

By: Representative Busby

To: Ways and Means

HOUSE BILL NO. 730

1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF A WINE
2 MANUFACTURER'S PERMIT IN THIS STATE, OR WHO IS LICENSED OR
3 PERMITTED OUTSIDE OF THE STATE TO ENGAGE IN THE ACTIVITY OF
4 MANUFACTURING, SUPPLYING, IMPORTING, DISTRIBUTING, WHOLESALING OR
5 RETAILING WINE, TO SELL AND SHIP WINE DIRECTLY TO RESIDENTS IN
6 THIS STATE, IF THE PERSON OBTAINS A DIRECT WINE SHIPPER'S PERMIT
7 FROM THE DEPARTMENT OF REVENUE; TO PROVIDE FOR THE ISSUANCE OF
8 DIRECT WINE SHIPPER'S PERMITS; TO REQUIRE THE HOLDER OF A DIRECT
9 WINE SHIPPER'S PERMIT TO KEEP CERTAIN RECORDS; TO PROHIBIT THE
10 HOLDER OF A DIRECT WINE SHIPPER'S PERMIT FROM SELLING OR SHIPPING
11 LIGHT WINE OR BEER OR ANY ALCOHOLIC BEVERAGE OTHER THAN WINE; TO
12 LIMIT THE AMOUNT OF WINE THAT A HOLDER OF A DIRECT WINE SHIPPER'S
13 PERMIT MAY SELL OR SHIP TO AN INDIVIDUAL EACH YEAR; TO PROVIDE FOR
14 THE ANNUAL RENEWAL OF DIRECT WINE SHIPPER'S PERMITS; TO PROVIDE
15 THAT PERSONS PURCHASING OR RECEIVING A DIRECT SHIPMENT OF WINE
16 FROM A DIRECT WINE SHIPPER MUST BE AT LEAST TWENTY-ONE YEARS OF
17 AGE; TO PROVIDE THAT PERSONS RECEIVING A DIRECT SHIPMENT OF WINE
18 FROM A DIRECT WINE SHIPPER SHALL USE THE WINE FOR PERSONAL
19 CONSUMPTION ONLY AND MAY NOT RESELL IT; TO AUTHORIZE THE
20 COMMISSIONER OF REVENUE TO ADOPT ANY RULES OR REGULATIONS AS
21 NECESSARY TO CARRY OUT THIS ACT; TO PROVIDE PENALTIES FOR
22 VIOLATIONS OF THIS ACT; TO AMEND SECTIONS 27-71-5, 27-71-7,
23 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
24 PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A DIRECT WINE SHIPPER'S
25 PERMIT; TO LEVY A TAX UPON THE SALES AND SHIPMENTS OF WINE MADE BY
26 A DIRECT WINE SHIPPER; TO REQUIRE A CERTAIN AMOUNT OF THE TAXES
27 LEVIED TO BE DEPOSITED INTO THE MENTAL HEALTH PROGRAMS FUND; TO
28 AMEND SECTIONS 67-1-41, 67-1-45, 67-1-53, 67-1-55, 67-1-57,
29 67-1-73, 97-31-47 AND 97-31-49, MISSISSIPPI CODE OF 1972, IN
30 CONFORMITY TO THE FOREGOING PROVISIONS OF THIS ACT; TO AMEND
31 SECTION 67-1-51, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
32 FOREGOING PROVISIONS OF THIS ACT AND TO INCREASE THE NUMBER OF
33 PACKAGE RETAILER'S PERMITS THAT MAY BE OWNED BY A PERSON OR IN
34 WHICH A PERSON MAY HAVE A CONTROLLING INTEREST FROM ONE TO THREE;



35 TO PROVIDE THAT A HOLDER OF A PACKAGE RETAILER'S PERMIT MAY SELL
36 AT RETAIL THROUGH THE INTERNET AND SHIP WINE IN ORIGINAL SEALED
37 AND UNOPENED PACKAGES TO RESIDENTS IN THIS STATE; TO PROVIDE THAT
38 A HOLDER OF A PACKAGE RETAILER'S PERMIT MAKING SALES OF WINE
39 THROUGH THE INTERNET MAY NOT SELL OR SHIP ANY ALCOHOLIC BEVERAGE
40 OTHER THAN WINE OR SHIP WINE TO AN ADDRESS IN A COUNTY THAT HAS
41 NOT VOTED IN FAVOR OF COMING OUT FROM UNDER THE DRY LAW; TO AMEND
42 SECTION 67-1-83, MISSISSIPPI CODE OF 1972, TO DELETE THE
43 PROHIBITION AGAINST HOLDERS OF PACKAGE RETAILER'S PERMITS FROM
44 SELLING ALCOHOLIC BEVERAGES ON SUNDAY; TO BRING FORWARD SECTION
45 67-1-67, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE TRANSFER
46 OF PERMITS UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW,
47 FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

49 **SECTION 1.** As used in Sections 1 through 9 of this act, the
50 following words shall have the meanings as defined in this section
51 unless the context otherwise requires:

52 (a) "Department" means the Department of Revenue.

53 (b) "Direct wine shipper" means the holder of a direct
54 wine shipper's permit issued by the department under Sections 1
55 through 9 of this act.

56 (c) "Permit" means a direct wine shipper's permit
57 issued by the department under Sections 1 through 9 of this act.

58 (d) "Wine" means any product obtained from the
59 alcoholic fermentation of the juice of sound, ripe grapes, fruits
60 or berries, made in accordance with the revenue laws of the United
61 States, and containing more than five percent (5%) of alcohol by
62 weight.

63 In addition, the definitions in Section 67-1-5 shall be
64 applicable to the terms used in Sections 1 through 9 of this act
65 unless the context otherwise requires.



66 **SECTION 2.** A person must hold a permit as a direct wine
67 shipper issued by the department before the person may engage in
68 selling and shipping wine directly to a resident in this state. A
69 direct wine shipper may sell and ship wine directly to residents
70 in this state without being required to transact the sale and
71 shipment through the Alcoholic Beverage Control Division of the
72 department.

73 **SECTION 3.** To qualify for a permit, an applicant shall be:

74 (a) A holder of a Class 2 manufacturer's permit issued
75 in accordance with Section 67-1-51; or

76 (b) A person licensed or permitted outside of this
77 state to engage in the activity of manufacturing, supplying,
78 importing, distributing, wholesaling or retailing wine.

79 **SECTION 4.** (1) An applicant for a permit shall:

80 (a) Submit to the department a completed application on
81 a form provided by the department, containing all information that
82 is required by the department;

83 (b) Provide to the department a copy of the applicant's
84 current license or permit to engage in the activity of
85 manufacturing, supplying, importing, distributing, wholesaling or
86 retailing wine issued in this or any other state; and

87 (c) Pay to the department the tax prescribed in Section
88 27-71-5.

89 (2) After a person complies with the provisions of
90 subsection (1) of this section, the department may conduct any



91 investigation as it considers necessary regarding the issuance of
92 a permit, and the department shall issue a permit to the applicant
93 if the requirements of Sections 1 through 9 of this act are met.

