

By: Representatives Lamar, Williamson,
Felsher

To: Ways and Means

HOUSE BILL NO. 512

1 AN ACT TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, TO
 2 REMOVE THE DEPARTMENT OF REVENUE FROM BEING A WHOLESALE
 3 DISTRIBUTOR OF ALCOHOLIC BEVERAGES WITHIN THIS STATE; TO CREATE A
 4 NEW SECTION TO BE CODIFIED AS 67-1-42, MISSISSIPPI CODE OF 1972,
 5 TO AUTHORIZE A HOLDER OF A WHOLESALER'S PERMIT TO DISTRIBUTE
 6 ALCOHOLIC BEVERAGES THROUGHOUT THIS STATE TO PROPERLY PERMITTED
 7 RETAILERS FOR RESALE SUBJECT TO THE PROVISIONS OF THE LOCAL OPTION
 8 ALCOHOLIC BEVERAGE CONTROL LAW; TO PROVIDE FOR THE ISSUANCE OF A
 9 WHOLESALER'S PERMIT; TO REQUIRE THE HOLDER OF A WHOLESALER'S
 10 PERMIT TO FILE REPORTS WITH THE DEPARTMENT OF REVENUE COVERING
 11 SALES OF ALCOHOLIC BEVERAGES AND KEEP CERTAIN RECORDS; TO PROVIDE
 12 FOR THE ANNUAL RENEWAL OF A WHOLESALER'S PERMIT; TO AMEND SECTIONS
 13 67-1-37, 67-1-43, 67-1-45, 67-1-47, 67-1-49 AND 67-1-51,
 14 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
 15 ACT; TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO LEVY A
 16 PRIVILEGE TAX ON HOLDERS OF WHOLESALER'S PERMITS; TO AMEND SECTION
 17 27-71-7, MISSISSIPPI CODE OF 1972, TO LEVY A TAX UPON THE SALE OF
 18 ALCOHOLIC BEVERAGES BY A WHOLESALER; TO AMEND SECTIONS 27-71-9,
 19 27-71-11, 27-71-13, 27-71-15, 27-71-17, 27-71-21, 27-71-25,
 20 27-71-29 AND 67-5-13, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
 21 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** Section 67-1-41, Mississippi Code of 1972, is
 24 amended as follows:

25 67-1-41. (1) * * * No person who is granted the right to
 26 sell, distribute or receive alcoholic beverages at retail shall
 27 purchase any alcoholic beverages from any source other than * * *



28 an authorized wholesaler except as authorized in subsections (4),
29 (9) and (12) of this section. * * * An authorized wholesaler may
30 sell * * * alcoholic beverages to authorized permittees within the
31 state * * * and to retail distributors operating within any
32 military post * * *, keeping a correct and accurate record of all
33 such transactions * * *.

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

40 (3) No alcoholic beverage intended for sale or resale shall
41 be imported, shipped or brought into this state for delivery to
42 any person other than for delivery to a licensed wholesaler or as
43 otherwise provided in this chapter, or as otherwise provided by
44 law for native wines or native spirits.

45 (4) The department may promulgate rules and regulations
46 which authorize on-premises retailers to purchase limited amounts
47 of alcoholic beverages from package retailers and for package
48 retailers to purchase limited amounts of alcoholic beverages from
49 other package retailers. The department shall develop and provide
50 forms to be completed by the on-premises retailers and the package
51 retailers verifying the transaction. The completed forms shall be



52 forwarded to the department within a period of time prescribed by
53 the department.

54 (5) The department may promulgate rules which authorize the
55 holder of a package retailer's permit to permit individual retail
56 purchasers of packages of alcoholic beverages to return, for
57 exchange, credit or refund, limited amounts of original sealed and
58 unopened packages of alcoholic beverages purchased by the
59 individual from the package retailer.

60 (6) The department shall maintain all forms to be completed
61 by applicants necessary for licensure by the department at all
62 district offices of the department.

63 (7) The department may promulgate rules which authorize the
64 manufacturer of an alcoholic beverage or wine to import, transport
65 and furnish or give a sample of alcoholic beverages or wines to
66 the holders of package retailer's permits, on-premises retailer's
67 permits, native wine or native spirit retailer's permits and
68 temporary retailer's permits who have not previously purchased the
69 brand of that manufacturer from the department. For each holder
70 of the designated permits, the manufacturer may furnish not more
71 than five hundred (500) milliliters of any brand of alcoholic
72 beverage and not more than three (3) liters of any brand of wine.

73 (8) The department may promulgate rules disallowing open
74 product sampling of alcoholic beverages or wines by the holders of
75 package retailer's permits and permitting open product sampling of
76 alcoholic beverages by the holders of on-premises retailer's



77 permits. Permitted sample products shall be plainly identified
78 "sample" and the actual sampling must occur in the presence of the
79 manufacturer's representatives during the legal operating hours of
80 on-premises retailers.

81 (9) The department may promulgate rules and regulations that
82 authorize the holder of a research permit to import and purchase
83 limited amounts of alcoholic beverages from importers,
84 wineries * * * , distillers of alcoholic beverages * * * and
85 from * * * authorized wholesalers. The department shall develop
86 and provide forms to be completed by the research permittee
87 verifying each transaction. The completed forms shall be
88 forwarded to the department within a period of time prescribed by
89 the department. The records and inventory of alcoholic beverages
90 shall be open to inspection at any time by the Director of the
91 Alcoholic Beverage Control Division or any duly authorized agent.

92 (10) The department may promulgate rules facilitating a
93 retailer's on-site pickup of alcoholic beverages sold by the
94 department or as authorized by the department, including, but not
95 limited to, native wines and native spirits, so that those
96 alcoholic beverages may be delivered to the retailer at the
97 manufacturer's location instead of via shipment from the
98 department's warehouse.

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



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

105 (12) (a) An individual resident of this state who is at
106 least twenty-one (21) years of age may purchase wine from a winery
107 and have the purchase shipped into this state so long as it is
108 shipped to a package retailer permittee in Mississippi; however,
109 the permittee shall pay to the department all taxes, fees and
110 surcharges on the wine that are imposed upon the sale of wine
111 shipped by the department. No credit shall be provided to the
112 permittee for any taxes paid to another state as a result of the
113 transaction. Package retailers may charge a service fee for
114 receiving and handling shipments from wineries on behalf of the
115 purchasers. The department shall develop and provide forms to be
116 completed by the package retailer permittees verifying the
117 transaction. The completed forms shall be forwarded to the
118 department within a period of time prescribed by the department.

119 (b) The purchaser of wine that is to be shipped to a
120 package retailer's store shall be required to get the prior
121 approval of the package retailer before any wine is shipped to the
122 package retailer. A purchaser is limited to no more than ten (10)
123 cases of wine per year to be shipped to a package retailer. A
124 package retailer shall notify a purchaser of wine within two (2)
125 days after receiving the shipment of wine. If the purchaser of
126 the wine does not pick up or take the wine from the package



127 retailer within thirty (30) days after being notified by the
128 package retailer, the package retailer may sell the wine as part
129 of his inventory.

130 (c) Shipments of wine into this state under this
131 section shall be made by a duly licensed carrier. It shall be the
132 duty of every common or contract carrier, and of every firm or
133 corporation that shall bring, carry or transport wine from outside
134 the state for delivery inside the state to package retailer
135 permittees on behalf of consumers, to prepare and file with the
136 department, on a schedule as determined by the department, of
137 known wine shipments containing the name of the common or contract
138 carrier, firm or corporation making the report, the period of time
139 covered by said report, the name and permit number of the winery,
140 the name and permit number of the package retailer permittee
141 receiving such wine, the weight of the package delivered to each
142 package retailer permittee, a unique tracking number, and the date
143 of delivery. Reports received by the department shall be made
144 available by the department to the public via the Mississippi
145 Public Records Act process in the same manner as other state
146 alcohol filings.

147 Upon the department's request, any records supporting the
148 report shall be made available to the department within a
149 reasonable time after the department makes a written request for
150 such records. Any records containing information relating to such
151 reports shall be kept and preserved for a period of two (2) years,



152 unless their destruction sooner is authorized, in writing, by the
153 department, and shall be open and available to inspection by the
154 department upon the department's written request. Reports shall
155 also be made available to any law enforcement or regulatory body
156 in the state in which the railroad company, express company,
157 common or contract carrier making the report resides or does
158 business.

