

By: Representative Busby

To: Ways and Means

HOUSE BILL NO. 731

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; TO PROVIDE THAT A HOLDER OF A
33 PACKAGE RETAILER'S PERMIT MAY SELL AT RETAIL THROUGH THE INTERNET
34 AND SHIP WINE IN ORIGINAL SEALED AND UNOPENED PACKAGES TO



RESIDENTS IN THIS STATE; TO PROVIDE THAT A HOLDER OF A PACKAGE
RETAILER'S PERMIT MAKING SALES OF 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; TO AMEND SECTION 67-1-83,
MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO BRING FORWARD
SECTION 67-1-67, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE
TRANSFER OF PERMITS UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE
CONTROL LAW, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR
RELATED PURPOSES.

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

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

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

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

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

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

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

SECTION 2. A person must hold a permit as a direct wine
shipper issued by the department before the person may engage in



65 selling and shipping wine directly to a resident in this state. A
66 direct wine shipper may sell and ship wine directly to residents
67 in this state without being required to transact the sale and
68 shipment through the Alcoholic Beverage Control Division of the
69 department.

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

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

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

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

77 (a) Submit to the department a completed application on
78 a form provided by the department, containing all information that
79 is required by the department;

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

84 (c) Pay to the department the tax prescribed in Section
85 27-71-5.

86 (2) After a person complies with the provisions of
87 subsection (1) of this section, the department may conduct any
88 investigation as it considers necessary regarding the issuance of



a permit, and the department shall issue a permit to the applicant if the requirements of Sections 1 through 9 of this act are met.

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

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

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

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

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

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

(2) A direct wine shipper may not:

(a) Sell or ship any light wine or beer that is regulated under Section 67-3-1 et seq. or any alcoholic beverage 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:

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



164 (i) For a permittee with annual production of
 165 five thousand (5,000) gallons or more.....\$4,500.00
 166 (ii) For a permittee with annual production under
 167 five thousand (5,000) gallons.....\$2,800.00
 168 (b) Manufacturer's permit, Class 2, wine
 169 manufacturer.....\$1,800.00
 170 (c) Manufacturer's permit, Class 3, native wine
 171 manufacturer per ten thousand (10,000) gallons or part thereof
 172 produced.....\$ 10.00
 173 (d) Manufacturer's permit, Class 4, native spirit
 174 manufacturer per one thousand (1,000) gallons or part thereof
 175 produced.....\$ 300.00
 176 (e) Native wine retailer's permit.....\$ 50.00
 177 (f) Package retailer's permit, each.....\$ 900.00
 178 (g) On-premises retailer's permit, except for clubs and
 179 common carriers, each.....\$ 450.00
 180 (h) On-premises retailer's permit for wine of more than
 181 five percent (5%) alcohol by weight, but not more than twenty-one
 182 percent (21%) alcohol by weight, each.....\$ 225.00
 183 (i) On-premises retailer's permit for clubs...\$ 225.00
 184 (j) On-premises retailer's permit for common carriers,
 185 per car, plane, or other vehicle.....\$ 120.00
 186 (k) Solicitor's permit, regardless of any other
 187 provision of law, solicitor's permits shall be issued only in the
 188 discretion of the department.....\$ 100.00



189	(l)	Filing fee for each application except for an	
190		employee identification card.....	\$ 25.00
191	(m)	Temporary permit, Class 1, each.....	\$ 10.00
192	(n)	Temporary permit, Class 2, each.....	\$ 50.00
193	(o)	(i) Caterer's permit.....	\$ 600.00
194		(ii) Caterer's permit for holders of on-premises	
195		retailer's permit.....	\$ 150.00
196	(p)	Research permit.....	\$ 100.00
197	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
198	(r)	Special service permit.....	\$ 225.00
199	(s)	Merchant permit.....	\$ 225.00
200	(t)	Temporary alcoholic beverages charitable auction	
201		permit.....	\$ 10.00
202	(u)	Event venue retailer's permit.....	\$ 225.00
203	(v)	Temporary theatre permit, each.....	\$ 10.00
204	(w)	Charter ship operator's permit.....	\$ 100.00
205	(x)	Distillery retailer's permit.....	\$ 450.00
206	(y)	Festival wine permit.....	\$ 10.00
207	(z)	Charter vessel operator's permit.....	\$ 100.00
208	(aa)	Native spirit retailer's permit.....	\$ 50.00
209	(bb)	Delivery service permit.....	\$ 500.00
210	(cc)	<u>Direct wine shipper's permit.....</u>	<u>\$ 100.00</u>

211 In addition to the filing fee imposed by paragraph (l) of
212 this subsection, a fee to be determined by the Department of
213 Revenue may be charged to defray costs incurred to process



214 applications. The additional fees shall be paid into the State
215 Treasury to the credit of a special fund account, which is hereby
216 created, and expenditures therefrom shall be made only to defray
217 the costs incurred by the Department of Revenue in processing
218 alcoholic beverage applications. Any unencumbered balance
219 remaining in the special fund account on June 30 of any fiscal
220 year shall lapse into the State General Fund.