94 **SECTION 5.** (1) A direct wine shipper shall:

95 (a) Ensure that all containers of wine sold and shipped
96 directly to a resident in this state are conspicuously labeled
97 with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21
98 YEARS OR OLDER REQUIRED FOR DELIVERY";

99 (b) Report to the department annually the total amount
100 of wine, by type, sold and shipped into or within the state the
101 preceding calendar year;

102 (c) Maintain for at least three (3) years all records
103 that allow the department to ascertain the truthfulness of the
104 information filed under Sections 1 through 9 of this act;

105 (d) Allow the department to perform an audit of the
106 direct wine shipper's records upon request; and

107 (e) Be deemed to have consented to the jurisdiction of
108 the department or any other state agency and the state courts
109 concerning enforcement of Sections 1 through 9 of this act and any
110 related laws, rules or regulations.

111 (2) A direct wine shipper may not:

112 (a) Sell or ship any light wine or beer that is
113 regulated under Section 67-3-1 et seq. or any alcoholic beverage
114 other than wine;



(b) Sell or ship more than twenty-four (24) nine-liter cases of wine annually to any one (1) individual; or

(c) Ship wine to an address in a county that has not voted in favor of coming out from under the dry law.

SECTION 6. A direct wine shipper may annually renew his or her permit, if the direct wine shipper:

(a) Is otherwise entitled to receive a permit;

(b) Provides to the department a copy of his or her current license or permit to engage in the activity of manufacturing, supplying, importing, distributing, wholesaling or retailing wine issued in this or any other state; and

(c) Pays to the department a privilege license tax as prescribed in Section 27-71-5.

SECTION 7. (1) To purchase and receive a direct shipment of wine from a direct wine shipper, a resident of this state must be at least twenty-one (21) years of age, and a person who is at least twenty-one (21) years of age must sign for any wine shipped from a direct wine shipper.

(2) A shipment of wine may be ordered or purchased from a direct wine shipper through a computer network.

(3) A person who receives a direct shipment of wine from a direct wine shipper shall use the wine for personal consumption only and may not resell it.

SECTION 8. The Commissioner of Revenue of the department may adopt any rules or regulations as necessary to carry out Sections



1 through 9 of this act. All of the enforcement provisions of Section 67-1-1 et seq. that are not in conflict with Sections 1 through 9 of this act may be used by the department to enforce the provisions of Sections 1 through 9 of this act.

SECTION 9. (1) Any person who makes, participates in, transports, imports or receives a sale or shipment of wine in violation of Sections 1 through 9 of this act is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than six (6) months, or both. Each sale or shipment in violation of Sections 1 through 9 of this act shall constitute a separate offense.

(2) If any holder of a direct wine shipper's permit violates any provision of Sections 1 through 9 of this act, the department may suspend or revoke the permit and impose civil penalties as authorized under Section 67-1-1 et seq.

SECTION 10. Section 27-71-5, Mississippi Code of 1972, is amended as follows:

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



164 (a) Except as otherwise provided in this subsection
 165 (1), manufacturer's permit, Class 1, distiller's and/or
 166 rectifier's:
 167 (i) For a permittee with annual production of
 168 five thousand (5,000) gallons or more.....\$4,500.00
 169 (ii) For a permittee with annual production under
 170 five thousand (5,000) gallons.....\$2,800.00
 171 (b) Manufacturer's permit, Class 2, wine
 172 manufacturer.....\$1,800.00
 173 (c) Manufacturer's permit, Class 3, native wine
 174 manufacturer per ten thousand (10,000) gallons or part thereof
 175 produced.....\$ 10.00
 176 (d) Manufacturer's permit, Class 4, native spirit
 177 manufacturer per one thousand (1,000) gallons or part thereof
 178 produced.....\$ 300.00
 179 (e) Native wine retailer's permit.....\$ 50.00
 180 (f) Package retailer's permit, each.....\$ 900.00
 181 (g) On-premises retailer's permit, except for clubs and
 182 common carriers, each.....\$ 450.00
 183 (h) On-premises retailer's permit for wine of more than
 184 five percent (5%) alcohol by weight, but not more than twenty-one
 185 percent (21%) alcohol by weight, each.....\$ 225.00
 186 (i) On-premises retailer's permit for clubs...\$ 225.00
 187 (j) On-premises retailer's permit for common carriers,
 188 per car, plane, or other vehicle.....\$ 120.00



189 (k) Solicitor's permit, regardless of any other
190 provision of law, solicitor's permits shall be issued only in the
191 discretion of the department.....\$ 100.00

192 (l) Filing fee for each application except for an
193 employee identification card.....\$ 25.00

194 (m) Temporary permit, Class 1, each.....\$ 10.00

195 (n) Temporary permit, Class 2, each.....\$ 50.00

196 (o) (i) Caterer's permit.....\$ 600.00

197 (ii) Caterer's permit for holders of on-premises
198 retailer's permit.....\$ 150.00

199 (p) Research permit.....\$ 100.00

200 (q) Temporary permit, Class 3 (wine only).....\$ 10.00

201 (r) Special service permit.....\$ 225.00

202 (s) Merchant permit.....\$ 225.00

203 (t) Temporary alcoholic beverages charitable auction
204 permit.....\$ 10.00

205 (u) Event venue retailer's permit.....\$ 225.00

206 (v) Temporary theatre permit, each.....\$ 10.00

207 (w) Charter ship operator's permit.....\$ 100.00

208 (x) Distillery retailer's permit.....\$ 450.00

209 (y) Festival wine permit.....\$ 10.00

210 (z) Charter vessel operator's permit.....\$ 100.00

211 (aa) Native spirit retailer's permit.....\$ 50.00

212 (bb) Delivery service permit.....\$ 500.00

213 (cc) Direct wine shipper's permit\$ 100.00



214 In addition to the filing fee imposed by paragraph (l) of
215 this subsection, a fee to be determined by the Department of
216 Revenue may be charged to defray costs incurred to process
217 applications. The additional fees shall be paid into the State
218 Treasury to the credit of a special fund account, which is hereby
219 created, and expenditures therefrom shall be made only to defray
220 the costs incurred by the Department of Revenue in processing
221 alcoholic beverage applications. Any unencumbered balance
222 remaining in the special fund account on June 30 of any fiscal
223 year shall lapse into the State General Fund.

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

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

232 (2) (a) There is imposed and shall be collected from each
233 permittee, except a common carrier, solicitor, a temporary
234 permittee, holder of a direct wine shipper's permit or a delivery
235 service permittee, by the department, an additional license tax
236 equal to the amounts imposed under subsection (1) of this section
237 for the privilege of doing business within any municipality or
238 county in which the licensee is located.



239 (b) (i) In addition to the tax imposed in paragraph
240 (a) of this subsection, there is imposed and shall be collected by
241 the department from each permittee described in subsection (1)(g),
242 (h), (i), (n) and (u) of this section, an additional license tax
243 for the privilege of doing business within any municipality or
244 county in which the licensee is located in the amount of Two
245 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
246 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
247 (\$225.00) for each additional purchase of Five Thousand Dollars
248 (\$5,000.00), or fraction thereof.

249 (ii) In addition to the tax imposed in paragraph
250 (a) of this subsection, there is imposed and shall be collected by
251 the department from each permittee described in subsection (1)(o)
252 and (s) of this section, an additional license tax for the
253 privilege of doing business within any municipality or county in
254 which the licensee is located in the amount of Two Hundred Fifty
255 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
256 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
257 additional purchase of Five Thousand Dollars (\$5,000.00), or
258 fraction thereof.

259 (iii) Any person who has paid the additional
260 privilege license tax imposed by this paragraph, and whose permit
261 is renewed, may add any unused fraction of Five Thousand Dollars
262 (\$5,000.00) purchases to the first Five Thousand Dollars
263 (\$5,000.00) purchases authorized by the renewal permit, and no



additional license tax will be required until purchases exceed the sum of the two (2) figures.

