No alcoholic beverage intended for sale or resale shall
1374 be imported, shipped or brought into this state for delivery to
1375 any person other than as provided in this chapter, or as otherwise
1376 provided by law for native wines or native spirits.

1377 (4) The department may promulgate rules and regulations
1378 which authorize on-premises retailers to purchase limited amounts
1379 of alcoholic beverages from package retailers and for package
1380 retailers to purchase limited amounts of alcoholic beverages from
1381 other package retailers. The department shall develop and provide
1382 forms to be completed by the on-premises retailers and the package



1383 retailers verifying the transaction. The completed forms shall be
1384 forwarded to the department within a period of time prescribed by
1385 the department.

1386 (5) The department may promulgate rules which authorize the
1387 holder of a package retailer's permit or grocery store wine-only
1388 retailer's permit to permit individual retail purchasers of
1389 packages of alcoholic beverages to return, for exchange, credit or
1390 refund, limited amounts of original sealed and unopened packages
1391 of alcoholic beverages purchased by the individual from the
1392 package retailer or grocery store.

1393 (6) The department shall maintain all forms to be completed
1394 by applicants necessary for licensure by the department at all
1395 district offices of the department.

1396 (7) The department may promulgate rules which authorize the
1397 manufacturer of an alcoholic beverage or wine to import, transport
1398 and furnish or give a sample of alcoholic beverages or wines to
1399 the holders of package retailer's permits, on-premises retailer's
1400 permits, native wine or native spirit retailer's permits * * *,
1401 temporary retailer's permits and grocery store wine-only
1402 retailer's permits who have not previously purchased the brand of
1403 that manufacturer from the department. For each holder of the
1404 designated permits, the manufacturer may furnish not more than
1405 five hundred (500) milliliters of any brand of alcoholic beverage
1406 and not more than three (3) liters of any brand of wine.



1407 (8) The department may promulgate rules disallowing open
1408 product sampling of alcoholic beverages or wines by the holders of
1409 package retailer's permits and permitting open product sampling of
1410 alcoholic beverages by the holders of on-premises retailer's
1411 permits. Permitted sample products shall be plainly identified
1412 "sample" and the actual sampling must occur in the presence of the
1413 manufacturer's representatives during the legal operating hours of
1414 on-premises retailers.

1415 (9) The department may promulgate rules and regulations that
1416 authorize the holder of a research permit to import and purchase
1417 limited amounts of alcoholic beverages from importers, wineries
1418 and distillers of alcoholic beverages or from the department. The
1419 department shall develop and provide forms to be completed by the
1420 research permittee verifying each transaction. The completed
1421 forms shall be forwarded to the department within a period of time
1422 prescribed by the department. The records and inventory of
1423 alcoholic beverages shall be open to inspection at any time by the
1424 Director of the Alcoholic Beverage Control Division or any duly
1425 authorized agent.

1426 (10) The department may promulgate rules facilitating a
1427 retailer's on-site pickup of alcoholic beverages sold by the
1428 department or as authorized by the department, including, but not
1429 limited to, native wines and native spirits, so that those
1430 alcoholic beverages may be delivered to the retailer at the



1431 manufacturer's location instead of via shipment from the
1432 department's warehouse.

1433 (11) **[Through June 30, 2023]** This section shall not apply
1434 to alcoholic beverages authorized to be sold by the holder of a
1435 distillery retailer's permit or a festival wine permit.

1436 (11) **[From and after July 1, 2023]** This section shall not
1437 apply to alcoholic beverages authorized to be sold by the holder
1438 of a distillery retailer's permit.

1439 (12) (a) An individual resident of this state who is at
1440 least twenty-one (21) years of age may purchase wine from a winery
1441 and have the purchase shipped into this state so long as it is
1442 shipped to a package retailer permittee in Mississippi; however,
1443 the permittee shall pay to the department all taxes, fees and
1444 surcharges on the wine that are imposed upon the sale of wine
1445 shipped by the department. No credit shall be provided to the
1446 permittee for any taxes paid to another state as a result of the
1447 transaction. Package retailers may charge a service fee for
1448 receiving and handling shipments from wineries on behalf of the
1449 purchasers. The department shall develop and provide forms to be
1450 completed by the package retailer permittees verifying the
1451 transaction. The completed forms shall be forwarded to the
1452 department within a period of time prescribed by the department.