159 Any common or contract carrier that willfully fails to make
160 reports, as provided by this section or any of the rules and
161 regulations of the department for the administration and
162 enforcement of this section, is subject to a notification of
163 violation. In the case of a continuing failure to make reports,
164 the common or contract carrier is subject to possible license
165 suspension and revocation at the department's discretion.

166 (d) A winery that ships wine under this section shall
167 be deemed to have consented to the jurisdiction of the courts of
168 this state, of the department, of any other state agency regarding
169 the enforcement of this section, and of any related law, rules or
170 regulations.

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



177 (13) If any provision of this chapter, or its application to
178 any person or circumstance, is determined by a court to be invalid
179 or unconstitutional, the remaining provisions shall be construed
180 in accordance with the intent of the Legislature to further limit
181 rather than expand commerce in alcoholic beverages to protect the
182 health, safety, and welfare of the state's residents, and to
183 enhance strict regulatory control over taxation, distribution and
184 sale of alcoholic beverages through the three-tier regulatory
185 system imposed by this chapter upon all alcoholic beverages to
186 curb relationships and practices calculated to stimulate sales and
187 impair the state's policy favoring trade stability and the
188 promotion of temperance.

189 **SECTION 2.** The following shall be codified as Section
190 67-1-42, Mississippi Code of 1972:

191 67-1-42. (1) A retailer shall purchase all alcoholic
192 beverages from an authorized wholesaler. Except as otherwise
193 authorized, it shall be unlawful for any retailer to possess for
194 purpose of sale, to sell, or to offer to sell any alcoholic
195 beverages which were not purchased from a wholesaler in this state
196 who has a permit to sell and/or distribute such alcoholic
197 beverages.

198 (2) It shall be unlawful for any wholesaler to possess for
199 purpose of sale, to sell or to offer to sell any alcoholic
200 beverages which were not purchased from a manufacturer authorized
201 to sell alcoholic beverages in this state.



202 (3) Except as otherwise authorized, sales by wholesalers or
203 manufacturers to persons who do not hold a permit are unlawful;
204 and any wholesaler or manufacturer making such sales, or who sells
205 any alcoholic beverages on which the tax provided by law has not
206 been paid, shall, in addition to any other fines, penalties and
207 forfeitures, be subject to a penalty of One Hundred Dollars
208 (\$100.00) for each sale.

209 (4) It shall be the duty of every wholesaler of alcoholic
210 beverages permitted under this chapter to file with the
211 department, on or before the fifteenth day of each month, a report
212 covering all sales of such alcoholic beverages during the
213 preceding month. Such report shall show the names and post-office
214 addresses for all persons to whom such alcoholic beverages have
215 been sold or delivered and the quantities and invoice prices of
216 the alcoholic beverages sold or delivered.

217 It shall be the duty of each retail dealer in such alcoholic
218 beverages to procure from the wholesaler from whom such alcoholic
219 beverages are purchased or acquired, invoices showing the quantity
220 purchased or acquired, and the date of each delivery thereof.

221 Such invoices shall be preserved by the retailer and shall be open
222 for inspection by the department for a period of three (3) years.

223 (5) The wholesaler shall be allowed credit for tax paid on
224 alcoholic beverages which are no longer marketable and which are
225 destroyed by same when such destruction is witnessed by an agent



226 of the department and when the amount of the excise tax exceeds
227 One Hundred Dollars (\$100.00). No other loss will be allowed.

228 (6) If any person shall willfully evade the payment of any
229 tax levied or imposed under this article, he shall be guilty of a
230 felony, and, upon conviction, shall be punished by a fine of not
231 more than One Thousand Dollars (\$1,000.00) or by imprisonment in
232 the State Penitentiary for not less than one (1) year, nor more
233 than ten (10) years, or by both such fine and imprisonment.

234 (7) It shall be unlawful for any person to transport from
235 any point outside of this state to any point within this state,
236 any alcoholic beverages except for delivery to a licensed
237 wholesaler in this state; and except by common carrier. The
238 commissioner may, however, upon application of a licensed
239 wholesaler in this state, and under rules and regulations duly
240 promulgated by him, issue a permit for the transportation by a
241 licensed wholesaler of alcoholic beverages in trucks owned by such
242 licensee, from without the state to the place of business of such
243 licensee within the state, for distribution by said licensee.
244 Such permit shall be granted for a specified period, not to exceed
245 one (1) year.

246 (8) A wholesaler shall sell and deliver alcoholic beverages
247 at uniform prices throughout the state; however, a wholesaler may
248 provide volume or bulk price discounts provided that such
249 discounts are made available to and provided to all retailers.



250 (9) No alcoholic beverages shall be delivered to a retailer
251 other than alcoholic beverages that have been stored or warehoused
252 for no less than forty-eight (48) hours at a premise in this state
253 owned, rented or leased by a wholesaler.

254 (10) (a) No wholesaler may sell and no retailer may
255 purchase alcoholic beverages except for cash or on terms requiring
256 payment by the retailer in accordance with paragraph (b) of this
257 subsection (10). A wholesaler who accepts a check or draft as
258 payment from a retailer for the purchase of alcoholic beverages
259 must deposit the check or draft in the bank for payment or present
260 the check or draft for payment within five (5) business days after
261 it is received.

262 (b) On purchases made from the first through the
263 fifteenth day of a month, payment must be made on or before the
264 twenty-fifth day of that month. On purchases made on the
265 sixteenth day through the last day of a month, payment must be
266 made on or before the tenth day of the following month. An
267 account is not delinquent if payment is received by the wholesaler
268 not later than the fourth business day after the date payment is
269 due under this paragraph (b).

270 (c) Each delivery of alcoholic beverages shall be
271 accompanied by an invoice giving the date of purchase. If a
272 retailer becomes delinquent in the payment of an account for
273 alcoholic beverages, the wholesaler immediately shall report that
274 fact in writing, including by electronic mail or facsimile



275 transmission, to the department. A wholesaler may not sell any
276 alcoholic beverages to a retailer who is delinquent until the
277 delinquent account is paid in full and cleared from the records of
278 the department, provided that sales to delinquent retailers can be
279 made on a cash on delivery basis. An account becomes delinquent
280 if it is not paid when it is required to be paid under paragraph
281 (b) of this subsection (10).

282 (d) The department may not accept the voluntary
283 cancellation or suspension of a permit or allow a permit to be
284 renewed or transferred if the permit holder is delinquent in the
285 payment of an account for alcoholic beverages under this
286 subsection (10). A person whose permit is canceled by the
287 department or whose permit has expired is not eligible to hold any
288 other permit or license under this chapter until the person has
289 cured any delinquency of the person under this section.

290 (e) It shall be unlawful for a wholesaler to accept a
291 postdated check, a note or memorandum, or participate in a manner
292 to assist a retailer in the violation of this subsection (10).

293 (f) Nothing in this subsection (10) shall require a
294 wholesaler to makes sales to a retailer on a credit basis. A
295 wholesaler may at any time require that sales be made on a cash on
296 delivery basis.

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



299 67-1-37. The Department of Revenue, under its duties and
300 powers with respect to the Alcoholic Beverage Control Division
301 therein, shall have the following powers, functions and duties:

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

306 (b) To revoke, suspend or cancel, for violation of or
307 noncompliance with the provisions of this chapter, or the law
308 governing the production and sale of native wines or native
309 spirits, or any lawful rules and regulations of the department
310 issued hereunder, or for other sufficient cause, any permit issued
311 by it under the provisions of this chapter. The department shall
312 also be authorized to suspend the permit of any permit holder for
313 being out of compliance with an order for support, as defined in
314 Section 93-11-153. The procedure for suspension of a permit for
315 being out of compliance with an order for support, and the
316 procedure for the reissuance or reinstatement of a permit
317 suspended for that purpose, and the payment of any fees for the
318 reissuance or reinstatement of a permit suspended for that
319 purpose, shall be governed by Section 93-11-157 or Section
320 93-11-163, as the case may be. If there is any conflict between
321 any provision of Section 93-11-157 or Section 93-11-163 and any
322 provision of this chapter, the provisions of Section 93-11-157 or
323 Section 93-11-163, as the case may be, shall control.



324 (c) To prescribe forms of permits and applications for
325 permits and of all reports which it deems necessary in
326 administering this chapter.