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

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

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

(5) If any person shall engage or continue in any business which is taxable under this section without having paid the tax as provided in this section, the person shall be liable for the full amount of the tax plus a penalty thereon equal to the amount



thereof, and, in addition, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

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

SECTION 11. Section 27-71-7, Mississippi Code of 1972, is amended as follows:

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

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

(2) (a) In addition to the tax levied by subsection (1) of this section, and in addition to any other markup collected, the Alcoholic Beverage Control Division shall collect a markup of



three percent (3%) on all alcoholic beverages, as defined in Section 67-1-5, Mississippi Code of 1972, which are sold by the division. The proceeds of the markup shall be collected by the division from each purchaser at the time of purchase.

(b) Until June 30, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the credit of the "Alcoholism Treatment and Rehabilitation Fund," a special fund which is hereby created in the State Treasury, and shall be used by the Division of Alcohol and Drug Abuse of the State Department of Mental Health and public or private centers or organizations solely for funding of treatment and rehabilitation programs for alcoholics and alcohol abusers which are sponsored by the division or public or private centers or organizations in such amounts as the Legislature may appropriate to the division for use by the division or public or private centers or organizations for such programs. Any tax revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund. It is the intent of the Legislature that the State Department of Mental Health shall continue to seek funds from other sources and shall use the funds appropriated for the purposes of this section and Section 27-71-29 to match all federal funds which may be available for alcoholism treatment and rehabilitation.

From and after July 1, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in



the State Treasury to the credit of the "Mental Health Programs Fund," a special fund which is hereby created in the State Treasury and shall be used by the State Department of Mental Health for the service programs of the department. Any revenue in the "Alcoholism Treatment and Rehabilitation Fund" which is not encumbered at the end of Fiscal Year 1987 shall be deposited to the credit of the "Mental Health Programs Fund."

(3) There is levied and assessed upon the holder of a direct wine shipper's permit, a tax in the amount of thirty-four percent (34%) of the sales price of each sale and shipment of wine made to a resident in this state. The holder of a direct wine shipper's permit shall file a monthly report with the department along with a copy of the invoice for each sale and shipment of wine and remit any taxes due; however, no report shall be required for months in which no sales or shipments were made into this state. The report, together with copies of the invoices and the payment of all taxes, shall be filed with the department not later than the twentieth day of the month following the month in which the shipment was made. Permittees who fail to timely file and pay taxes as required by this subsection shall pay a late fee in the amount of Fifty Dollars (\$50.00), in addition to any other penalty authorized by this article.

SECTION 12. Section 27-71-15, Mississippi Code of 1972, is amended as follows:



27-71-15. Except as otherwise provided in Section 67-9-1 for the transportation of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and in Sections 1 through 9 of this act for the sale and shipment of wine by the holder of a direct wine shipper's permit, if transportation requires passage through a county which has not authorized the sale of alcoholic beverages, such transportation shall be by a sealed vehicle. Such seal shall remain unbroken until the vehicle shall reach the place of business operated by the permittee. The operator of any vehicle transporting alcoholic beverages shall have in his possession an invoice issued by the * * * department at the time of the wholesale sale covering the merchandise transported by the vehicle. The * * * department is authorized to issue regulations controlling the transportation of alcoholic beverages.

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

SECTION 13. Section 27-71-29, Mississippi Code of 1972, is amended as follows:

27-71-29. (1) All taxes levied by this article shall be paid to the Department of Revenue in cash or by personal check,



388 cashier's check, bank exchange, post office money order or express
389 money order and shall be deposited by the department in the State
390 Treasury on the same day collected, but no remittances other than
391 cash shall be a final discharge of liability for the tax herein
392 imposed and levied unless and until it has been paid in cash to
393 the department.

394 (2) All taxes levied under Section 27-71-7(1) and received
395 by the department under this article shall be paid into the
396 General Fund, and the three percent (3%) levied under Section
397 27-71-7(2) and received by the department under this article shall
398 be paid into the special fund in the State Treasury designated as
399 the "Alcoholism Treatment and Rehabilitation Fund" as required by
400 law. Any funds derived from the sale of alcoholic beverages in
401 excess of inventory requirements shall be paid not less often than
402 annually into the General Fund, except for fees charged by the
403 department for the defraying of costs associated with shipping
404 alcoholic beverages. The revenue derived from these fees shall be
405 deposited by the department into a special fund, hereby created in
406 the State Treasury, which is designated the "ABC Shipping Fund."
407 The monies in this special fund shall be earmarked for use by the
408 department for any expenditure made to ship alcoholic beverages.
409 Any net proceeds remaining in the special fund on August 1 of any
410 fiscal year shall lapse into the General Fund. "Net proceeds" in
411 this section means the total of all fees collected by the



department to defray the costs of shipping less the actual costs of shipping.

(3) All taxes levied under Section 27-71-7(3) and received by the department under this article shall be paid into the General Fund, except for an amount equivalent to the three percent (3%) levied under Section 27-71-7(2), which shall be paid into the special fund in the State Treasury designated as the "Mental Health Programs Fund" as required by law.

SECTION 14. Section 67-1-41, Mississippi Code of 1972, is amended as follows:

67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department except as authorized in subsections (4), (9) and (12) of this section and Sections 1 through 9 of this act. The department may establish warehouses, purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct



437 and accurate record of all such transactions and exercising such
438 control over the distribution of alcoholic beverages as seem right
439 and proper in keeping with the provisions or purposes of this
440 chapter.

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

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

451 (4) The department may promulgate rules and regulations
452 which authorize on-premises retailers to purchase limited amounts
453 of alcoholic beverages from package retailers and for package
454 retailers to purchase limited amounts of alcoholic beverages from
455 other package retailers. The department shall develop and provide
456 forms to be completed by the on-premises retailers and the package
457 retailers verifying the transaction. The completed forms shall be
458 forwarded to the department within a period of time prescribed by
459 the department.

460 (5) The department may promulgate rules which authorize the
461 holder of a package retailer's permit to permit individual retail



462 purchasers of packages of alcoholic beverages to return, for
463 exchange, credit or refund, limited amounts of original sealed and
464 unopened packages of alcoholic beverages purchased by the
465 individual from the package retailer.

466 (6) The department shall maintain all forms to be completed
467 by applicants necessary for licensure by the department at all
468 district offices of the department.

469 (7) The department may promulgate rules which authorize the
470 manufacturer of an alcoholic beverage or wine to import, transport
471 and furnish or give a sample of alcoholic beverages or wines to
472 the holders of package retailer's permits, on-premises retailer's
473 permits, native wine or native spirit retailer's permits and
474 temporary retailer's permits who have not previously purchased the
475 brand of that manufacturer from the department. For each holder
476 of the designated permits, the manufacturer may furnish not more
477 than five hundred (500) milliliters of any brand of alcoholic
478 beverage and not more than three (3) liters of any brand of wine.

479 (8) The department may promulgate rules disallowing open
480 product sampling of alcoholic beverages or wines by the holders of
481 package retailer's permits and permitting open product sampling of
482 alcoholic beverages by the holders of on-premises retailer's
483 permits. Permitted sample products shall be plainly identified
484 "sample" and the actual sampling must occur in the presence of the
485 manufacturer's representatives during the legal operating hours of
486 on-premises retailers.