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

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

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

236 (b) (i) In addition to the tax imposed in paragraph
237 (a) of this subsection, there is imposed and shall be collected by
238 the department from each permittee described in subsection (1)(g),



239 (h), (i), (n) and (u) of this section, an additional license tax
240 for the privilege of doing business within any municipality or
241 county in which the licensee is located in the amount of Two
242 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
243 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
244 (\$225.00) for each additional purchase of Five Thousand Dollars
245 (\$5,000.00), or fraction thereof.

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

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



288 county jail for a term of not more than six (6) months, or by both
289 such fine and imprisonment, in the discretion of the court.

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

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

300 27-71-7. (1) There is hereby levied and assessed an excise
301 tax upon each case of alcoholic beverages sold by the department
302 to be collected from each retail licensee at the time of sale in
303 accordance with the following schedule:

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

308 (2) (a) In addition to the tax levied by subsection (1) of
309 this section, and in addition to any other markup collected, the
310 Alcoholic Beverage Control Division shall collect a markup of
311 three percent (3%) on all alcoholic beverages, as defined in
312 Section 67-1-5, Mississippi Code of 1972, which are sold by the



313 division. The proceeds of the markup shall be collected by the
314 division from each purchaser at the time of purchase.

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

334 From and after July 1, 1987, the revenue derived from this
335 three percent (3%) markup shall be deposited by the division in
336 the State Treasury to the credit of the "Mental Health Programs
337 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



363 through 9 of this act for the sale and shipment of wine by the
364 holder of a direct wine shipper's permit, if transportation
365 requires passage through a county which has not authorized the
366 sale of alcoholic beverages, such transportation shall be by a
367 sealed vehicle. Such seal shall remain unbroken until the vehicle
368 shall reach the place of business operated by the permittee. The
369 operator of any vehicle transporting alcoholic beverages shall
370 have in his possession an invoice issued by the * * * department
371 at the time of the wholesale sale covering the merchandise
372 transported by the vehicle. The * * * department is authorized to
373 issue regulations controlling the transportation of alcoholic
374 beverages.

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

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

383 27-71-29. (1) All taxes levied by this article shall be
384 paid to the Department of Revenue in cash or by personal check,
385 cashier's check, bank exchange, post office money order or express
386 money order and shall be deposited by the department in the State
387 Treasury on the same day collected, but no remittances other than



cash shall be a final discharge of liability for the tax herein imposed and levied unless and until it has been paid in cash to the department.

(2) All taxes levied under Section 27-71-7(1) and received by the department under this article shall be paid into the General Fund, and the three percent (3%) levied under Section 27-71-7(2) and received by the department under this article shall be paid into the special fund in the State Treasury designated as the "Alcoholism Treatment and Rehabilitation Fund" as required by law. Any funds derived from the sale of alcoholic beverages in excess of inventory requirements shall be paid not less often than annually into the General Fund, except for fees charged by the department for the defraying of costs associated with shipping alcoholic beverages. The revenue derived from these fees shall be deposited by the department into a special fund, hereby created in the State Treasury, which is designated the "ABC Shipping Fund." The monies in this special fund shall be earmarked for use by the department for any expenditure made to ship alcoholic beverages. Any net proceeds remaining in the special fund on August 1 of any fiscal year shall lapse into the General Fund. "Net proceeds" in 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 and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this chapter.



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

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

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

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



463 (6) The department shall maintain all forms to be completed
464 by applicants necessary for licensure by the department at all
465 district offices of the department.

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

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

484 (9) The department may promulgate rules and regulations that
485 authorize the holder of a research permit to import and purchase
486 limited amounts of alcoholic beverages from importers, wineries
487 and distillers of alcoholic beverages or from the department. The



department shall develop and provide forms to be completed by the research permittee verifying each transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department. The records and inventory of alcoholic beverages shall be open to inspection at any time by the Director of the Alcoholic Beverage Control Division or any duly authorized agent.

