

By: Representative Reynolds

To: Gaming

HOUSE BILL NO. 488

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

56 67-1-51. (1) Permits which may be issued by the department  
57 shall be as follows:

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

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

65 Class 1. Distiller's and/or rectifier's permit, which shall  
66 authorize the holder thereof to operate a distillery for the  
67 production of distilled spirits by distillation or redistillation  
68 and/or to operate a rectifying plant for the purifying, refining,



69 mixing, blending, flavoring or reducing in proof of distilled  
70 spirits and alcohol.

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

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

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

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



94 customers at the permitted place of business. In addition to the  
95 sale at retail of packages of alcoholic beverages, the holder of a  
96 package retailer's permit is authorized to sell at retail  
97 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
98 other beverages commonly used to mix with alcoholic beverages, and  
99 lottery tickets sold in accordance with the Alyce G. Clarke  
100 Mississippi Lottery Law. Nonalcoholic beverages sold by the  
101 holder of a package retailer's permit shall not be consumed on the  
102 premises where sold.

103 (c) **On-premises retailer's permit.** Except as otherwise  
104 provided in subsection (5) of this section, an on-premises  
105 retailer's permit shall authorize the sale of alcoholic beverages,  
106 including native wines and native spirits, for consumption on the  
107 licensed premises only; however, a patron of the permit holder may  
108 remove one (1) bottle of wine from the licensed premises if: (i)  
109 the patron consumed a portion of the bottle of wine in the course  
110 of consuming a meal purchased on the licensed premises; (ii) the  
111 permit holder securely reseals the bottle; (iii) the bottle is  
112 placed in a bag that is secured in a manner so that it will be  
113 visibly apparent if the bag is opened; and (iv) a dated receipt  
114 for the wine and the meal is available. Additionally, as part of  
115 a carryout order, a permit holder may sell one (1) bottle of wine  
116 to be removed from the licensed premises for every two (2) entrees  
117 ordered. Such a permit shall be issued only to qualified hotels,  
118 restaurants and clubs, small craft breweries, microbreweries, and



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

139 (d) **Solicitor's permit.** A solicitor's permit shall  
140 authorize the holder thereof to act as salesman for a manufacturer  
141 or wholesaler holding a proper permit, to solicit on behalf of his  
142 employer orders for alcoholic beverages, and to otherwise promote  
143 his employer's products in a legitimate manner. Such a permit



144 shall authorize the representation of and employment by one (1)  
145 principal only. However, the permittee may also, in the  
146 discretion of the department, be issued additional permits to  
147 represent other principals. No such permittee shall buy or sell  
148 alcoholic beverages for his own account, and no such beverage  
149 shall be brought into this state in pursuance of the exercise of  
150 such permit otherwise than through a permit issued to a wholesaler  
151 or manufacturer in the state.

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

167           (f) **Temporary retailer's permit.** Except as otherwise  
168 provided in subsection (5) of this section, a temporary retailer's



169 permit shall permit the purchase and resale of alcoholic  
170 beverages, including native wines and native spirits, during legal  
171 hours on the premises described in the temporary permit only.

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

174 Class 1. A temporary one-day permit may be issued to bona  
175 fide nonprofit civic or charitable organizations authorizing the  
176 sale of alcoholic beverages, including native wine and native  
177 spirit, for consumption on the premises described in the temporary  
178 permit only. Class 1 permits may be issued only to applicants  
179 demonstrating to the department, by a statement signed under  
180 penalty of perjury submitted ten (10) days prior to the proposed  
181 date or such other time as the department may determine, that they  
182 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
183 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
184 Class 1 permittees shall obtain all alcoholic beverages from  
185 package retailers located in the county in which the temporary  
186 permit is issued. Alcoholic beverages remaining in stock upon  
187 expiration of the temporary permit may be returned by the  
188 permittee to the package retailer for a refund of the purchase  
189 price upon consent of the package retailer or may be kept by the  
190 permittee exclusively for personal use and consumption, subject to  
191 all laws pertaining to the illegal sale and possession of  
192 alcoholic beverages. The department, following review of the





193 statement provided by the applicant and the requirements of the  
194 applicable statutes and regulations, may issue the permit.