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

331 (e) To issue rules regulating the advertising of
332 alcoholic beverages in the state in any class of media and
333 permitting advertising of the retail price of alcoholic beverages.

334 (f) To issue reasonable rules and regulations, not
335 inconsistent with the federal laws or regulations, requiring
336 informative labeling of all alcoholic beverages offered for sale
337 within this state and providing for the standards of fill and
338 shapes of retail containers of alcoholic beverages; however, such
339 containers shall not contain less than fifty (50) milliliters by
340 liquid measure.

341 (g) Subject to the provisions of subsection (3) of
342 Section 67-1-51, to issue rules and regulations governing the
343 issuance of retail permits for premises located near or around
344 schools, colleges, universities, churches and other public
345 institutions, and specifying the distances therefrom within which
346 no such permit shall be issued. The Alcoholic Beverage Control
347 Division shall not issue a package retailer's or on-premises
348 retailer's permit for the sale or consumption of alcoholic



349 beverages in or on the campus of any public school, community or
350 junior college, college or university.

351 (h) To adopt and promulgate, repeal and amend, such
352 rules, regulations, standards, requirements and orders, not
353 inconsistent with this chapter or any law of this state or of the
354 United States, as it deems necessary to control the manufacture,
355 importation, transportation, distribution, delivery and sale of
356 alcoholic liquor, whether intended for beverage or nonbeverage use
357 in a manner not inconsistent with the provisions of this chapter
358 or any other statute, including the native wine and native spirit
359 laws.

360 (i) To call upon other administrative departments of
361 the state, county and municipal governments, county and city
362 police departments and upon prosecuting officers for such
363 information and assistance as it may deem necessary in the
364 performance of its duties.

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

371 (k) To inspect, or cause to be inspected, any premises
372 where alcoholic liquors intended for sale are manufactured,
373 stored, distributed or sold, and to examine or cause to be



374 examined all books and records pertaining to the business
375 conducted therein.

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

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

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

390 (o) To enforce the provisions made unlawful by Chapter
391 3, Title 67 and Section 97-5-49.

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

395 (q) To prescribe and charge a fee to defray the costs
396 of shipping alcoholic beverages, provided that such fee is
397 determined in a manner provided by the department by rules and/or
398 regulations adopted in accordance with the Mississippi



399 Administrative Procedures Law. This paragraph (q) shall stand
400 repealed on January 1, 2023.

401 **SECTION 4.** Section 67-1-43, Mississippi Code of 1972, is
402 amended as follows:

403 67-1-43. Any authorized retail * * * permittee who shall
404 purchase or receive intoxicating liquor from any source except
405 from * * * an authorized wholesaler, unless authorized by rules
406 and regulations of the department promulgated under Section
407 67-1-41, shall be guilty of a misdemeanor and upon conviction
408 thereof shall be punished by a fine of not less than Five Hundred
409 Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00),
410 to which may be added imprisonment in the county jail for not more
411 than six (6) months. Any authorization of such person to sell
412 intoxicating beverages may be revoked as provided by law.

413 **SECTION 5.** Section 67-1-45, Mississippi Code of 1972, is
414 amended as follows:

415 67-1-45. No manufacturer, rectifier or distiller of
416 alcoholic beverages shall sell or attempt to sell any such
417 alcoholic beverages, except malt liquor, within the State of
418 Mississippi, except to * * * an authorized wholesaler, or as
419 provided in Section 67-1-41, or pursuant to Section 67-1-51. A
420 producer of native wine or native spirit may sell native wines or
421 native spirits, respectively, to * * * an authorized wholesaler or
422 to consumers at the location of the native winery or native
423 distillery or its immediate vicinity. For the purposes of this



424 section, "authorized wholesaler" does not include package retail
425 permittees who resell alcoholic beverages at wholesale to other
426 permittees. Such package retail permittees may only purchase
427 alcoholic beverages as otherwise authorized by this chapter.

428 Any violation of this section by any manufacturer, rectifier
429 or distiller shall be punished by a fine of not less than Five
430 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
431 (\$2,000.00), to which may be added imprisonment in the county jail
432 not to exceed six (6) months.

433 **SECTION 6.** Section 67-1-47, Mississippi Code of 1972, is
434 amended as follows:

435 67-1-47. All distillers or distributors having contracts
436 with * * * any authorized wholesaler for the sale of alcoholic
437 beverages * * * throughout the state, before making delivery of
438 any merchandise to the * * * wholesaler, shall register with the
439 Secretary of State giving their name, address, name of all local
440 agents and any other pertinent information which may be required
441 by the Secretary of State and appointing an agent for the service
442 of process within the State of Mississippi.

443 **SECTION 7.** Section 67-1-49, Mississippi Code of 1972, is
444 amended as follows:

445 67-1-49. All distillers or distributors having contracts
446 with the * * * any authorized wholesaler for the sale of alcoholic
447 beverages * * * throughout the state, shall, on or before February
448 1st of each year, file a statement, under oath, with the * * *



449 Department of Revenue and with the Secretary of State, listing the
450 names and addresses of each person, firm or corporation in
451 Mississippi to whom or which said distiller or distributor shall
452 have paid or agreed to pay any fee, retainer, salary, or
453 remuneration, during the preceding year, together with a statement
454 of the purpose for such payment. Failure to file such statement
455 shall constitute grounds for the commission to suspend the right
456 of the distiller or distributor to sell to said commission until
457 such time as said statement shall be filed.

458 **SECTION 8.** Section 67-1-51, Mississippi Code of 1972, is
459 amended as follows:

460 67-1-51. (1) Permits which may be issued by the department
461 shall be as follows:

462 (a) **Manufacturer's permit.** A manufacturer's permit
463 shall permit the manufacture, importation in bulk, bottling and
464 storage of alcoholic liquor and its distribution and sale to
465 manufacturers holding permits under this chapter in this state and
466 to persons outside the state who are authorized by law to purchase
467 the same, and to sell as provided by this chapter.

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

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



473 mixing, blending, flavoring or reducing in proof of distilled
474 spirits and alcohol.

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

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

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

484 (b) **Package retailer's permit.** Except as otherwise
485 provided in this paragraph and Section 67-1-52, a package
486 retailer's permit shall authorize the holder thereof to operate a
487 store exclusively for the sale at retail in original sealed and
488 unopened packages of alcoholic beverages, including native wines
489 and native spirits, not to be consumed on the premises where sold.
490 Alcoholic beverages shall not be sold by any retailer in any
491 package or container containing less than fifty (50) milliliters
492 by liquid measure. A package retailer's permit, with prior
493 approval from the department, shall authorize the holder thereof
494 to sample new product furnished by a manufacturer's representative
495 or his employees at the permitted place of business so long as the
496 sampling otherwise complies with this chapter and applicable
497 department regulations. Such samples may not be provided to



498 customers at the permitted place of business. In addition to the
499 sale at retail of packages of alcoholic beverages, the holder of a
500 package retailer's permit is authorized to sell at retail
501 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
502 other beverages commonly used to mix with alcoholic beverages.
503 Nonalcoholic beverages sold by the holder of a package retailer's
504 permit shall not be consumed on the premises where sold.

505 (c) **On-premises retailer's permit.** Except as otherwise
506 provided in subsection (5) of this section, an on-premises
507 retailer's permit shall authorize the sale of alcoholic beverages,
508 including native wines and native spirits, for consumption on the
509 licensed premises only; however, a patron of the permit holder may
510 remove one (1) bottle of wine from the licensed premises if: (i)
511 the patron consumed a portion of the bottle of wine in the course
512 of consuming a meal purchased on the licensed premises; (ii) the
513 permit holder securely reseals the bottle; (iii) the bottle is
514 placed in a bag that is secured in a manner so that it will be
515 visibly apparent if the bag is opened; and (iv) a dated receipt
516 for the wine and the meal is available. Additionally, as part of
517 a carryout order, a permit holder may sell one (1) bottle of wine
518 to be removed from the licensed premises for every two (2) entrees
519 ordered. Such a permit shall be issued only to qualified hotels,
520 restaurants and clubs, small craft breweries, microbreweries, and
521 to common carriers with adequate facilities for serving
522 passengers. In resort areas, whether inside or outside of a



523 municipality, the department, in its discretion, may issue
524 on-premises retailer's permits to such establishments as it deems
525 proper. An on-premises retailer's permit when issued to a common
526 carrier shall authorize the sale and serving of alcoholic
527 beverages aboard any licensed vehicle while moving through any
528 county of the state; however, the sale of such alcoholic beverages
529 shall not be permitted while such vehicle is stopped in a county
530 that has not legalized such sales. If an on-premises retailer's
531 permit is applied for by a common carrier operating solely in the
532 water, such common carrier must, along with all other
533 qualifications for a permit, (i) be certified to carry at least
534 one hundred fifty (150) passengers and/or provide overnight
535 accommodations for at least fifty (50) passengers and (ii) operate
536 primarily in the waters within the State of Mississippi which lie
537 adjacent to the State of Mississippi south of the three (3) most
538 southern counties in the State of Mississippi and/or on the
539 Mississippi River or navigable waters within any county bordering
540 on the Mississippi River.