487 (9) The department may promulgate rules and regulations that
488 authorize the holder of a research permit to import and purchase
489 limited amounts of alcoholic beverages from importers, wineries
490 and distillers of alcoholic beverages or from the department. The
491 department shall develop and provide forms to be completed by the
492 research permittee verifying each transaction. The completed
493 forms shall be forwarded to the department within a period of time
494 prescribed by the department. The records and inventory of
495 alcoholic beverages shall be open to inspection at any time by the
496 Director of the Alcoholic Beverage Control Division or any duly
497 authorized agent.

498 (10) The department may promulgate rules facilitating a
499 retailer's on-site pickup of alcoholic beverages sold by the
500 department or as authorized by the department, including, but not
501 limited to, native wines and native spirits, so that those
502 alcoholic beverages may be delivered to the retailer at the
503 manufacturer's location instead of via shipment from the
504 department's warehouse.

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

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



511 (12) (a) An individual resident of this state who is at
512 least twenty-one (21) years of age may purchase wine from a winery
513 and have the purchase shipped into this state so long as it is
514 shipped to a package retailer permittee in Mississippi; however,
515 the permittee shall pay to the department all taxes, fees and
516 surcharges on the wine that are imposed upon the sale of wine
517 shipped by the department. No credit shall be provided to the
518 permittee for any taxes paid to another state as a result of the
519 transaction. Package retailers may charge a service fee for
520 receiving and handling shipments from wineries on behalf of the
521 purchasers. The department shall develop and provide forms to be
522 completed by the package retailer permittees verifying the
523 transaction. The completed forms shall be forwarded to the
524 department within a period of time prescribed by the department.

525 (b) The purchaser of wine that is to be shipped to a
526 package retailer's store shall be required to get the prior
527 approval of the package retailer before any wine is shipped to the
528 package retailer. A purchaser is limited to no more than ten (10)
529 cases of wine per year to be shipped to a package retailer. A
530 package retailer shall notify a purchaser of wine within two (2)
531 days after receiving the shipment of wine. If the purchaser of
532 the wine does not pick up or take the wine from the package
533 retailer within thirty (30) days after being notified by the
534 package retailer, the package retailer may sell the wine as part
535 of his inventory.



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

Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two (2) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall



561 also be made available to any law enforcement or regulatory body
562 in the state in which the railroad company, express company,
563 common or contract carrier making the report resides or does
564 business.

565 Any common or contract carrier that willfully fails to make
566 reports, as provided by this section or any of the rules and
567 regulations of the department for the administration and
568 enforcement of this section, is subject to a notification of
569 violation. In the case of a continuing failure to make reports,
570 the common or contract carrier is subject to possible license
571 suspension and revocation at the department's discretion.

572 (d) A winery that ships wine under this section shall
573 be deemed to have consented to the jurisdiction of the courts of
574 this state, of the department, of any other state agency regarding
575 the enforcement of this section, and of any related law, rules or
576 regulations.

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

583 (13) If any provision of this chapter, or its application to
584 any person or circumstance, is determined by a court to be invalid
585 or unconstitutional, the remaining provisions shall be construed



in accordance with the intent of the Legislature to further limit rather than expand commerce in alcoholic beverages to protect the health, safety, and welfare of the state's residents, and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by this chapter upon all alcoholic beverages to curb relationships and practices calculated to stimulate sales and impair the state's policy favoring trade stability and the promotion of temperance.

SECTION 15. Section 67-1-45, Mississippi Code of 1972, is amended as follows:

67-1-45. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity. The holder of a direct wine shipper's permit may sell wines directly to residents in this state as authorized by Sections 1 through 9 of this act.

Any violation of this section by any manufacturer, rectifier or distiller shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), and not more than Two Thousand Dollars



611 (\$2,000.00), to which may be added imprisonment in the county jail
612 not to exceed six (6) months.

613 **SECTION 16.** Section 67-1-51, Mississippi Code of 1972, is
614 amended as follows:

615 67-1-51. (1) Permits which may be issued by the department
616 shall be as follows:

617 (a) **Manufacturer's permit.** A manufacturer's permit
618 shall permit the manufacture, importation in bulk, bottling and
619 storage of alcoholic liquor and its distribution and sale to
620 manufacturers holding permits under this chapter in this state and
621 to persons outside the state who are authorized by law to purchase
622 the same, and to sell as provided by this chapter.

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

624 Class 1. Distiller's and/or rectifier's permit, which shall
625 authorize the holder thereof to operate a distillery for the
626 production of distilled spirits by distillation or redistillation
627 and/or to operate a rectifying plant for the purifying, refining,
628 mixing, blending, flavoring or reducing in proof of distilled
629 spirits and alcohol.

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

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



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

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines and native spirits, not to be consumed on the premises where sold. In addition, a holder of a package retailer's permit may sell at retail through the Internet and ship wine in original sealed and unopened packages to residents in this state and which is not to be consumed on the premises where sold. A holder of a package retailer's permit making such sales of wine shall (i) ensure that all containers of wine sold and shipped directly to a resident in this state are conspicuously labeled with the words "CONTAINS WINE: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY" and (ii) report to the department annually the total amount of wine sold and shipped within the state during the preceding calendar year. A holder of a package retailer's permit who sells wine through the Internet may not sell or ship any alcoholic beverage other than wine or ship wine to an address in a county that has not voted in favor of coming out from under the dry law. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50)



661 milliliters by liquid measure. A package retailer's permit, with
662 prior approval from the department, shall authorize the holder
663 thereof to sample new product furnished by a manufacturer's
664 representative or his employees at the permitted place of business
665 so long as the sampling otherwise complies with this chapter and
666 applicable department regulations. Such samples may not be
667 provided to customers at the permitted place of business. In
668 addition to the sale at retail of packages of alcoholic beverages,
669 the holder of a package retailer's permit is authorized to sell at
670 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers
671 and other beverages commonly used to mix with alcoholic beverages.
672 Nonalcoholic beverages sold by the holder of a package retailer's
673 permit shall not be consumed on the premises where sold.

674 (c) **On-premises retailer's permit.** Except as otherwise
675 provided in subsection (5) of this section, an on-premises
676 retailer's permit shall authorize the sale of alcoholic beverages,
677 including native wines and native spirits, for consumption on the
678 licensed premises only; however, a patron of the permit holder may
679 remove one (1) bottle of wine from the licensed premises if: (i)
680 the patron consumed a portion of the bottle of wine in the course
681 of consuming a meal purchased on the licensed premises; (ii) the
682 permit holder securely reseals the bottle; (iii) the bottle is
683 placed in a bag that is secured in a manner so that it will be
684 visibly apparent if the bag is opened; and (iv) a dated receipt
685 for the wine and the meal is available. Additionally, as part of



686 a carryout order, a permit holder may sell one (1) bottle of wine
687 to be removed from the licensed premises for every two (2) entrees
688 ordered. Such a permit shall be issued only to qualified hotels,
689 restaurants and clubs, small craft breweries, microbreweries, and
690 to common carriers with adequate facilities for serving
691 passengers. In resort areas, whether inside or outside of a
692 municipality, the department, in its discretion, may issue
693 on-premises retailer's permits to such establishments as it deems
694 proper. An on-premises retailer's permit when issued to a common
695 carrier shall authorize the sale and serving of alcoholic
696 beverages aboard any licensed vehicle while moving through any
697 county of the state; however, the sale of such alcoholic beverages
698 shall not be permitted while such vehicle is stopped in a county
699 that has not legalized such sales. If an on-premises retailer's
700 permit is applied for by a common carrier operating solely in the
701 water, such common carrier must, along with all other
702 qualifications for a permit, (i) be certified to carry at least
703 one hundred fifty (150) passengers and/or provide overnight
704 accommodations for at least fifty (50) passengers and (ii) operate
705 primarily in the waters within the State of Mississippi which lie
706 adjacent to the State of Mississippi south of the three (3) most
707 southern counties in the State of Mississippi and/or on the
708 Mississippi River or navigable waters within any county bordering
709 on the Mississippi River.