195 Class 2. A temporary permit, not to exceed seventy (70)  
196 days, may be issued to prospective permittees seeking to transfer  
197 a permit authorized in paragraph (c) of this subsection. A Class  
198 2 permit may be issued only to applicants demonstrating to the  
199 department, by a statement signed under the penalty of perjury,  
200 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
201 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
202 67-1-59. The department, following a preliminary review of the  
203 statement provided by the applicant and the requirements of the  
204 applicable statutes and regulations, may issue the permit.

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

213 Class 3. A temporary one-day permit may be issued to a  
214 retail establishment authorizing the complimentary distribution of  
215 wine, including native wine, to patrons of the retail  
216 establishment at an open house or promotional event, for  
217 consumption only on the premises described in the temporary



218 permit. A Class 3 permit may be issued only to an applicant  
219 demonstrating to the department, by a statement signed under  
220 penalty of perjury submitted ten (10) days before the proposed  
221 date or such other time as the department may determine, that it  
222 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
223 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
224 A Class 3 permit holder shall obtain all alcoholic beverages from  
225 the holder(s) of a package retailer's permit located in the county  
226 in which the temporary permit is issued. Wine remaining in stock  
227 upon expiration of the temporary permit may be returned by the  
228 Class 3 temporary permit holder to the package retailer for a  
229 refund of the purchase price, with consent of the package  
230 retailer, or may be kept by the Class 3 temporary permit holder  
231 exclusively for personal use and consumption, subject to all laws  
232 pertaining to the illegal sale and possession of alcoholic  
233 beverages. The department, following review of the statement  
234 provided by the applicant and the requirements of the applicable  
235 statutes and regulations, may issue the permit. No retailer may  
236 receive more than twelve (12) Class 3 temporary permits in a  
237 calendar year. A Class 3 temporary permit shall not be issued to  
238 a retail establishment that either holds a merchant permit issued  
239 under paragraph (1) of this subsection, or holds a permit issued  
240 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
241 the holder to engage in the business of a retailer of light wine  
242 or beer.



243 (g) **Caterer's permit.** A caterer's permit shall permit  
244 the purchase of alcoholic beverages by a person engaging in  
245 business as a caterer and the resale of alcoholic beverages by  
246 such person in conjunction with such catering business. No person  
247 shall qualify as a caterer unless forty percent (40%) or more of  
248 the revenue derived from such catering business shall be from the  
249 serving of prepared food and not from the sale of alcoholic  
250 beverages and unless such person has obtained a permit for such  
251 business from the Department of Health. A caterer's permit shall  
252 not authorize the sale of alcoholic beverages on the premises of  
253 the person engaging in business as a caterer; however, the holder  
254 of an on-premises retailer's permit may hold a caterer's permit.  
255 When the holder of an on-premises retailer's permit or an  
256 affiliated entity of the holder also holds a caterer's permit, the  
257 caterer's permit shall not authorize the service of alcoholic  
258 beverages on a consistent, recurring basis at a separate, fixed  
259 location owned or operated by the caterer, on-premises retailer or  
260 affiliated entity and an on-premises retailer's permit shall be  
261 required for the separate location. All sales of alcoholic  
262 beverages by holders of a caterer's permit shall be made at the  
263 location being catered by the caterer, and, except as otherwise  
264 provided in subsection (5) of this section, such sales may be made  
265 only for consumption at the catered location. The location being  
266 catered may be anywhere within a county or judicial district that  
267 has voted to come out from under the dry laws or in which the sale



268 and distribution of alcoholic beverages is otherwise authorized by  
269 law. Such sales shall be made pursuant to any other conditions  
270 and restrictions which apply to sales made by on-premises retail  
271 permittees. The holder of a caterer's permit or his employees  
272 shall remain at the catered location as long as alcoholic  
273 beverages are being sold pursuant to the permit issued under this  
274 paragraph (g), and the permittee shall have at the location the  
275 identification card issued by the Alcoholic Beverage Control  
276 Division of the department. No unsold alcoholic beverages may be  
277 left at the catered location by the permittee upon the conclusion  
278 of his business at that location. Appropriate law enforcement  
279 officers and Alcoholic Beverage Control Division personnel may  
280 enter a catered location on private property in order to enforce  
281 laws governing the sale or serving of alcoholic beverages.