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

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

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

(12) (a) An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and



513 surcharges on the wine that are imposed upon the sale of wine
514 shipped by the department. No credit shall be provided to the
515 permittee for any taxes paid to another state as a result of the
516 transaction. Package retailers may charge a service fee for
517 receiving and handling shipments from wineries on behalf of the
518 purchasers. The department shall develop and provide forms to be
519 completed by the package retailer permittees verifying the
520 transaction. The completed forms shall be forwarded to the
521 department within a period of time prescribed by the department.

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

533 (c) Shipments of wine into this state under this
534 section shall be made by a duly licensed carrier. It shall be the
535 duty of every common or contract carrier, and of every firm or
536 corporation that shall bring, carry or transport wine from outside
537 the state for delivery inside the state to package retailer



538 permittees on behalf of consumers, to prepare and file with the
539 department, on a schedule as determined by the department, of
540 known wine shipments containing the name of the common or contract
541 carrier, firm or corporation making the report, the period of time
542 covered by said report, the name and permit number of the winery,
543 the name and permit number of the package retailer permittee
544 receiving such wine, the weight of the package delivered to each
545 package retailer permittee, a unique tracking number, and the date
546 of delivery. Reports received by the department shall be made
547 available by the department to the public via the Mississippi
548 Public Records Act process in the same manner as other state
549 alcohol filings.

550 Upon the department's request, any records supporting the
551 report shall be made available to the department within a
552 reasonable time after the department makes a written request for
553 such records. Any records containing information relating to such
554 reports shall be kept and preserved for a period of two (2) years,
555 unless their destruction sooner is authorized, in writing, by the
556 department, and shall be open and available to inspection by the
557 department upon the department's written request. Reports shall
558 also be made available to any law enforcement or regulatory body
559 in the state in which the railroad company, express company,
560 common or contract carrier making the report resides or does
561 business.



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

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

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

(13) If any provision of this chapter, or its application to any person or circumstance, is determined by a court to be invalid 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 (\$2,000.00), to which may be added imprisonment in the county jail not to exceed six (6) months.

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



612 67-1-51. (1) Permits which may be issued by the department
613 shall be as follows:

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

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

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

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

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

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



636 (b) **Package retailer's permit.** Except as otherwise
637 provided in this paragraph and Section 67-1-52, a package
638 retailer's permit shall authorize the holder thereof to operate a
639 store exclusively for the sale at retail in original sealed and
640 unopened packages of alcoholic beverages, including native wines
641 and native spirits, not to be consumed on the premises where sold.
642 In addition, a holder of a package retailer's permit may sell at
643 retail through the Internet and ship wine in original sealed and
644 unopened packages to residents in this state and which is not to
645 be consumed on the premises where sold. A holder of a package
646 retailer's permit making such sales of wine shall (i) ensure that
647 all containers of wine sold and shipped directly to a resident in
648 this state are conspicuously labeled with the words "CONTAINS
649 WINE: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR
650 DELIVERY" and (ii) report to the department annually the total
651 amount of wine sold and shipped within the state during the
652 preceding calendar year. A holder of a package retailer's permit
653 who sells wine through the Internet may not sell or ship any
654 alcoholic beverage other than wine or ship wine to an address in a
655 county that has not voted in favor of coming out from under the
656 dry law. Alcoholic beverages shall not be sold by any retailer in
657 any package or container containing less than fifty (50)
658 milliliters by liquid measure. A package retailer's permit, with
659 prior approval from the department, shall authorize the holder
660 thereof to sample new product furnished by a manufacturer's



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

671 (c) **On-premises retailer's permit.** Except as otherwise
672 provided in subsection (5) of this section, an on-premises
673 retailer's permit shall authorize the sale of alcoholic beverages,
674 including native wines and native spirits, for consumption on the
675 licensed premises only; however, a patron of the permit holder may
676 remove one (1) bottle of wine from the licensed premises if: (i)
677 the patron consumed a portion of the bottle of wine in the course
678 of consuming a meal purchased on the licensed premises; (ii) the
679 permit holder securely reseals the bottle; (iii) the bottle is
680 placed in a bag that is secured in a manner so that it will be
681 visibly apparent if the bag is opened; and (iv) a dated receipt
682 for the wine and the meal is available. Additionally, as part of
683 a carryout order, a permit holder may sell one (1) bottle of wine
684 to be removed from the licensed premises for every two (2) entrees
685 ordered. Such a permit shall be issued only to qualified hotels,



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

707 (d) **Solicitor's permit.** A solicitor's permit shall
708 authorize the holder thereof to act as salesman for a manufacturer
709 or wholesaler holding a proper permit, to solicit on behalf of his
710 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



760 alcoholic beverages. The department, following review of the
761 statement provided by the applicant and the requirements of the
762 applicable statutes and regulations, may issue the permit.