1453 (b) The purchaser of wine that is to be shipped to a
1454 package retailer's store shall be required to get the prior
1455 approval of the package retailer before any wine is shipped to the



1456 package retailer. A purchaser is limited to no more than ten (10)
1457 cases of wine per year to be shipped to a package retailer. A
1458 package retailer shall notify a purchaser of wine within two (2)
1459 days after receiving the shipment of wine. If the purchaser of
1460 the wine does not pick up or take the wine from the package
1461 retailer within thirty (30) days after being notified by the
1462 package retailer, the package retailer may sell the wine as part
1463 of his inventory.

1464 (c) Shipments of wine into this state under this
1465 section shall be made by a duly licensed carrier. It shall be the
1466 duty of every common or contract carrier, and of every firm or
1467 corporation that shall bring, carry or transport wine from outside
1468 the state for delivery inside the state to package retailer
1469 permittees on behalf of consumers, to prepare and file with the
1470 department, on a schedule as determined by the department, of
1471 known wine shipments containing the name of the common or contract
1472 carrier, firm or corporation making the report, the period of time
1473 covered by said report, the name and permit number of the winery,
1474 the name and permit number of the package retailer permittee
1475 receiving such wine, the weight of the package delivered to each
1476 package retailer permittee, a unique tracking number, and the date
1477 of delivery. Reports received by the department shall be made
1478 available by the department to the public via the Mississippi
1479 Public Records Act process in the same manner as other state
1480 alcohol filings.



1481 Upon the department's request, any records supporting the
1482 report shall be made available to the department within a
1483 reasonable time after the department makes a written request for
1484 such records. Any records containing information relating to such
1485 reports shall be kept and preserved for a period of two (2) years,
1486 unless their destruction sooner is authorized, in writing, by the
1487 department, and shall be open and available to inspection by the
1488 department upon the department's written request. Reports shall
1489 also be made available to any law enforcement or regulatory body
1490 in the state in which the railroad company, express company,
1491 common or contract carrier making the report resides or does
1492 business.

1493 Any common or contract carrier that willfully fails to make
1494 reports, as provided by this section or any of the rules and
1495 regulations of the department for the administration and
1496 enforcement of this section, is subject to a notification of
1497 violation. In the case of a continuing failure to make reports,
1498 the common or contract carrier is subject to possible license
1499 suspension and revocation at the department's discretion.

1500 (d) A winery that ships wine under this section shall
1501 be deemed to have consented to the jurisdiction of the courts of
1502 this state, of the department, of any other state agency regarding
1503 the enforcement of this section, and of any related law, rules or
1504 regulations.



1505 (e) Any person who makes, participates in, transports,
1506 imports or receives a shipment in violation of this section is
1507 guilty of a misdemeanor and, upon conviction thereof, shall be
1508 punished by a fine of One Thousand Dollars (\$1,000.00) or
1509 imprisonment in the county jail for not more than six (6) months,
1510 or both. Each shipment shall constitute a separate offense.

1511 (13) If any provision of this chapter, or its application to
1512 any person or circumstance, is determined by a court to be invalid
1513 or unconstitutional, the remaining provisions shall be construed
1514 in accordance with the intent of the Legislature to further limit
1515 rather than expand commerce in alcoholic beverages to protect the
1516 health, safety, and welfare of the state's residents, and to
1517 enhance strict regulatory control over taxation, distribution and
1518 sale of alcoholic beverages through the three-tier regulatory
1519 system imposed by this chapter upon all alcoholic beverages to
1520 curb relationships and practices calculated to stimulate sales and
1521 impair the state's policy favoring trade stability and the
1522 promotion of temperance.

1523 **SECTION 5.** Section 67-1-75, Mississippi Code of 1972, is
1524 amended as follows:

1525 67-1-75. If the holder of a package retailer's permit or a
1526 grocery store wine-only retailer's permit, or any employee
1527 thereof:



1528 (a) Shall sell, offer for sale or permit to be sold in,
1529 on or about the premises covered by such permit any alcoholic
1530 beverages except in the original sealed and unopened packages; or

1531 (b) Shall permit the drinking or consumption of any
1532 alcoholic beverages in, on or about the premises covered by such
1533 permit except as may be otherwise authorized by this chapter; or

1534 (c) Shall sell, offer for sale or permit the sale in,
1535 on or about the premises of alcoholic beverages in any package or
1536 container containing less than fifty (50) milliliters by liquid
1537 measure; then such person or employee shall be guilty of a
1538 misdemeanor and, upon conviction, shall be punished by a fine of
1539 not more than One Thousand Dollars (\$1,000.00) or by imprisonment
1540 in the county jail for a term of not more than one (1) year, or by
1541 both such fine and imprisonment, in the discretion of the court.