282 (h) **Research permit.** A research permit shall authorize  
283 the holder thereof to operate a research facility for the  
284 professional research of alcoholic beverages. Such permit shall  
285 authorize the holder of the permit to import and purchase limited  
286 amounts of alcoholic beverages from the department or from  
287 importers, wineries and distillers of alcoholic beverages for  
288 professional research.

289 (i) **Alcohol processing permit.** An alcohol processing  
290 permit shall authorize the holder thereof to purchase, transport  
291 and possess alcoholic beverages for the exclusive use in cooking,  
292 processing or manufacturing products which contain alcoholic



293 beverages as an integral ingredient. An alcohol processing permit  
294 shall not authorize the sale of alcoholic beverages on the  
295 premises of the person engaging in the business of cooking,  
296 processing or manufacturing products which contain alcoholic  
297 beverages. The amounts of alcoholic beverages allowed under an  
298 alcohol processing permit shall be set by the department.

299 (j) **Hospitality cart permit.** A hospitality cart permit  
300 shall authorize the sale of alcoholic beverages from a mobile cart  
301 on a golf course that is the holder of an on-premises retailer's  
302 permit. The alcoholic beverages sold from the cart must be  
303 consumed within the boundaries of the golf course.

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

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



317 school. A merchant permit holder shall obtain all wine from the  
318 holder of a package retailer's permit.

319 (m) **Temporary alcoholic beverages charitable auction**  
320 **permit.** A temporary permit, not to exceed five (5) days, may be  
321 issued to a qualifying charitable nonprofit organization that is  
322 exempt from taxation under Section 501(c)(3) or (4) of the  
323 Internal Revenue Code of 1986. The permit shall authorize the  
324 holder to sell alcoholic beverages for the limited purpose of  
325 raising funds for the organization during a live or silent auction  
326 that is conducted by the organization and that meets the following  
327 requirements: (i) the auction is conducted in an area of the  
328 state where the sale of alcoholic beverages is authorized; (ii) if  
329 the auction is conducted on the premises of an on-premises  
330 retailer's permit holder, then the alcoholic beverages to be  
331 auctioned must be stored separately from the alcoholic beverages  
332 sold, stored or served on the premises, must be removed from the  
333 premises immediately following the auction, and may not be  
334 consumed on the premises; (iii) the permit holder may not conduct  
335 more than two (2) auctions during a calendar year; (iv) the permit  
336 holder may not pay a commission or promotional fee to any person  
337 to arrange or conduct the auction.

338 (n) **Event venue retailer's permit.** An event venue  
339 retailer's permit shall authorize the holder thereof to purchase  
340 and resell alcoholic beverages, including native wines and native  
341 spirits, for consumption on the premises during legal hours during



342 events held on the licensed premises if food is being served at  
343 the event by a caterer who is not affiliated with or related to  
344 the permittee. The caterer must serve at least three (3) entrees.  
345 The permit may only be issued for venues that can accommodate two  
346 hundred (200) persons or more. The number of persons a venue may  
347 accommodate shall be determined by the local fire department and  
348 such determination shall be provided in writing and submitted  
349 along with all other documents required to be provided for an  
350 on-premises retailer's permit. The permittee must derive the  
351 majority of its revenue from event-related fees, including, but  
352 not limited to, admission fees or ticket sales for live  
353 entertainment in the building. "Event-related fees" do not  
354 include alcohol, beer or light wine sales or any fee which may be  
355 construed to cover the cost of alcohol, beer or light wine. This  
356 determination shall be made on a per event basis. An event may  
357 not last longer than two (2) consecutive days per week.