763 Class 2. A temporary permit, not to exceed seventy (70)
764 days, may be issued to prospective permittees seeking to transfer
765 a permit authorized in paragraph (c) of this subsection. A Class
766 2 permit may be issued only to applicants demonstrating to the
767 department, by a statement signed under the penalty of perjury,
768 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
769 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
770 67-1-59. The department, following a preliminary review of the
771 statement provided by the applicant and the requirements of the
772 applicable statutes and regulations, may issue the permit.

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

781 Class 3. A temporary one-day permit may be issued to a
782 retail establishment authorizing the complimentary distribution of
783 wine, including native wine, to patrons of the retail
784 establishment at an open house or promotional event, for



785 consumption only on the premises described in the temporary
786 permit. A Class 3 permit may be issued only to an applicant
787 demonstrating to the department, by a statement signed under
788 penalty of perjury submitted ten (10) days before the proposed
789 date or such other time as the department may determine, that it
790 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
791 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
792 A Class 3 permit holder shall obtain all alcoholic beverages from
793 the holder(s) of a package retailer's permit located in the county
794 in which the temporary permit is issued. Wine remaining in stock
795 upon expiration of the temporary permit may be returned by the
796 Class 3 temporary permit holder to the package retailer for a
797 refund of the purchase price, with consent of the package
798 retailer, or may be kept by the Class 3 temporary permit holder
799 exclusively for personal use and consumption, subject to all laws
800 pertaining to the illegal sale and possession of alcoholic
801 beverages. The department, following review of the statement
802 provided by the applicant and the requirements of the applicable
803 statutes and regulations, may issue the permit. No retailer may
804 receive more than twelve (12) Class 3 temporary permits in a
805 calendar year. A Class 3 temporary permit shall not be issued to
806 a retail establishment that either holds a merchant permit issued
807 under paragraph (1) of this subsection, or holds a permit issued
808 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing



809 the holder to engage in the business of a retailer of light wine
810 or beer.

811 (g) **Caterer's permit.** A caterer's permit shall permit
812 the purchase of alcoholic beverages by a person engaging in
813 business as a caterer and the resale of alcoholic beverages by
814 such person in conjunction with such catering business. No person
815 shall qualify as a caterer unless forty percent (40%) or more of
816 the revenue derived from such catering business shall be from the
817 serving of prepared food and not from the sale of alcoholic
818 beverages and unless such person has obtained a permit for such
819 business from the Department of Health. A caterer's permit shall
820 not authorize the sale of alcoholic beverages on the premises of
821 the person engaging in business as a caterer; however, the holder
822 of an on-premises retailer's permit may hold a caterer's permit.
823 When the holder of an on-premises retailer's permit or an
824 affiliated entity of the holder also holds a caterer's permit, the
825 caterer's permit shall not authorize the service of alcoholic
826 beverages on a consistent, recurring basis at a separate, fixed
827 location owned or operated by the caterer, on-premises retailer or
828 affiliated entity and an on-premises retailer's permit shall be
829 required for the separate location. All sales of alcoholic
830 beverages by holders of a caterer's permit shall be made at the
831 location being catered by the caterer, and, except as otherwise
832 provided in subsection (5) of this section, such sales may be made
833 only for consumption at the catered location. The location being



834 catered may be anywhere within a county or judicial district that
835 has voted to come out from under the dry laws or in which the sale
836 and distribution of alcoholic beverages is otherwise authorized by
837 law. Such sales shall be made pursuant to any other conditions
838 and restrictions which apply to sales made by on-premises retail
839 permittees. The holder of a caterer's permit or his employees
840 shall remain at the catered location as long as alcoholic
841 beverages are being sold pursuant to the permit issued under this
842 paragraph (g), and the permittee shall have at the location the
843 identification card issued by the Alcoholic Beverage Control
844 Division of the department. No unsold alcoholic beverages may be
845 left at the catered location by the permittee upon the conclusion
846 of his business at that location. Appropriate law enforcement
847 officers and Alcoholic Beverage Control Division personnel may
848 enter a catered location on private property in order to enforce
849 laws governing the sale or serving of alcoholic beverages.