541 (d) **Solicitor's permit.** A solicitor's permit shall
542 authorize the holder thereof to act as salesman for a manufacturer
543 or wholesaler holding a proper permit, to solicit on behalf of his
544 employer orders for alcoholic beverages, and to otherwise promote
545 his employer's products in a legitimate manner. Such a permit
546 shall authorize the representation of and employment by one (1)
547 principal only. However, the permittee may also, in the



548 discretion of the department, be issued additional permits to
549 represent other principals. No such permittee shall buy or sell
550 alcoholic beverages for his own account, and no such beverage
551 shall be brought into this state in pursuance of the exercise of
552 such permit otherwise than through a permit issued to a wholesaler
553 or manufacturer in the state.

554 (e) **Native wine retailer's permit.** Except as otherwise
555 provided in subsection (5) of this section, a native wine
556 retailer's permit shall be issued only to a holder of a Class 3
557 manufacturer's permit, and shall authorize the holder thereof to
558 make retail sales of native wines to consumers for on-premises
559 consumption or to consumers in originally sealed and unopened
560 containers at an establishment located on the premises of or in
561 the immediate vicinity of a native winery. When selling to
562 consumers for on-premises consumption, a holder of a native wine
563 retailer's permit may add to the native wine alcoholic beverages
564 not produced on the premises, so long as the total volume of
565 foreign beverage components does not exceed twenty percent (20%)
566 of the mixed beverage. Hours of sale shall be the same as those
567 authorized for on-premises permittees in the city or county in
568 which the native wine retailer is located.

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



572 beverages, including native wines and native spirits, during legal
573 hours on the premises described in the temporary permit only.

574 Temporary retailer's permits shall be of the following
575 classes:

576 Class 1. A temporary one-day permit may be issued to bona
577 fide nonprofit civic or charitable organizations authorizing the
578 sale of alcoholic beverages, including native wine and native
579 spirit, for consumption on the premises described in the temporary
580 permit only. Class 1 permits may be issued only to applicants
581 demonstrating to the department, by a statement signed under
582 penalty of perjury submitted ten (10) days prior to the proposed
583 date or such other time as the department may determine, that they
584 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
585 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
586 Class 1 permittees shall obtain all alcoholic beverages from
587 package retailers located in the county in which the temporary
588 permit is issued. Alcoholic beverages remaining in stock upon
589 expiration of the temporary permit may be returned by the
590 permittee to the package retailer for a refund of the purchase
591 price upon consent of the package retailer or may be kept by the
592 permittee exclusively for personal use and consumption, subject to
593 all laws pertaining to the illegal sale and possession of
594 alcoholic beverages. The department, following review of the
595 statement provided by the applicant and the requirements of the
596 applicable statutes and regulations, may issue the permit.



597 Class 2. A temporary permit, not to exceed seventy (70)
598 days, may be issued to prospective permittees seeking to transfer
599 a permit authorized in paragraph (c) of this subsection. A Class
600 2 permit may be issued only to applicants demonstrating to the
601 department, by a statement signed under the penalty of perjury,
602 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
603 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
604 67-1-59. The department, following a preliminary review of the
605 statement provided by the applicant and the requirements of the
606 applicable statutes and regulations, may issue the permit.

607 Class 2 temporary permittees must purchase their alcoholic
608 beverages directly from * * * an authorized wholesaler or, with
609 approval of the department, purchase the remaining stock of the
610 previous permittee. If the proposed applicant of a Class 1 or
611 Class 2 temporary permit falsifies information contained in the
612 application or statement, the applicant shall never again be
613 eligible for a retail alcohol beverage permit and shall be subject
614 to prosecution for perjury.

615 Class 3. A temporary one-day permit may be issued to a
616 retail establishment authorizing the complimentary distribution of
617 wine, including native wine, to patrons of the retail
618 establishment at an open house or promotional event, for
619 consumption only on the premises described in the temporary
620 permit. A Class 3 permit may be issued only to an applicant
621 demonstrating to the department, by a statement signed under



622 penalty of perjury submitted ten (10) days before the proposed
623 date or such other time as the department may determine, that it
624 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
625 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
626 A Class 3 permit holder shall obtain all alcoholic beverages from
627 the holder(s) of a package retailer's permit located in the county
628 in which the temporary permit is issued. Wine remaining in stock
629 upon expiration of the temporary permit may be returned by the
630 Class 3 temporary permit holder to the package retailer for a
631 refund of the purchase price, with consent of the package
632 retailer, or may be kept by the Class 3 temporary permit holder
633 exclusively for personal use and consumption, subject to all laws
634 pertaining to the illegal sale and possession of alcoholic
635 beverages. The department, following review of the statement
636 provided by the applicant and the requirements of the applicable
637 statutes and regulations, may issue the permit. No retailer may
638 receive more than twelve (12) Class 3 temporary permits in a
639 calendar year. A Class 3 temporary permit shall not be issued to
640 a retail establishment that either holds a merchant permit issued
641 under paragraph (1) of this subsection, or holds a permit issued
642 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
643 the holder to engage in the business of a retailer of light wine
644 or beer.

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



647 business as a caterer and the resale of alcoholic beverages by
648 such person in conjunction with such catering business. No person
649 shall qualify as a caterer unless forty percent (40%) or more of
650 the revenue derived from such catering business shall be from the
651 serving of prepared food and not from the sale of alcoholic
652 beverages and unless such person has obtained a permit for such
653 business from the Department of Health. A caterer's permit shall
654 not authorize the sale of alcoholic beverages on the premises of
655 the person engaging in business as a caterer; however, the holder
656 of an on-premises retailer's permit may hold a caterer's permit.
657 When the holder of an on-premises retailer's permit or an
658 affiliated entity of the holder also holds a caterer's permit, the
659 caterer's permit shall not authorize the service of alcoholic
660 beverages on a consistent, recurring basis at a separate, fixed
661 location owned or operated by the caterer, on-premises retailer or
662 affiliated entity and an on-premises retailer's permit shall be
663 required for the separate location. All sales of alcoholic
664 beverages by holders of a caterer's permit shall be made at the
665 location being catered by the caterer, and, except as otherwise
666 provided in subsection (5) of this section, such sales may be made
667 only for consumption at the catered location. The location being
668 catered may be anywhere within a county or judicial district that
669 has voted to come out from under the dry laws or in which the sale
670 and distribution of alcoholic beverages is otherwise authorized by
671 law. Such sales shall be made pursuant to any other conditions



672 and restrictions which apply to sales made by on-premises retail
673 permittees. The holder of a caterer's permit or his employees
674 shall remain at the catered location as long as alcoholic
675 beverages are being sold pursuant to the permit issued under this
676 paragraph (g), and the permittee shall have at the location the
677 identification card issued by the Alcoholic Beverage Control
678 Division of the department. No unsold alcoholic beverages may be
679 left at the catered location by the permittee upon the conclusion
680 of his business at that location. Appropriate law enforcement
681 officers and Alcoholic Beverage Control Division personnel may
682 enter a catered location on private property in order to enforce
683 laws governing the sale or serving of alcoholic beverages.

684 (h) **Research permit.** A research permit shall authorize
685 the holder thereof to operate a research facility for the
686 professional research of alcoholic beverages. Such permit shall
687 authorize the holder of the permit to import and purchase limited
688 amounts of alcoholic beverages from * * * authorized wholesalers,
689 importers, wineries and distillers of alcoholic beverages for
690 professional research.