358           (o) **Temporary theatre permit.** A temporary theatre  
359 permit, not to exceed five (5) days, may be issued to a charitable  
360 nonprofit organization that is exempt from taxation under Section  
361 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
362 a theatre facility that features plays and other theatrical  
363 performances and productions. Except as otherwise provided in  
364 subsection (5) of this section, the permit shall authorize the  
365 holder to sell alcoholic beverages, including native wines and  
366 native spirits, to patrons of the theatre during performances and



367 productions at the theatre facility for consumption during such  
368 performances and productions on the premises of the facility  
369 described in the permit. A temporary theatre permit holder shall  
370 obtain all alcoholic beverages from package retailers located in  
371 the county in which the permit is issued. Alcoholic beverages  
372 remaining in stock upon expiration of the temporary theatre permit  
373 may be returned by the permittee to the package retailer for a  
374 refund of the purchase price upon consent of the package retailer  
375 or may be kept by the permittee exclusively for personal use and  
376 consumption, subject to all laws pertaining to the illegal sale  
377 and possession of alcoholic beverages.

378 (p) **Charter ship operator's permit.** Subject to the  
379 provisions of this paragraph (p), a charter ship operator's permit  
380 shall authorize the holder thereof and its employees to serve,  
381 monitor, store and otherwise control the serving and availability  
382 of alcoholic beverages to customers of the permit holder during  
383 private charters under contract provided by the permit holder. A  
384 charter ship operator's permit shall authorize such action by the  
385 permit holder and its employees only as to alcoholic beverages  
386 brought onto the permit holder's ship by customers of the permit  
387 holder as part of such a private charter. All such alcoholic  
388 beverages must be removed from the charter ship at the conclusion  
389 of each private charter. A charter ship operator's permit shall  
390 not authorize the permit holder to sell, charge for or otherwise  
391 supply alcoholic beverages to customers, except as authorized in





392 this paragraph (p). For the purposes of this paragraph (p),  
393 "charter ship operator" means a common carrier that (i) is  
394 certified to carry at least one hundred fifty (150) passengers  
395 and/or provide overnight accommodations for at least fifty (50)  
396 passengers, (ii) operates only in the waters within the State of  
397 Mississippi, which lie adjacent to the State of Mississippi south  
398 of the three (3) most southern counties in the State of  
399 Mississippi, and (iii) provides charters under contract for tours  
400 and trips in such waters.

401 (q) **Distillery retailer's permit.** The holder of a  
402 Class 1 manufacturer's permit may obtain a distillery retailer's  
403 permit. A distillery retailer's permit shall authorize the holder  
404 thereof to sell at retail alcoholic beverages to consumers for  
405 on-premises consumption, or to consumers by the sealed and  
406 unopened bottle from a retail location at the distillery for  
407 off-premises consumption. The holder may only sell product  
408 manufactured by the manufacturer at the distillery described in  
409 the permit. However, when selling to consumers for on-premises  
410 consumption, a holder of a distillery retailer's permit may add  
411 other beverages, alcoholic or not, so long as the total volume of  
412 other beverage components containing alcohol does not exceed  
413 twenty percent (20%). Hours of sale shall be the same as those  
414 authorized for on-premises permittees in the city or county in  
415 which the distillery retailer is located.



416           The holder shall not sell at retail more than ten percent  
417   (10%) of the alcoholic beverages produced annually at its  
418   distillery. The holder shall not make retail sales of more than  
419   two and twenty-five one-hundredths (2.25) liters, in the  
420   aggregate, of the alcoholic beverages produced at its distillery  
421   to any one (1) individual for consumption off the premises of the  
422   distillery within a twenty-four-hour period. The hours of sale  
423   shall be the same as those hours for package retailers under this  
424   chapter. The holder of a distillery retailer's permit is not  
425   required to purchase the alcoholic beverages authorized to be sold  
426   by this paragraph from the department's liquor distribution  
427   warehouse; however, if the holder does not purchase the alcoholic  
428   beverages from the department's liquor distribution warehouse, the  
429   holder shall pay to the department all taxes, fees and surcharges  
430   on the alcoholic beverages that are imposed upon the sale of  
431   alcoholic beverages shipped by the Alcoholic Beverage Control  
432   Division of the Department of Revenue. In addition to alcoholic  
433   beverages, the holder of a distillery retailer's permit may sell  
434   at retail promotional products from the same retail location,  
435   including shirts, hats, glasses, and other promotional products  
436   customarily sold by alcoholic beverage manufacturers.