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

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%)



of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

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

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

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase



price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

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

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



784 Class 3. A temporary one-day permit may be issued to a
785 retail establishment authorizing the complimentary distribution of
786 wine, including native wine, to patrons of the retail
787 establishment at an open house or promotional event, for
788 consumption only on the premises described in the temporary
789 permit. A Class 3 permit may be issued only to an applicant
790 demonstrating to the department, by a statement signed under
791 penalty of perjury submitted ten (10) days before the proposed
792 date or such other time as the department may determine, that it
793 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
794 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
795 A Class 3 permit holder shall obtain all alcoholic beverages from
796 the holder(s) of a package retailer's permit located in the county
797 in which the temporary permit is issued. Wine remaining in stock
798 upon expiration of the temporary permit may be returned by the
799 Class 3 temporary permit holder to the package retailer for a
800 refund of the purchase price, with consent of the package
801 retailer, or may be kept by the Class 3 temporary permit holder
802 exclusively for personal use and consumption, subject to all laws
803 pertaining to the illegal sale and possession of alcoholic
804 beverages. The department, following review of the statement
805 provided by the applicant and the requirements of the applicable
806 statutes and regulations, may issue the permit. No retailer may
807 receive more than twelve (12) Class 3 temporary permits in a
808 calendar year. A Class 3 temporary permit shall not be issued to



809 a retail establishment that either holds a merchant permit issued
810 under paragraph (1) of this subsection, or holds a permit issued
811 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
812 the holder to engage in the business of a retailer of light wine
813 or beer.

814 (g) **Caterer's permit.** A caterer's permit shall permit
815 the purchase of alcoholic beverages by a person engaging in
816 business as a caterer and the resale of alcoholic beverages by
817 such person in conjunction with such catering business. No person
818 shall qualify as a caterer unless forty percent (40%) or more of
819 the revenue derived from such catering business shall be from the
820 serving of prepared food and not from the sale of alcoholic
821 beverages and unless such person has obtained a permit for such
822 business from the Department of Health. A caterer's permit shall
823 not authorize the sale of alcoholic beverages on the premises of
824 the person engaging in business as a caterer; however, the holder
825 of an on-premises retailer's permit may hold a caterer's permit.
826 When the holder of an on-premises retailer's permit or an
827 affiliated entity of the holder also holds a caterer's permit, the
828 caterer's permit shall not authorize the service of alcoholic
829 beverages on a consistent, recurring basis at a separate, fixed
830 location owned or operated by the caterer, on-premises retailer or
831 affiliated entity and an on-premises retailer's permit shall be
832 required for the separate location. All sales of alcoholic
833 beverages by holders of a caterer's permit shall be made at the



location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from



importers, wineries and distillers of alcoholic beverages for professional research.

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

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

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



882 (1) **Merchant permit.** Except as otherwise provided in
883 subsection (5) of this section, a merchant permit shall be issued
884 only to the owner of a spa facility, an art studio or gallery, or
885 a cooking school, and shall authorize the holder to serve
886 complimentary by the glass wine only, including native wine, at
887 the holder's spa facility, art studio or gallery, or cooking
888 school. A merchant permit holder shall obtain all wine from the
889 holder of a package retailer's permit.

890 (m) **Temporary alcoholic beverages charitable auction**
891 **permit.** A temporary permit, not to exceed five (5) days, may be
892 issued to a qualifying charitable nonprofit organization that is
893 exempt from taxation under Section 501(c)(3) or (4) of the
894 Internal Revenue Code of 1986. The permit shall authorize the
895 holder to sell alcoholic beverages for the limited purpose of
896 raising funds for the organization during a live or silent auction
897 that is conducted by the organization and that meets the following
898 requirements: (i) the auction is conducted in an area of the
899 state where the sale of alcoholic beverages is authorized; (ii) if
900 the auction is conducted on the premises of an on-premises
901 retailer's permit holder, then the alcoholic beverages to be
902 auctioned must be stored separately from the alcoholic beverages
903 sold, stored or served on the premises, must be removed from the
904 premises immediately following the auction, and may not be
905 consumed on the premises; (iii) the permit holder may not conduct
906 more than two (2) auctions during a calendar year; (iv) the permit



holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section



501(c) (3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages



957 brought onto the permit holder's ship by customers of the permit
958 holder as part of such a private charter. All such alcoholic
959 beverages must be removed from the charter ship at the conclusion
960 of each private charter. A charter ship operator's permit shall
961 not authorize the permit holder to sell, charge for or otherwise
962 supply alcoholic beverages to customers, except as authorized in
963 this paragraph (p). For the purposes of this paragraph (p),
964 "charter ship operator" means a common carrier that (i) is
965 certified to carry at least one hundred fifty (150) passengers
966 and/or provide overnight accommodations for at least fifty (50)
967 passengers, (ii) operates only in the waters within the State of
968 Mississippi, which lie adjacent to the State of Mississippi south
969 of the three (3) most southern counties in the State of
970 Mississippi, and (iii) provides charters under contract for tours
971 and trips in such waters.

972 (q) **Distillery retailer's permit.** The holder of a
973 Class 1 manufacturer's permit may obtain a distillery retailer's
974 permit. A distillery retailer's permit shall authorize the holder
975 thereof to sell at retail alcoholic beverages to consumers for
976 on-premises consumption, or to consumers by the sealed and
977 unopened bottle from a retail location at the distillery for
978 off-premises consumption. The holder may only sell product
979 manufactured by the manufacturer at the distillery described in
980 the permit. However, when selling to consumers for on-premises
981 consumption, a holder of a distillery retailer's permit may add



982 other beverages, alcoholic or not, so long as the total volume of
983 other beverage components containing alcohol does not exceed
984 twenty percent (20%). Hours of sale shall be the same as those
985 authorized for on-premises permittees in the city or county in
986 which the distillery retailer is located.

987 The holder shall not sell at retail more than ten percent
988 (10%) of the alcoholic beverages produced annually at its
989 distillery. The holder shall not make retail sales of more than
990 two and twenty-five one-hundredths (2.25) liters, in the
991 aggregate, of the alcoholic beverages produced at its distillery
992 to any one (1) individual for consumption off the premises of the
993 distillery within a twenty-four-hour period. The hours of sale
994 shall be the same as those hours for package retailers under this
995 chapter. The holder of a distillery retailer's permit is not
996 required to purchase the alcoholic beverages authorized to be sold
997 by this paragraph from the department's liquor distribution
998 warehouse; however, if the holder does not purchase the alcoholic
999 beverages from the department's liquor distribution warehouse, the
1000 holder shall pay to the department all taxes, fees and surcharges
1001 on the alcoholic beverages that are imposed upon the sale of
1002 alcoholic beverages shipped by the Alcoholic Beverage Control
1003 Division of the Department of Revenue. In addition to alcoholic
1004 beverages, the holder of a distillery retailer's permit may sell
1005 at retail promotional products from the same retail location,



1006 including shirts, hats, glasses, and other promotional products
1007 customarily sold by alcoholic beverage manufacturers.