1542 In addition, in the case of the commission of any of such offenses
1543 by the holder of a permit, it shall be the duty of the * * *
1544 department forthwith to revoke the permit held by such person and
1545 conviction of the criminal offense shall not be a condition
1546 precedent to such revocation.

1547 **SECTION 6.** Section 67-1-83, Mississippi Code of 1972, is
1548 amended as follows:

1549 67-1-83. (1) It shall be unlawful for any permittee or any
1550 employee or agent thereof to sell or furnish any alcoholic
1551 beverage to any person who is visibly intoxicated, or to any
1552 person who is known to habitually drink alcoholic beverages to



1553 excess, or to any person who is known to be an habitual user of
1554 narcotics or other habit-forming drugs. It shall also be unlawful
1555 for the holder of any package retailer's permit or grocery store
1556 wine-only retailer's permit to sell any alcoholic beverages except
1557 by delivery in person to the purchaser at the place of business of
1558 the permittee, unless the holder of a package retailer's permit
1559 also holds a delivery service permit or uses a delivery service
1560 permittee to effect delivery.

1561 (2) It shall be unlawful for any permittee or any employee
1562 or agent thereof to sell or furnish any alcoholic beverage to any
1563 person to whom the department has, after investigation, decided to
1564 prohibit the sale of those beverages because of an appeal to the
1565 department so to do by the husband, wife, father, mother, brother,
1566 sister, child, or employer of the person. The interdiction in
1567 those cases shall last until removed by the department, but no
1568 person shall be held to have violated this subsection unless he
1569 has been informed by the department, by registered letter, that it
1570 is forbidden to sell to that individual or unless that fact is
1571 otherwise known to the permittee or its employee or agent.

1572 (3) It shall be unlawful for any holder of a package
1573 retailer's permit or a grocery store wine-only retailer's permit,
1574 or any employee or agent thereof, * * * to sell or furnish any
1575 alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to
1576 sell alcoholic beverages on Sunday and Christmas Day.



1577 (4) Any person who violates any of the provisions of this
1578 section shall be guilty of a misdemeanor and, upon conviction,
1579 shall be punished by a fine of not more than Five Hundred Dollars
1580 (\$500.00) or by imprisonment in the county jail for a term of not
1581 more than six (6) months, or by both that fine and imprisonment,
1582 in the discretion of the court. In addition to any other
1583 penalties prescribed by law, the * * * department may immediately
1584 revoke the permit of any permittee who violates the provisions of
1585 this section.

1586 **SECTION 7.** Section 67-1-85, Mississippi Code of 1972, is
1587 amended as follows:

1588 67-1-85. (1) The holder of a package retailer's permit or
1589 grocery store wine-only retailer's permit may have signs, lighted
1590 or otherwise, on the outside of the premises covered by his permit
1591 which advertise, announce or advise of the sale of alcoholic
1592 beverages in or on * * * the premises. Wherever the sign is
1593 located on the premises, the name of the business shall also
1594 include the permit number thereof, preceded by the words "A.B.C.
1595 Permit No."

1596 (2) It shall be lawful to advertise alcoholic beverages by
1597 means of signs, billboards or displays on or along any road,
1598 highway, street or building.

1599 (3) It shall be lawful for publishers, broadcasters and
1600 other kinds, types or forms of public and private advertising
1601 media to advertise alcoholic beverages; however, no alcoholic



1602 beverages may be advertised during, or within five (5) minutes
1603 preceding or following, any television broadcast which consists
1604 primarily of animated material intended for viewing by young
1605 children.

1606 (4) Notwithstanding the provisions of this section to the
1607 contrary, it shall be unlawful to advertise alcoholic beverages by
1608 means of signs, billboards or displays in any municipality, county
1609 or judicial district which has not voted pursuant to the
1610 provisions of this chapter to legalize the sale of alcoholic
1611 beverages.

1612 **SECTION 8.** This act shall take effect and be in force from
1613 and after July 1, 2022.