691 (i) **Alcohol processing permit.** An alcohol processing
692 permit shall authorize the holder thereof to purchase, transport
693 and possess alcoholic beverages for the exclusive use in cooking,
694 processing or manufacturing products which contain alcoholic
695 beverages as an integral ingredient. An alcohol processing permit
696 shall not authorize the sale of alcoholic beverages on the



697 premises of the person engaging in the business of cooking,
698 processing or manufacturing products which contain alcoholic
699 beverages. The amounts of alcoholic beverages allowed under an
700 alcohol processing permit shall be set by the department.

701 (j) **Hospitality cart permit.** A hospitality cart permit
702 shall authorize the sale of alcoholic beverages from a mobile cart
703 on a golf course that is the holder of an on-premises retailer's
704 permit. The alcoholic beverages sold from the cart must be
705 consumed within the boundaries of the golf course.

706 (k) **Special service permit.** A special service permit
707 shall authorize the holder to sell commercially sealed alcoholic
708 beverages to the operator of a commercial or private aircraft for
709 en route consumption only by passengers. A special service permit
710 shall be issued only to a fixed-base operator who contracts with
711 an airport facility to provide fueling and other associated
712 services to commercial and private aircraft.

713 (l) **Merchant permit.** Except as otherwise provided in
714 subsection (5) of this section, a merchant permit shall be issued
715 only to the owner of a spa facility, an art studio or gallery, or
716 a cooking school, and shall authorize the holder to serve
717 complimentary by the glass wine only, including native wine, at
718 the holder's spa facility, art studio or gallery, or cooking
719 school. A merchant permit holder shall obtain all wine from the
720 holder of a package retailer's permit.



721 (m) **Temporary alcoholic beverages charitable auction**
722 **permit.** A temporary permit, not to exceed five (5) days, may be
723 issued to a qualifying charitable nonprofit organization that is
724 exempt from taxation under Section 501(c)(3) or (4) of the
725 Internal Revenue Code of 1986. The permit shall authorize the
726 holder to sell alcoholic beverages for the limited purpose of
727 raising funds for the organization during a live or silent auction
728 that is conducted by the organization and that meets the following
729 requirements: (i) the auction is conducted in an area of the
730 state where the sale of alcoholic beverages is authorized; (ii) if
731 the auction is conducted on the premises of an on-premises
732 retailer's permit holder, then the alcoholic beverages to be
733 auctioned must be stored separately from the alcoholic beverages
734 sold, stored or served on the premises, must be removed from the
735 premises immediately following the auction, and may not be
736 consumed on the premises; (iii) the permit holder may not conduct
737 more than two (2) auctions during a calendar year; (iv) the permit
738 holder may not pay a commission or promotional fee to any person
739 to arrange or conduct the auction.

740 (n) **Event venue retailer's permit.** An event venue
741 retailer's permit shall authorize the holder thereof to purchase
742 and resell alcoholic beverages, including native wines and native
743 spirits, for consumption on the premises during legal hours during
744 events held on the licensed premises if food is being served at
745 the event by a caterer who is not affiliated with or related to



746 the permittee. The caterer must serve at least three (3) entrees.
747 The permit may only be issued for venues that can accommodate two
748 hundred (200) persons or more. The number of persons a venue may
749 accommodate shall be determined by the local fire department and
750 such determination shall be provided in writing and submitted
751 along with all other documents required to be provided for an
752 on-premises retailer's permit. The permittee must derive the
753 majority of its revenue from event-related fees, including, but
754 not limited to, admission fees or ticket sales for live
755 entertainment in the building. "Event-related fees" do not
756 include alcohol, beer or light wine sales or any fee which may be
757 construed to cover the cost of alcohol, beer or light wine. This
758 determination shall be made on a per event basis. An event may
759 not last longer than two (2) consecutive days per week.

760 (o) **Temporary theatre permit.** A temporary theatre
761 permit, not to exceed five (5) days, may be issued to a charitable
762 nonprofit organization that is exempt from taxation under Section
763 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
764 a theatre facility that features plays and other theatrical
765 performances and productions. Except as otherwise provided in
766 subsection (5) of this section, the permit shall authorize the
767 holder to sell alcoholic beverages, including native wines and
768 native spirits, to patrons of the theatre during performances and
769 productions at the theatre facility for consumption during such
770 performances and productions on the premises of the facility



771 described in the permit. A temporary theatre permit holder shall
772 obtain all alcoholic beverages from package retailers located in
773 the county in which the permit is issued. Alcoholic beverages
774 remaining in stock upon expiration of the temporary theatre permit
775 may be returned by the permittee to the package retailer for a
776 refund of the purchase price upon consent of the package retailer
777 or may be kept by the permittee exclusively for personal use and
778 consumption, subject to all laws pertaining to the illegal sale
779 and possession of alcoholic beverages.

780 (p) **Charter ship operator's permit.** Subject to the
781 provisions of this paragraph (p), a charter ship operator's permit
782 shall authorize the holder thereof and its employees to serve,
783 monitor, store and otherwise control the serving and availability
784 of alcoholic beverages to customers of the permit holder during
785 private charters under contract provided by the permit holder. A
786 charter ship operator's permit shall authorize such action by the
787 permit holder and its employees only as to alcoholic beverages
788 brought onto the permit holder's ship by customers of the permit
789 holder as part of such a private charter. All such alcoholic
790 beverages must be removed from the charter ship at the conclusion
791 of each private charter. A charter ship operator's permit shall
792 not authorize the permit holder to sell, charge for or otherwise
793 supply alcoholic beverages to customers, except as authorized in
794 this paragraph (p). For the purposes of this paragraph (p),
795 "charter ship operator" means a common carrier that (i) is



796 certified to carry at least one hundred fifty (150) passengers
797 and/or provide overnight accommodations for at least fifty (50)
798 passengers, (ii) operates only in the waters within the State of
799 Mississippi, which lie adjacent to the State of Mississippi south
800 of the three (3) most southern counties in the State of
801 Mississippi, and (iii) provides charters under contract for tours
802 and trips in such waters.

803 (q) **Distillery retailer's permit.** The holder of a
804 Class 1 manufacturer's permit may obtain a distillery retailer's
805 permit. A distillery retailer's permit shall authorize the holder
806 thereof to sell at retail alcoholic beverages to consumers for
807 on-premises consumption, or to consumers by the sealed and
808 unopened bottle from a retail location at the distillery for
809 off-premises consumption. The holder may only sell product
810 manufactured by the manufacturer at the distillery described in
811 the permit. However, when selling to consumers for on-premises
812 consumption, a holder of a distillery retailer's permit may add
813 other beverages, alcoholic or not, so long as the total volume of
814 other beverage components containing alcohol does not exceed
815 twenty percent (20%). Hours of sale shall be the same as those
816 authorized for on-premises permittees in the city or county in
817 which the distillery retailer is located.

818 The holder shall not sell at retail more than ten percent
819 (10%) of the alcoholic beverages produced annually at its
820 distillery. The holder shall not make retail sales of more than



821 two and twenty-five one-hundredths (2.25) liters, in the
822 aggregate, of the alcoholic beverages produced at its distillery
823 to any one (1) individual for consumption off the premises of the
824 distillery within a twenty-four-hour period. The hours of sale
825 shall be the same as those hours for package retailers under this
826 chapter. The holder of a distillery retailer's permit is not
827 required to purchase the alcoholic beverages authorized to be sold
828 by this paragraph from * * * an authorized wholesaler; however, if
829 the holder does not purchase the alcoholic beverages from * * * an
830 authorized wholesaler, the holder shall pay to the department all
831 taxes, fees and surcharges on the alcoholic beverages that are
832 imposed upon the sale of alcoholic beverages shipped by * * * an
833 authorized wholesaler. In addition to alcoholic beverages, the
834 holder of a distillery retailer's permit may sell at retail
835 promotional products from the same retail location, including
836 shirts, hats, glasses, and other promotional products customarily
837 sold by alcoholic beverage manufacturers.