437           (r) **Festival Wine Permit.** Any wine manufacturer or  
438   native wine producer permitted by Mississippi or any other state  
439   is eligible to obtain a Festival Wine Permit. This permit  
440   authorizes the entity to transport product manufactured by it to



441 festivals held within the State of Mississippi and sell sealed,  
442 unopened bottles to festival participants. The holder of this  
443 permit may provide samples at no charge to participants.

444 "Festival" means any event at which three (3) or more vendors are  
445 present at a location for the sale or distribution of goods. The  
446 holder of a Festival Wine Permit is not required to purchase the  
447 alcoholic beverages authorized to be sold by this paragraph from  
448 the department's liquor distribution warehouse. However, if the  
449 holder does not purchase the alcoholic beverages from the  
450 department's liquor distribution warehouse, the holder of this  
451 permit shall pay to the department all taxes, fees and surcharges  
452 on the alcoholic beverages sold at such festivals that are imposed  
453 upon the sale of alcoholic beverages shipped by the Alcoholic  
454 Beverage Control Division of the Department of Revenue.

455 Additionally, the entity shall file all applicable reports and  
456 returns as prescribed by the department. This permit is issued  
457 per festival and provides authority to sell for two (2)  
458 consecutive days during the hours authorized for on-premises  
459 permittees' sales in that county or city. The holder of the  
460 permit shall be required to maintain all requirements set by Local  
461 Option Law for the service and sale of alcoholic beverages. This  
462 permit may be issued to entities participating in festivals at  
463 which a Class 1 temporary permit is in effect.

464 This paragraph (r) shall stand repealed from and after July  
465 1, 2023.



466           (s) **Charter vessel operator's permit.** Subject to the  
467 provisions of this paragraph (s), a charter vessel operator's  
468 permit shall authorize the holder thereof and its employees to  
469 sell and serve alcoholic beverages to passengers of the permit  
470 holder during public tours, historical tours, ecological tours and  
471 sunset cruises provided by the permit holder. The permit shall  
472 authorize the holder to only sell alcoholic beverages, including  
473 native wines, to passengers of the charter vessel operator during  
474 public tours, historical tours, ecological tours and sunset  
475 cruises provided by the permit holder aboard the charter vessel  
476 operator for consumption during such tours and cruises on the  
477 premises of the charter vessel operator described in the permit.  
478 For the purposes of this paragraph (s), "charter vessel operator"  
479 means a common carrier that (i) is certified to carry at least  
480 forty-nine (49) passengers, (ii) operates only in the waters  
481 within the State of Mississippi, which lie south of Interstate 10  
482 in the three (3) most southern counties in the State of  
483 Mississippi, and lie adjacent to the State of Mississippi south of  
484 the three (3) most southern counties in the State of Mississippi,  
485 extending not further than one (1) mile south of such counties,  
486 and (iii) provides vessel services for tours and cruises in such  
487 waters as provided in this paragraph (s).

488           (t) **Native spirit retailer's permit.** Except as  
489 otherwise provided in subsection (5) of this section, a native  
490 spirit retailer's permit shall be issued only to a holder of a



491 Class 4 manufacturer's permit, and shall authorize the holder  
492 thereof to make retail sales of native spirits to consumers for  
493 on-premises consumption or to consumers in originally sealed and  
494 unopened containers at an establishment located on the premises of  
495 or in the immediate vicinity of a native distillery. When selling  
496 to consumers for on-premises consumption, a holder of a native  
497 spirit retailer's permit may add to the native spirit alcoholic  
498 beverages not produced on the premises, so long as the total  
499 volume of foreign beverage components does not exceed twenty  
500 percent (20%) of the mixed beverage. Hours of sale shall be the  
501 same as those authorized for on-premises permittees in the city or  
502 county in which the native spirit retailer is located.