1008 (r) **Festival Wine Permit.** Any wine manufacturer or
1009 native wine producer permitted by Mississippi or any other state
1010 is eligible to obtain a Festival Wine Permit. This permit
1011 authorizes the entity to transport product manufactured by it to
1012 festivals held within the State of Mississippi and sell sealed,
1013 unopened bottles to festival participants. The holder of this
1014 permit may provide samples at no charge to participants.
1015 "Festival" means any event at which three (3) or more vendors are
1016 present at a location for the sale or distribution of goods. The
1017 holder of a Festival Wine Permit is not required to purchase the
1018 alcoholic beverages authorized to be sold by this paragraph from
1019 the department's liquor distribution warehouse. However, if the
1020 holder does not purchase the alcoholic beverages from the
1021 department's liquor distribution warehouse, the holder of this
1022 permit shall pay to the department all taxes, fees and surcharges
1023 on the alcoholic beverages sold at such festivals that are imposed
1024 upon the sale of alcoholic beverages shipped by the Alcoholic
1025 Beverage Control Division of the Department of Revenue.
1026 Additionally, the entity shall file all applicable reports and
1027 returns as prescribed by the department. This permit is issued
1028 per festival and provides authority to sell for two (2)
1029 consecutive days during the hours authorized for on-premises
1030 permittees' sales in that county or city. The holder of the



1031 permit shall be required to maintain all requirements set by Local
1032 Option Law for the service and sale of alcoholic beverages. This
1033 permit may be issued to entities participating in festivals at
1034 which a Class 1 temporary permit is in effect.

1035 This paragraph (r) shall stand repealed from and after July
1036 1, 2023.

1037 (s) **Charter vessel operator's permit.** Subject to the
1038 provisions of this paragraph (s), a charter vessel operator's
1039 permit shall authorize the holder thereof and its employees to
1040 sell and serve alcoholic beverages to passengers of the permit
1041 holder during public tours, historical tours, ecological tours and
1042 sunset cruises provided by the permit holder. The permit shall
1043 authorize the holder to only sell alcoholic beverages, including
1044 native wines, to passengers of the charter vessel operator during
1045 public tours, historical tours, ecological tours and sunset
1046 cruises provided by the permit holder aboard the charter vessel
1047 operator for consumption during such tours and cruises on the
1048 premises of the charter vessel operator described in the permit.
1049 For the purposes of this paragraph (s), "charter vessel operator"
1050 means a common carrier that (i) is certified to carry at least
1051 forty-nine (49) passengers, (ii) operates only in the waters
1052 within the State of Mississippi, which lie south of Interstate 10
1053 in the three (3) most southern counties in the State of
1054 Mississippi, and lie adjacent to the State of Mississippi south of
1055 the three (3) most southern counties in the State of Mississippi,



extending not further than one (1) mile south of such counties,
and (iii) provides vessel services for tours and cruises in such
waters as provided in this paragraph (s).

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

(u) **Delivery service permit.** Any individual, limited
liability company, corporation or partnership registered to do
business in this state is eligible to obtain a delivery service
permit. Subject to the provisions of Section 67-1-51.1, this
permit authorizes the permittee, or its employee or an independent
contractor acting on its behalf, to deliver alcoholic beverages,
beer, light wine and light spirit product from a licensed retailer



1081 to a person in this state who is at least twenty-one (21) years of
1082 age for the individual's use and not for resale. This permit does
1083 not authorize the delivery of alcoholic beverages, beer, light
1084 wine or light spirit product to the premises of a location with a
1085 permit for the manufacture, distribution or retail sale of
1086 alcoholic beverages, beer, light wine or light spirit product.
1087 The holder of a package retailer's permit or an on-premises
1088 retailer's permit under Section 67-1-51 or of a beer, light wine
1089 and light spirit product permit under Section 67-3-19 is
1090 authorized to apply for a delivery service permit as a privilege
1091 separate from its existing retail permit.

1092 (v) **Direct wine shipper's permit.** A direct wine
1093 shipper's permit shall authorize the holder to sell and ship a
1094 limited amount of wine directly to residents in this state in
1095 accordance with the provisions of Sections 1 through 9 of this
1096 act, without being required to transact the sale and shipment of
1097 those wines through the Alcoholic Beverage Control Division of the
1098 department.

1099 (2) Except as otherwise provided in subsection (4) of this
1100 section, retail permittees may hold more than one (1) retail
1101 permit, at the discretion of the department.

1102 (3) (a) Except as otherwise provided in this subsection, no
1103 authority shall be granted to any person to manufacture, sell or
1104 store for sale any intoxicating liquor as specified in this
1105 chapter within four hundred (400) feet of any church, school,



1106 kindergarten or funeral home. However, within an area zoned
1107 commercial or business, such minimum distance shall be not less
1108 than one hundred (100) feet.

1109 (b) A church or funeral home may waive the distance
1110 restrictions imposed in this subsection in favor of allowing
1111 issuance by the department of a permit, pursuant to subsection (1)
1112 of this section, to authorize activity relating to the
1113 manufacturing, sale or storage of alcoholic beverages which would
1114 otherwise be prohibited under the minimum distance criterion.
1115 Such waiver shall be in written form from the owner, the governing
1116 body, or the appropriate officer of the church or funeral home
1117 having the authority to execute such a waiver, and the waiver
1118 shall be filed with and verified by the department before becoming
1119 effective.

1120 (c) The distance restrictions imposed in this
1121 subsection shall not apply to the sale or storage of alcoholic
1122 beverages at a bed and breakfast inn listed in the National
1123 Register of Historic Places or to the sale or storage of alcoholic
1124 beverages in a historic district that is listed in the National
1125 Register of Historic Places, is a qualified resort area and is
1126 located in a municipality having a population greater than one
1127 hundred thousand (100,000) according to the latest federal
1128 decennial census.



1129 (d) The distance restrictions imposed in this
1130 subsection shall not apply to the sale or storage of alcoholic
1131 beverages at a qualified resort area as defined in Section
1132 67-1-5(o)(iii)32.

1133 (e) The distance restrictions imposed in this
1134 subsection shall not apply to the sale or storage of alcoholic
1135 beverages at a licensed premises in a building formerly owned by a
1136 municipality and formerly leased by the municipality to a
1137 municipal school district and used by the municipal school
1138 district as a district bus shop facility.

1139 (f) The distance restrictions imposed in this
1140 subsection shall not apply to the sale or storage of alcoholic
1141 beverages at a licensed premises in a building consisting of at
1142 least five thousand (5,000) square feet and located approximately
1143 six hundred (600) feet from the intersection of Mississippi
1144 Highway 15 and Mississippi Highway 4.

1145 (g) The distance restrictions imposed in this
1146 subsection shall not apply to the sale or storage of alcoholic
1147 beverages at a licensed premises in a building located at the
1148 southeast corner of Ward and Tate Streets in the City of
1149 Senatobia, Mississippi.