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

845 "Festival" means any event at which three (3) or more vendors are



846 present at a location for the sale or distribution of goods. The
847 holder of a Festival Wine Permit is not required to purchase the
848 alcoholic beverages authorized to be sold by this paragraph
849 from * * * an authorized wholesaler. However, if the holder does
850 not purchase the alcoholic beverages from * * * an authorized
851 wholesaler, the holder of this permit shall pay to the department
852 all taxes, fees and surcharges on the alcoholic beverages sold at
853 such festivals that are imposed upon the sale of alcoholic
854 beverages shipped by * * * an authorized wholesaler.
855 Additionally, the entity shall file all applicable reports and
856 returns as prescribed by the department. This permit is issued
857 per festival and provides authority to sell for two (2)
858 consecutive days during the hours authorized for on-premises
859 permittees' sales in that county or city. The holder of the
860 permit shall be required to maintain all requirements set by Local
861 Option Law for the service and sale of alcoholic beverages. This
862 permit may be issued to entities participating in festivals at
863 which a Class 1 temporary permit is in effect.

864 This paragraph (r) shall stand repealed from and after July
865 1, 2023.

866 (s) **Charter vessel operator's permit.** Subject to the
867 provisions of this paragraph (s), a charter vessel operator's
868 permit shall authorize the holder thereof and its employees to
869 sell and serve alcoholic beverages to passengers of the permit
870 holder during public tours, historical tours, ecological tours and



871 sunset cruises provided by the permit holder. The permit shall
872 authorize the holder to only sell alcoholic beverages, including
873 native wines, to passengers of the charter vessel operator during
874 public tours, historical tours, ecological tours and sunset
875 cruises provided by the permit holder aboard the charter vessel
876 operator for consumption during such tours and cruises on the
877 premises of the charter vessel operator described in the permit.
878 For the purposes of this paragraph (s), "charter vessel operator"
879 means a common carrier that (i) is certified to carry at least
880 forty-nine (49) passengers, (ii) operates only in the waters
881 within the State of Mississippi, which lie south of Interstate 10
882 in the three (3) most southern counties in the State of
883 Mississippi, and lie adjacent to the State of Mississippi south of
884 the three (3) most southern counties in the State of Mississippi,
885 extending not further than one (1) mile south of such counties,
886 and (iii) provides vessel services for tours and cruises in such
887 waters as provided in this paragraph (s).

888 (t) **Native spirit retailer's permit.** Except as
889 otherwise provided in subsection (5) of this section, a native
890 spirit retailer's permit shall be issued only to a holder of a
891 Class 4 manufacturer's permit, and shall authorize the holder
892 thereof to make retail sales of native spirits to consumers for
893 on-premises consumption or to consumers in originally sealed and
894 unopened containers at an establishment located on the premises of
895 or in the immediate vicinity of a native distillery. When selling



896 to consumers for on-premises consumption, a holder of a native
897 spirit retailer's permit may add to the native spirit alcoholic
898 beverages not produced on the premises, so long as the total
899 volume of foreign beverage components does not exceed twenty
900 percent (20%) of the mixed beverage. Hours of sale shall be the
901 same as those authorized for on-premises permittees in the city or
902 county in which the native spirit retailer is located.

903 (u) **Delivery service permit.** Any individual, limited
904 liability company, corporation or partnership registered to do
905 business in this state is eligible to obtain a delivery service
906 permit. Subject to the provisions of Section 67-1-51.1, this
907 permit authorizes the permittee, or its employee or an independent
908 contractor acting on its behalf, to deliver alcoholic beverages,
909 beer, light wine and light spirit product from a licensed retailer
910 to a person in this state who is at least twenty-one (21) years of
911 age for the individual's use and not for resale. This permit does
912 not authorize the delivery of alcoholic beverages, beer, light
913 wine or light spirit product to the premises of a location with a
914 permit for the manufacture, distribution or retail sale of
915 alcoholic beverages, beer, light wine or light spirit product.
916 The holder of a package retailer's permit or an on-premises
917 retailer's permit under Section 67-1-51 or of a beer, light wine
918 and light spirit product permit under Section 67-3-19 is
919 authorized to apply for a delivery service permit as a privilege
920 separate from its existing retail permit.



921 (v) **Wholesaler's permit.** The holder of a wholesaler's
922 permit may distribute alcoholic beverages throughout the State of
923 Mississippi to properly permitted retailers for resale subject to
924 the provisions of this chapter and any applicable regulations.

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

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

935 (b) A church or funeral home may waive the distance
936 restrictions imposed in this subsection in favor of allowing
937 issuance by the department of a permit, pursuant to subsection (1)
938 of this section, to authorize activity relating to the
939 manufacturing, sale or storage of alcoholic beverages which would
940 otherwise be prohibited under the minimum distance criterion.
941 Such waiver shall be in written form from the owner, the governing
942 body, or the appropriate officer of the church or funeral home
943 having the authority to execute such a waiver, and the waiver
944 shall be filed with and verified by the department before becoming
945 effective.



946 (c) The distance restrictions imposed in this
947 subsection shall not apply to the sale or storage of alcoholic
948 beverages at a bed and breakfast inn listed in the National
949 Register of Historic Places or to the sale or storage of alcoholic
950 beverages in a historic district that is listed in the National
951 Register of Historic Places, is a qualified resort area and is
952 located in a municipality having a population greater than one
953 hundred thousand (100,000) according to the latest federal
954 decennial census.

955 (d) The distance restrictions imposed in this
956 subsection shall not apply to the sale or storage of alcoholic
957 beverages at a qualified resort area as defined in Section
958 67-1-5(o)(iii)32.

959 (e) The distance restrictions imposed in this
960 subsection shall not apply to the sale or storage of alcoholic
961 beverages at a licensed premises in a building formerly owned by a
962 municipality and formerly leased by the municipality to a
963 municipal school district and used by the municipal school
964 district as a district bus shop facility.

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



971 (g) The distance restrictions imposed in this
972 subsection shall not apply to the sale or storage of alcoholic
973 beverages at a licensed premises in a building located at the
974 southeast corner of Ward and Tate Streets in the City of
975 Senatobia, Mississippi.

976 (4) No person, either individually or as a member of a firm,
977 partnership, limited liability company or association, or as a
978 stockholder, officer or director in a corporation, shall own or
979 control any interest in more than one (1) package retailer's
980 permit, nor shall such person's spouse, if living in the same
981 household of such person, any relative of such person, if living
982 in the same household of such person, or any other person living
983 in the same household with such person own any interest in any
984 other package retailer's permit.

985 (5) (a) In addition to any other authority granted under
986 this section, the holder of a permit issued under subsection
987 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
988 sell or otherwise provide alcoholic beverages and/or wine to a
989 patron of the permit holder in the manner authorized in the permit
990 and the patron may remove an open glass, cup or other container of
991 the alcoholic beverage and/or wine from the licensed premises and
992 may possess and consume the alcoholic beverage or wine outside of
993 the licensed premises if: (i) the licensed premises is located
994 within a leisure and recreation district created under Section
995 67-1-101 and (ii) the patron remains within the boundaries of the



996 leisure and recreation district while in possession of the
997 alcoholic beverage or wine.

998 (b) Nothing in this subsection shall be construed to
999 allow a person to bring any alcoholic beverages into a permitted
1000 premises except to the extent otherwise authorized by this
1001 chapter.

1002 **SECTION 9.** Section 27-71-5, Mississippi Code of 1972, is
1003 amended as follows:

1004 27-71-5. (1) Upon each person approved for a permit under
1005 the provisions of the Alcoholic Beverage Control Law and
1006 amendments thereto, there is levied and imposed for each location
1007 for the privilege of engaging and continuing in this state in the
1008 business authorized by such permit, an annual privilege license
1009 tax in the amount provided in the following schedule:

1010 (a) Except as otherwise provided in this subsection
1011 (1), manufacturer's permit, Class 1, distiller's and/or
1012 rectifier's:

1013 (i) For a permittee with annual production of
1014 five thousand (5,000) gallons or more\$4,500.00

1015 (ii) For a permittee with annual production under
1016 five thousand (5,000) gallons\$2,800.00