503           (u) **Delivery service permit.** Any individual, limited  
504 liability company, corporation or partnership registered to do  
505 business in this state is eligible to obtain a delivery service  
506 permit. Subject to the provisions of Section 67-1-51.1, this  
507 permit authorizes the permittee, or its employee or an independent  
508 contractor acting on its behalf, to deliver alcoholic beverages,  
509 beer, light wine and light spirit product from a licensed retailer  
510 to a person in this state who is at least twenty-one (21) years of  
511 age for the individual's use and not for resale. This permit does  
512 not authorize the delivery of alcoholic beverages, beer, light  
513 wine or light spirit product to the premises of a location with a  
514 permit for the manufacture, distribution or retail sale of  
515 alcoholic beverages, beer, light wine or light spirit product.



516 The holder of a package retailer's permit or an on-premises  
517 retailer's permit under Section 67-1-51 or of a beer, light wine  
518 and light spirit product permit under Section 67-3-19 is  
519 authorized to apply for a delivery service permit as a privilege  
520 separate from its existing retail permit.

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

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

531 (b) A church or funeral home may waive the distance  
532 restrictions imposed in this subsection in favor of allowing  
533 issuance by the department of a permit, pursuant to subsection (1)  
534 of this section, to authorize activity relating to the  
535 manufacturing, sale or storage of alcoholic beverages which would  
536 otherwise be prohibited under the minimum distance criterion.  
537 Such waiver shall be in written form from the owner, the governing  
538 body, or the appropriate officer of the church or funeral home  
539 having the authority to execute such a waiver, and the waiver



540 shall be filed with and verified by the department before becoming  
541 effective.

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

551 (d) The distance restrictions imposed in this  
552 subsection shall not apply to the sale or storage of alcoholic  
553 beverages at a qualified resort area as defined in Section  
554 67-1-5(o)(iii)32.

555 (e) The distance restrictions imposed in this  
556 subsection shall not apply to the sale or storage of alcoholic  
557 beverages at a licensed premises in a building formerly owned by a  
558 municipality and formerly leased by the municipality to a  
559 municipal school district and used by the municipal school  
560 district as a district bus shop facility.

561 (f) The distance restrictions imposed in this  
562 subsection shall not apply to the sale or storage of alcoholic  
563 beverages at a licensed premises in a building consisting of at  
564 least five thousand (5,000) square feet and located approximately



565 six hundred (600) feet from the intersection of Mississippi  
566 Highway 15 and Mississippi Highway 4.

567 (g) The distance restrictions imposed in this  
568 subsection shall not apply to the sale or storage of alcoholic  
569 beverages at a licensed premises in a building located at the  
570 southeast corner of Ward and Tate Streets in the City of  
571 Senatobia, Mississippi.

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

581 (5) (a) In addition to any other authority granted under  
582 this section, the holder of a permit issued under subsection  
583 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
584 sell or otherwise provide alcoholic beverages and/or wine to a  
585 patron of the permit holder in the manner authorized in the permit  
586 and the patron may remove an open glass, cup or other container of  
587 the alcoholic beverage and/or wine from the licensed premises and  
588 may possess and consume the alcoholic beverage or wine outside of  
589 the licensed premises if: (i) the licensed premises is located





590 within a leisure and recreation district created under Section  
591 67-1-101 and (ii) the patron remains within the boundaries of the  
592 leisure and recreation district while in possession of the  
593 alcoholic beverage or wine.

594 (b) Nothing in this subsection shall be construed to  
595 allow a person to bring any alcoholic beverages into a permitted  
596 premises except to the extent otherwise authorized by this  
597 chapter.

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