1150 (4) No person, either individually or as a member of a firm,
1151 partnership, limited liability company or association, or as a
1152 stockholder, officer or director in a corporation, shall own or
1153 control any interest in more than * * * three (3) package



1154 retailer's permit, nor shall such person's spouse, if living in
1155 the same household of such person, any relative of such person, if
1156 living in the same household of such person, or any other person
1157 living in the same household with such person own any interest in
1158 any other package retailer's permit which, when combined with the
1159 number of package retailer's permits owned by the person or in
1160 which the person has a controlling interest, would total more than
1161 three (3) package retailer's permits.

1162 (5) (a) In addition to any other authority granted under
1163 this section, the holder of a permit issued under subsection
1164 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1165 sell or otherwise provide alcoholic beverages and/or wine to a
1166 patron of the permit holder in the manner authorized in the permit
1167 and the patron may remove an open glass, cup or other container of
1168 the alcoholic beverage and/or wine from the licensed premises and
1169 may possess and consume the alcoholic beverage or wine outside of
1170 the licensed premises if: (i) the licensed premises is located
1171 within a leisure and recreation district created under Section
1172 67-1-101 and (ii) the patron remains within the boundaries of the
1173 leisure and recreation district while in possession of the
1174 alcoholic beverage or wine.

1175 (b) Nothing in this subsection shall be construed to
1176 allow a person to bring any alcoholic beverages into a permitted
1177 premises except to the extent otherwise authorized by this
1178 chapter.



1179 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is
1180 amended as follows:

1181 67-1-53. (1) Application for permits shall be in such form
1182 and shall contain such information as shall be required by the
1183 regulations of the * * * department; however, no regulation of
1184 the * * * department shall require personal financial information
1185 from any officer of a corporation applying for an on-premises
1186 retailer's permit to sell alcoholic beverages unless such officer
1187 owns ten percent (10%) or more of the stock of such corporation.

1188 (2) Every applicant for each type of permit authorized by
1189 Section 67-1-51 shall give notice of such application by
1190 publication for two (2) consecutive issues in a newspaper of
1191 general circulation published in the city or town in which
1192 applicant's place of business is located. However, in instances
1193 where no newspaper is published in the city or town, then the
1194 notice shall be published in a newspaper of general circulation
1195 published in the county where the applicant's business is located.
1196 If no newspaper is published in the county, the notice shall be
1197 published in a qualified newspaper which is published in the
1198 closest neighboring county and circulated in the county of
1199 applicant's residence. The notice shall be printed in ten-point
1200 black face type and shall set forth the type of permit to be
1201 applied for, the exact location of the place of business, the name
1202 of the owner or owners thereof, and if operating under an assumed
1203 name, the trade name together with the names of all owners, and if



a corporation, the names and titles of all officers. The cost of such notice shall be borne by the applicant. The provisions of this subsection (2) shall not apply to applicants for a direct wine shipper's permit under Sections 1 through 9 of this act.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 18. Section 67-1-55, Mississippi Code of 1972, is amended as follows:

67-1-55. No permit of any type shall be issued by the * * * department until the applicant has first filed with the * * * department a sworn statement disclosing all persons who are financially involved in the operation of the business for which the permit is sought. If an applicant is an individual, he will swear that he owns one hundred percent (100%) of the business for which he is seeking a permit. If the applicant is a partnership, all partners and their addresses shall be disclosed and the extent of their interest in the partnership shall be disclosed. If the applicant is a corporation, the total stock in the corporation shall be disclosed and each shareholder and his address and the amount of stock in the corporation owned by him shall be disclosed. If the applicant is a limited liability company, each member and their addresses shall be disclosed and the extent of their interest in the limited liability company shall be disclosed. If the applicant is a trust, the trustee and all



beneficiaries and their addresses shall be disclosed. If the applicant is a combination of any of the above, all information required to be disclosed above shall be required.

All the disclosures shall be in writing and kept on file at the * * * department and shall be available to the public.

Every applicant must, when applying for a renewal of his permit, disclose any change in the ownership of the business or any change in the beneficiaries of the income from the business.

Any person who willfully fails to fully disclose the information required by this section, or who gives false information, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not to exceed Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or both, and the person or applicant shall never again be eligible for any permit pertaining to alcoholic beverages.

The provisions of this section shall not apply to applicants for a direct wine shipper's permit under Sections 1 through 9 of this act.

SECTION 19. Section 67-1-57, Mississippi Code of 1972, is amended as follows:

67-1-57. Before a permit is issued the department shall satisfy itself:

(a) That the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers and directors, or if a



1254 limited liability company, each member of the limited liability
1255 company, is of good moral character and, in addition, enjoys a
1256 reputation of being a peaceable, law-abiding citizen of the
1257 community in which he resides, and is generally fit for the trust
1258 to be reposed in him, is not less than twenty-one (21) years of
1259 age, and has not been convicted of a felony in any state or
1260 federal court.

1261 (b) That, except in the case of an application for a
1262 solicitor's permit, the applicant is the true and actual owner of
1263 the business for which the permit is desired, and that he intends
1264 to carry on the business authorized for himself and not as the
1265 agent of any other person, and that he intends to superintend in
1266 person the management of the business or that he will designate a
1267 manager to manage the business for him. Except for managers
1268 employed by the holder of a direct wine shipper's permit, all
1269 managers must be approved by the department prior to completing
1270 any managerial tasks on behalf of the permittee and must possess
1271 all of the qualifications required of a permittee; however, a
1272 felony conviction, other than a crime of violence, does not
1273 automatically disqualify a person from being approved as a manager
1274 if the person was released from incarceration at least three (3)
1275 years prior to application for approval as a manager. A felony
1276 conviction, other than a crime of violence, may be considered by
1277 the department in determining whether all other qualifications are
1278 met.



1279 (c) That the applicant for a package retailer's permit,
1280 if an individual, is a resident of the State of Mississippi. If
1281 the applicant is a partnership, each member of the partnership
1282 must be a resident of the state. If the applicant is a limited
1283 liability company, each member of the limited liability company
1284 must be a resident of the state. If the applicant is a
1285 corporation, the designated manager of the corporation must be a
1286 resident of the state.

1287 (d) That the place for which the permit is to be issued
1288 is an appropriate one considering the character of the premises
1289 and the surrounding neighborhood.

1290 (e) That the place for which the permit is to be issued
1291 is within the corporate limits of an incorporated municipality or
1292 qualified resort area or club which comes within the provisions of
1293 this chapter.

1294 (f) That the applicant is not indebted to the state for
1295 any taxes, fees or payment of penalties imposed by any law of the
1296 State of Mississippi or by any rule or regulation of the * * *
1297 department.

1298 (g) That the applicant is not in the habit of using
1299 alcoholic beverages to excess and is not physically or mentally
1300 incapacitated, and that the applicant has the ability to read and
1301 write the English language.

1302 (h) That the * * * department does not believe and has
1303 no reason to believe that the applicant will sell or knowingly



1304 permit any agent, servant or employee to unlawfully sell liquor in
1305 a dry area or in any other manner contrary to law.

1306 (i) That the applicant is not residentially domiciled
1307 with any person whose permit or license has been cancelled for
1308 cause within the twelve (12) months next preceding the date of the
1309 present application for a permit.

1310 (j) That the * * * department has not, in the exercise
1311 of its discretion which is reserved and preserved to it, refused
1312 to grant permits under the restrictions of this section, as well
1313 as under any other pertinent provision of this chapter.