1017 (b) Manufacturer's permit, Class 2, wine
1018 manufacturer\$1,800.00

1019 (c) Manufacturer's permit, Class 3, native wine



1020	manufacturer per ten thousand (10,000) gallons or part thereof	
1021	produced	\$ 10.00
1022	(d) Manufacturer's permit, Class 4, native spirit	
1023	manufacturer per one thousand (1,000) gallons or part thereof	
1024	produced	\$ 300.00
1025	(e) Native wine retailer's permit.....	\$ 50.00
1026	(f) Package retailer's permit, each.....	\$ 900.00
1027	(g) On-premises retailer's permit, except for clubs and	
1028	common carriers, each	\$ 450.00
1029	(h) On-premises retailer's permit for wine of more than	
1030	five percent (5%) alcohol by weight, but not more than twenty-one	
1031	percent (21%) alcohol by weight, each.....	\$ 225.00
1032	(i) On-premises retailer's permit for clubs...\$	225.00
1033	(j) On-premises retailer's permit for common carriers,	
1034	per car, plane, or other vehicle	\$ 120.00
1035	(k) Solicitor's permit, regardless of any other	
1036	provision of law, solicitor's permits shall be issued only in the	
1037	discretion of the department	\$ 100.00
1038	(l) Filing fee for each application except for an	
1039	employee identification card.....	\$ 25.00
1040	(m) Temporary permit, Class 1, each.....	\$ 10.00
1041	(n) Temporary permit, Class 2, each.....	\$ 50.00
1042	(o) (i) Caterer's permit	\$ 600.00
1043	(ii) Caterer's permit for holders of on-premises	
1044	retailer's permit	\$ 150.00



1045	(p)	Research permit	\$ 100.00
1046	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
1047	(r)	Special service permit	\$ 225.00
1048	(s)	Merchant permit	\$ 225.00
1049	(t)	Temporary alcoholic beverages charitable auction	
1050		permit	\$ 10.00
1051	(u)	Event venue retailer's permit.....	\$ 225.00
1052	(v)	Temporary theatre permit, each.....	\$ 10.00
1053	(w)	Charter ship operator's permit.....	\$ 100.00
1054	(x)	Distillery retailer's permit.....	\$ 450.00
1055	(y)	Festival wine permit	\$ 10.00
1056	(z)	Charter vessel operator's permit.....	\$ 100.00
1057	(aa)	Native spirit retailer's permit.....	\$ 50.00
1058	(bb)	Delivery service permit.....	\$ 500.00
1059	(cc)	<u>Wholesaler's permit.....</u>	<u>\$ 5,000.00</u>

1060 In addition to the filing fee imposed by paragraph (l) of
1061 this subsection, a fee to be determined by the Department of
1062 Revenue may be charged to defray costs incurred to process
1063 applications. The additional fees shall be paid into the State
1064 Treasury to the credit of a special fund account, which is hereby
1065 created, and expenditures therefrom shall be made only to defray
1066 the costs incurred by the Department of Revenue in processing
1067 alcoholic beverage applications. Any unencumbered balance
1068 remaining in the special fund account on June 30 of any fiscal
1069 year shall lapse into the State General Fund.



1070 All privilege taxes imposed by this section shall be paid in
1071 advance of doing business. A new permittee whose privilege tax is
1072 determined by production volume will pay the tax for the first
1073 year in accordance with department regulations. The additional
1074 privilege tax imposed for an on-premises retailer's permit based
1075 upon purchases shall be due and payable on demand.

1076 Paragraph (y) of this subsection shall stand repealed from
1077 and after July 1, 2023.

1078 (2) (a) There is imposed and shall be collected from each
1079 permittee, except a common carrier, solicitor, a temporary
1080 permittee or a delivery service permittee, by the department, an
1081 additional license tax equal to the amounts imposed under
1082 subsection (1) of this section for the privilege of doing business
1083 within any municipality or county in which the licensee is
1084 located.

1085 (b) (i) In addition to the tax imposed in paragraph
1086 (a) of this subsection, there is imposed and shall be collected by
1087 the department from each permittee described in subsection (1)(g),
1088 (h), (i), (n) and (u) of this section, an additional license tax
1089 for the privilege of doing business within any municipality or
1090 county in which the licensee is located in the amount of Two
1091 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
1092 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
1093 (\$225.00) for each additional purchase of Five Thousand Dollars
1094 (\$5,000.00), or fraction thereof.



1095 (ii) In addition to the tax imposed in paragraph
1096 (a) of this subsection, there is imposed and shall be collected by
1097 the department from each permittee described in subsection (1) (o)
1098 and (s) of this section, an additional license tax for the
1099 privilege of doing business within any municipality or county in
1100 which the licensee is located in the amount of Two Hundred Fifty
1101 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
1102 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
1103 additional purchase of Five Thousand Dollars (\$5,000.00), or
1104 fraction thereof.

1105 (iii) Any person who has paid the additional
1106 privilege license tax imposed by this paragraph, and whose permit
1107 is renewed, may add any unused fraction of Five Thousand Dollars
1108 (\$5,000.00) purchases to the first Five Thousand Dollars
1109 (\$5,000.00) purchases authorized by the renewal permit, and no
1110 additional license tax will be required until purchases exceed the
1111 sum of the two (2) figures.

1112 (c) If the licensee is located within a municipality,
1113 the department shall pay the amount of additional license tax
1114 collected under this section to the municipality, and if outside a
1115 municipality the department shall pay the additional license tax
1116 to the county in which the licensee is located. Payments by the
1117 department to the respective local government subdivisions shall
1118 be made once each month for any collections during the preceding
1119 month.



1120 (3) When an application for any permit, other than for
1121 renewal of a permit, has been rejected by the department, such
1122 decision shall be final. Appeal may be made in the manner
1123 provided by Section 67-1-39. Another application from an
1124 applicant who has been denied a permit shall not be reconsidered
1125 within a twelve-month period.

1126 (4) The number of permits issued by the department shall not
1127 be restricted or limited on a population basis; however, the
1128 foregoing limitation shall not be construed to preclude the right
1129 of the department to refuse to issue a permit because of the
1130 undesirability of the proposed location.

1131 (5) If any person shall engage or continue in any business
1132 which is taxable under this section without having paid the tax as
1133 provided in this section, the person shall be liable for the full
1134 amount of the tax plus a penalty thereon equal to the amount
1135 thereof, and, in addition, shall be punished by a fine of not more
1136 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
1137 county jail for a term of not more than six (6) months, or by both
1138 such fine and imprisonment, in the discretion of the court.

1139 (6) It shall be unlawful for any person to consume alcoholic
1140 beverages on the premises of any hotel restaurant, restaurant,
1141 club or the interior of any public place defined in Chapter 1,
1142 Title 67, Mississippi Code of 1972, when the owner or manager
1143 thereof displays in several conspicuous places inside the
1144 establishment and at the entrances of establishment a sign



1145 containing the following language: NO ALCOHOLIC BEVERAGES
1146 ALLOWED.

1147 **SECTION 10.** Section 27-71-7, Mississippi Code of 1972, is
1148 amended as follows:

1149 27-71-7. (1) There is hereby levied and assessed an excise
1150 tax upon each case of alcoholic beverages sold by * * * an
1151 authorized wholesaler to be collected from each retail licensee at
1152 the time of sale in accordance with the following schedule:

- 1153 (a) Distilled spirits\$2.50 per gallon
- 1154 (b) Sparkling wine and champagne\$1.00 per gallon
- 1155 (c) Other wines, including
1156 native wines\$.35 per gallon

1157 (2) * * * Upon every person engaged or continuing in this
1158 state in business as an authorized wholesaler there is hereby
1159 levied, assessed and shall be collected a tax of eighteen percent
1160 (18%) on the gross proceeds of the wholesale sale. This tax shall
1161 be in addition to any and all taxes otherwise imposed under this
1162 title.

1163 (3) The taxes imposed by this section shall be paid to the
1164 department monthly on or before the fifteenth day of the month
1165 following the month in which the sales were made by a wholesaler.
1166 Monthly report forms shall be furnished by the commissioner to the
1167 wholesalers.

1168 **SECTION 11.** Section 27-71-9, Mississippi Code of 1972, is
1169 amended as follows:



1170 27-71-9. The * * * department may promulgate regulations
1171 authorizing persons holding on premises retailer's permits for
1172 common carriers, as provided herein, to file periodic reports and
1173 pay a tax based upon the value of alcoholic beverages sold while
1174 in this state, in lieu of purchasing all such alcoholic beverages
1175 from the * * * an authorized wholesaler. Such tax shall not be
1176 less than an amount equivalent to the gross profit plus all taxes
1177 that would have been derived from the sale of a like quantity of
1178 alcoholic beverages by the * * * wholesaler.

1179 **SECTION 12.** Section 27-71-11, Mississippi Code of 1972, is
1180 amended as follows:

1181 27-71-11. The * * * department shall from time to time by
1182 resolution request the State Bond Commission to provide sufficient
1183 funds required to maintain an adequate alcoholic beverage
1184 inventory. Said funds shall be provided under the provisions of
1185 Chapter 557, Laws of 1966.

1186 * * *

1187 Through June 30, 2023, the department may take any action
1188 necessary to dispose of its inventory by allowing suppliers and/or
1189 other entities with products in the inventory to remove their
1190 products from the inventory.

1191 This section shall stand repealed on July 1, 2023.

1192 **SECTION 13.** Section 27-71-13, Mississippi Code of 1972, is
1193 amended as follows:



1194 27-71-13. The * * * department shall purchase directly from
1195 the manufacturer, except under the following conditions:

1196 (a) Foreign brands which are not readily obtainable
1197 directly from the manufacturer.

1198 (b) When the * * * department can conclusively prove
1199 that unusual or extraordinary circumstances exist and the required
1200 or desired brands can be purchased at substantially lower prices
1201 from wholesalers or brokerage firms.

1202 In all instances involving purchases, other than directly
1203 from the manufacturer, the * * * department shall maintain full
1204 and complete records clearly reflecting the justification for such
1205 purchases. Said records shall include invoices, price lists,
1206 comparative prices, bills of lading and a certificate of
1207 justification signed by the director of the Alcoholic Beverage
1208 Control Division, as to the conditions requiring the purchase or
1209 purchases. All such records shall be retained for a period of
1210 three (3) years.

1211 This section shall stand repealed on January 1, 2023.

1212 **SECTION 14.** Section 27-71-15, Mississippi Code of 1972, is
1213 amended as follows:

1214 27-71-15. Except as otherwise provided in Section 67-9-1 for
1215 the transportation of limited amounts of alcoholic beverages for
1216 the use of an alcohol processing permittee, if transportation
1217 requires passage through a county which has not authorized the
1218 sale of alcoholic beverages, such transportation shall be by a



1219 sealed vehicle. Such seal shall remain unbroken until the vehicle
1220 shall reach the place of business operated by the permittee. The
1221 operator of any vehicle transporting alcoholic beverages shall
1222 have in his possession an invoice issued by the * * * wholesaler
1223 at the time of the wholesale sale covering the merchandise
1224 transported by the vehicle. The * * * department is authorized to
1225 issue regulations controlling the transportation of alcoholic
1226 beverages.

1227 When the restrictions imposed by this section and by the
1228 regulation of the * * * department have not been violated, the
1229 person transporting alcoholic beverages through a county wherein
1230 the sale of alcoholic beverages is prohibited shall not be guilty
1231 of unlawful possession and such merchandise shall be immune from
1232 seizure.

1233 **SECTION 15.** Section 27-71-17, Mississippi Code of 1972, is
1234 amended as follows:

1235 27-71-17. It shall be unlawful for any person to counterfeit
1236 or reuse any label prescribed by the * * * department and used to
1237 identify alcoholic beverages sold at wholesale by * * * a
1238 wholesaler and, upon conviction, the person shall be punished by a
1239 fine of not more than Five Thousand Dollars (\$5,000.00), or by
1240 imprisonment in the State Penitentiary for not less than one (1)
1241 year, nor more than ten (10) years, or both.

1242 **SECTION 16.** Section 27-71-21, Mississippi Code of 1972, is
1243 amended as follows:



1244 27-71-21. Before any person shall engage in the business of
1245 manufacturing, wholesaling or retailing of alcoholic beverages, he
1246 may be required to enter into a bond payable to the State of
1247 Mississippi, conditioned that he will conduct said business
1248 strictly in accordance with the laws of the State of Mississippi,
1249 and that he will comply with the rules and regulations prescribed
1250 by the department, and pay all taxes due the State of Mississippi.
1251 The amount of a bond required of a manufacturer, not including a
1252 producer of native wine or native spirit, and a wholesaler shall
1253 not exceed One Hundred Thousand Dollars (\$100,000.00), and the
1254 amount required of a retailer shall be Five Thousand Dollars
1255 (\$5,000.00). Provided, however, any retailer whose check for
1256 purchase of merchandise or payment of taxes shall be dishonored
1257 may be required by the department to post additional bond not to
1258 exceed Five Thousand Dollars (\$5,000.00). Such bond shall be made
1259 in a surety company authorized to do business in the State of
1260 Mississippi and shall be approved by the department. The
1261 department shall be authorized to institute suit in the proper
1262 court for any violation of the condition of said bonds. The
1263 amount of the bond required of a producer of native wine or native
1264 spirit shall be Five Thousand Dollars (\$5,000.00).

1265 As an alternative to entering into a bond as required by this
1266 section, any person who shall engage in the business of
1267 manufacturing, wholesaling or retailing alcoholic beverages may,
1268 subject to the same conditions of conduct required for bonds,



1269 deposit with the State Treasurer the equivalent amount of the bond
1270 required for that particular person in cash or securities. The
1271 only securities allowable for this purpose are those which may
1272 legally be purchased by a bank or for trust funds, having a market
1273 value not less than that of the required bond. The department
1274 shall file notice with the Treasurer for any violation of the
1275 conditions of the cash or security deposit.

1276 **SECTION 17.** Section 27-71-25, Mississippi Code of 1972, is
1277 amended as follows:

1278 27-71-25. Any person engaged in the business of selling or
1279 distributing alcoholic beverages shall keep such records and make
1280 such reports with respect to the receipt, distribution and sale of
1281 alcoholic beverages as the * * * department may require. It shall
1282 be the duty of the * * * department to prescribe and promulgate
1283 uniform rules and regulations for keeping such records and making
1284 such reports.

1285 **SECTION 18.** Section 27-71-29, Mississippi Code of 1972, is
1286 amended as follows:

1287 27-71-29. All taxes levied by this article shall be paid to
1288 the Department of Revenue in cash or by personal check, cashier's
1289 check, bank exchange, post office money order or express money
1290 order and shall be deposited by the department in the State
1291 Treasury on the same day collected, but no remittances other than
1292 cash shall be a final discharge of liability for the tax herein



1293 imposed and levied unless and until it has been paid in cash to
1294 the department.

1295 All taxes levied under Section 27-71-7 * * * and received by
1296 the department under this article shall be paid into the General
1297 Fund, * * * except that sixteen and six hundred sixty-seven
1298 one-thousandths percent (16.667%) of the revenue derived from
1299 taxes levied under Section 27-71-7(2) shall be deposited into the
1300 Mental Health Programs Fund. * * *

1301 **SECTION 19.** Section 67-5-13, Mississippi Code of 1972, is
1302 amended as follows:

1303 67-5-13. (1) Upon every producer holding a permit for the
1304 production of native wine, there is levied and imposed for each
1305 location for the privilege of engaging and continuing in this
1306 state in the production of native wine an annual privilege license
1307 tax in an amount equal to Ten Dollars (\$10.00) for each ten
1308 thousand (10,000) gallons, or any part thereof, of native wine
1309 produced by the winery.

1310 (2) There is levied and assessed an excise tax upon each
1311 case of native wine sold by a producer to any source to be
1312 collected from the producer in the amount provided for in Section
1313 27-71-7. However, native wine produced in Mississippi for export
1314 and sale without this state and native wine produced in
1315 Mississippi and sold to the * * * an authorized wholesaler shall
1316 not be subject to the excise tax, nor shall the tax accrue or be
1317 collected on native wines dispensed, as free samples in quantities



1318 of not more than six (6) ounces, in the tasting room of a native
1319 winery.

1320 (3) The privilege tax imposed by subsection (1) of this
1321 section shall be collected in the same manner as presently
1322 provided by law for the collection of other alcoholic beverages.
1323 The excise tax imposed by subsection (2) of this section shall be
1324 reported monthly by the producer to the * * * department on all
1325 sales made in Mississippi to consumers at the location of the
1326 native winery or its immediate vicinity, along with a statement of
1327 gallonage produced during that month, and the producer shall remit
1328 the tax due and owing with each report. The producer shall also
1329 include in the report a statement of gallonage sold and exported
1330 for sale outside this state.

1331 (4) All taxes levied by and collected under this section
1332 shall be deposited in the General Fund.

1333 **SECTION 20.** This act shall take effect and be in force from
1334 and after January 1, 2023.