1314 (k) That there are not sufficient legal reasons to deny
1315 a permit on the ground that the premises for which the permit is
1316 sought has previously been operated, used or frequented for any
1317 purpose or in any manner that is lewd, immoral or offensive to
1318 public decency. In the granting or withholding of any permit to
1319 sell alcoholic beverages at retail, the * * * department in
1320 forming its conclusions may give consideration to any
1321 recommendations made in writing by the district or county attorney
1322 or county, circuit or chancery judge of the county, or the sheriff
1323 of the county, or the mayor or chief of police of an incorporated
1324 city or town wherein the applicant proposes to conduct his
1325 business and to any recommendations made by representatives of
1326 the * * * department.

1327 (l) That the applicant and the applicant's key
1328 employees, as determined by the * * * department, do not have a



1329 disqualifying criminal record. In order to obtain a criminal
1330 record history check, the applicant shall submit to the commission
1331 a set of fingerprints from any local law enforcement agency for
1332 each person for whom the records check is required. The * * *
1333 department shall forward the fingerprints to the Mississippi
1334 Department of Public Safety. If no disqualifying record is
1335 identified at the state level, the Department of Public Safety
1336 shall forward the fingerprints to the Federal Bureau of
1337 Investigation for a national criminal history record check. Costs
1338 for processing the set or sets of fingerprints shall be borne by
1339 the applicant. The department may waive the fingerprint
1340 requirement in the case of an applicant for a direct wine
1341 shipper's permit. The * * * department shall not deny employment
1342 to an employee of the applicant prior to the identification of a
1343 disqualifying record or other disqualifying information.

1344 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is
1345 amended as follows:

1346 67-1-73. (1) Except as otherwise provided in subsection (3)
1347 of this section, every manufacturer, including native wine or
1348 native spirit producers, within or without the state, and every
1349 other shipper of alcoholic beverages who sells any alcoholic
1350 beverage, including native wine or native spirit, within the
1351 state, shall, at the time of making such sale, file with the
1352 department a copy of the invoice of such sale showing in detail
1353 the kind of alcoholic beverage sold, the quantities of each, the



size of the container and the weight of the contents, the alcoholic content, and the name and address of the person to whom sold.

(2) Except as otherwise provided in subsection (3) of this section, every person transporting alcoholic beverages, including native wine or native spirit, within this state to a point within this state, whether such transportation originates within or without this state, shall, within five (5) days after delivery of such shipment, furnish the department a copy of the bill of lading or receipt, showing the name or consignor or consignee, date, place received, destination, and quantity of alcoholic beverages delivered. Upon failure to comply with the provisions of this section, such person shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of Fifty Dollars (\$50.00) for each offense.

(3) Information regarding the sales, shipment, delivery and transportation of wine in this state by the holder of a direct wine shipper's permit under Sections 1 through 9 of this act shall be in such form and content as prescribed by the department.

SECTION 21. Section 97-31-47, Mississippi Code of 1972, is amended as follows:

97-31-47. It shall be unlawful for any transportation company, or any agent, employee, or officer of such company, or any other person, or corporation to transport into or deliver in this state in any manner or by any means any spirituous, vinous,



1379 malt, or other intoxicating liquors or drinks, or for any such
1380 person, company, or corporation to transport any spirituous, malt,
1381 vinous, or intoxicating liquors or drinks from one place within
1382 this state to another place within the state, or from one (1)
1383 point within this state to any point without the state, except in
1384 cases where this chapter, * * * Section 67-9-1, or Sections 1
1385 through 9 of this act authorizes the transportation.

1386 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is
1387 amended as follows:

1388 97-31-49. Except as otherwise provided in Sections 1 through
1389 9 of this act, it shall be unlawful for any person, firm or
1390 corporation in this state, in person, by letter, circular, or
1391 other printed or written matter, or in any other manner, to
1392 solicit or take order in this state for any liquors, bitters or
1393 drinks prohibited by the laws of this state to be sold, bartered,
1394 or otherwise disposed of. The inhibition of this section shall
1395 apply to such liquors, bitters and drinks, whether the parties
1396 intend that the same shall be shipped into this state from outside
1397 of the state, or from one (1) point in this state to another point
1398 in this state. If such order be in writing, parol evidence
1399 thereof is admissible without producing or accounting for the
1400 absence of the original; and the taking or soliciting of such
1401 orders is within the inhibition of this section, although the
1402 orders are subject to approval by some other person, and no part



1403 of the price is paid, nor any part of the goods is delivered when
1404 the order is taken.

1405 **SECTION 23.** Section 67-1-83, Mississippi Code of 1972, is
1406 amended as follows:

1407 67-1-83. (1) It shall be unlawful for any permittee or any
1408 employee or agent thereof to sell or furnish any alcoholic
1409 beverage to any person who is visibly intoxicated, or to any
1410 person who is known to habitually drink alcoholic beverages to
1411 excess, or to any person who is known to be an habitual user of
1412 narcotics or other habit-forming drugs. Except as otherwise
1413 provided in Section 67-1-51(1)(b), it shall also be unlawful for
1414 the holder of any package retailer's permit to sell any alcoholic
1415 beverages except by delivery in person to the purchaser at the
1416 place of business of the permittee, unless the holder of a package
1417 retailer's permit also holds a delivery service permit or uses a
1418 delivery service permittee to effect delivery.

1419 (2) It shall be unlawful for any permittee or any employee
1420 or agent thereof to sell or furnish any alcoholic beverage to any
1421 person to whom the department has, after investigation, decided to
1422 prohibit the sale of those beverages because of an appeal to the
1423 department so to do by the husband, wife, father, mother, brother,
1424 sister, child, or employer of the person. The interdiction in
1425 those cases shall last until removed by the department, but no
1426 person shall be held to have violated this subsection unless he
1427 has been informed by the department, by registered letter, that it



1428 is forbidden to sell to that individual or unless that fact is
1429 otherwise known to the permittee or its employee or agent.

1430 (3) It shall be unlawful for any holder of a package
1431 retailer's permit, or any employee or agent thereof, engaged
1432 solely in the business of package retail sales under this chapter
1433 to sell or furnish any alcoholic beverage before 10:00 a.m. and
1434 after 10:00 p.m. or to sell alcoholic beverages on * * * Christmas
1435 Day.

1436 (4) Any person who violates any of the provisions of this
1437 section shall be guilty of a misdemeanor and, upon conviction,
1438 shall be punished by a fine of not more than Five Hundred Dollars
1439 (\$500.00) or by imprisonment in the county jail for a term of not
1440 more than six (6) months, or by both that fine and imprisonment,
1441 in the discretion of the court. In addition to any other
1442 penalties prescribed by law, the commission may immediately revoke
1443 the permit of any permittee who violates the provisions of this
1444 section.

1445 **SECTION 24.** Section 67-1-67, Mississippi Code of 1972, is
1446 brought forward as follows:

1447 67-1-67. No permit shall be transferred by the permittee to
1448 any other person or any other place except with the written
1449 consent of the commission upon a regular application therefor in
1450 writing and upon consideration thereof as provided in this chapter
1451 for an original application for a permit. The commission shall
1452 not approve the transfer of the permit of any person against whom



1453 there is pending in the courts or before the commission any charge
1454 of keeping a disorderly house, or of violating this chapter or the
1455 laws against gambling in this state or against whom there is
1456 pending any proceedings for the revocation, suspension or
1457 cancellation of the permit.

1458 **SECTION 25.** This act shall take effect and be in force from
1459 and after July 1, 2022.