850 (h) **Research permit.** A research permit shall authorize
851 the holder thereof to operate a research facility for the
852 professional research of alcoholic beverages. Such permit shall
853 authorize the holder of the permit to import and purchase limited
854 amounts of alcoholic beverages from the department or from
855 importers, wineries and distillers of alcoholic beverages for
856 professional research.

857 (i) **Alcohol processing permit.** An alcohol processing
858 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.

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



884 the holder's spa facility, art studio or gallery, or cooking
885 school. A merchant permit holder shall obtain all wine from the
886 holder of a package retailer's permit.

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

906 (n) **Event venue retailer's permit.** An event venue
907 retailer's permit shall authorize the holder thereof to purchase
908 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



934 native spirits, to patrons of the theatre during performances and
935 productions at the theatre facility for consumption during such
936 performances and productions on the premises of the facility
937 described in the permit. A temporary theatre permit holder shall
938 obtain all alcoholic beverages from package retailers located in
939 the county in which the permit is issued. Alcoholic beverages
940 remaining in stock upon expiration of the temporary theatre permit
941 may be returned by the permittee to the package retailer for a
942 refund of the purchase price upon consent of the package retailer
943 or may be kept by the permittee exclusively for personal use and
944 consumption, subject to all laws pertaining to the illegal sale
945 and possession of alcoholic beverages.

946 (p) **Charter ship operator's permit.** Subject to the
947 provisions of this paragraph (p), a charter ship operator's permit
948 shall authorize the holder thereof and its employees to serve,
949 monitor, store and otherwise control the serving and availability
950 of alcoholic beverages to customers of the permit holder during
951 private charters under contract provided by the permit holder. A
952 charter ship operator's permit shall authorize such action by the
953 permit holder and its employees only as to alcoholic beverages
954 brought onto the permit holder's ship by customers of the permit
955 holder as part of such a private charter. All such alcoholic
956 beverages must be removed from the charter ship at the conclusion
957 of each private charter. A charter ship operator's permit shall
958 not authorize the permit holder to sell, charge for or otherwise



959 supply alcoholic beverages to customers, except as authorized in
960 this paragraph (p). For the purposes of this paragraph (p),
961 "charter ship operator" means a common carrier that (i) is
962 certified to carry at least one hundred fifty (150) passengers
963 and/or provide overnight accommodations for at least fifty (50)
964 passengers, (ii) operates only in the waters within the State of
965 Mississippi, which lie adjacent to the State of Mississippi south
966 of the three (3) most southern counties in the State of
967 Mississippi, and (iii) provides charters under contract for tours
968 and trips in such waters.

969 (q) **Distillery retailer's permit.** The holder of a
970 Class 1 manufacturer's permit may obtain a distillery retailer's
971 permit. A distillery retailer's permit shall authorize the holder
972 thereof to sell at retail alcoholic beverages to consumers for
973 on-premises consumption, or to consumers by the sealed and
974 unopened bottle from a retail location at the distillery for
975 off-premises consumption. The holder may only sell product
976 manufactured by the manufacturer at the distillery described in
977 the permit. However, when selling to consumers for on-premises
978 consumption, a holder of a distillery retailer's permit may add
979 other beverages, alcoholic or not, so long as the total volume of
980 other beverage components containing alcohol does not exceed
981 twenty percent (20%). Hours of sale shall be the same as those
982 authorized for on-premises permittees in the city or county in
983 which the distillery retailer is located.



984 The holder shall not sell at retail more than ten percent
985 (10%) of the alcoholic beverages produced annually at its
986 distillery. The holder shall not make retail sales of more than
987 two and twenty-five one-hundredths (2.25) liters, in the
988 aggregate, of the alcoholic beverages produced at its distillery
989 to any one (1) individual for consumption off the premises of the
990 distillery within a twenty-four-hour period. The hours of sale
991 shall be the same as those hours for package retailers under this
992 chapter. The holder of a distillery retailer's permit is not
993 required to purchase the alcoholic beverages authorized to be sold
994 by this paragraph from the department's liquor distribution
995 warehouse; however, if the holder does not purchase the alcoholic
996 beverages from the department's liquor distribution warehouse, the
997 holder shall pay to the department all taxes, fees and surcharges
998 on the alcoholic beverages that are imposed upon the sale of
999 alcoholic beverages shipped by the Alcoholic Beverage Control
1000 Division of the Department of Revenue. In addition to alcoholic
1001 beverages, the holder of a distillery retailer's permit may sell
1002 at retail promotional products from the same retail location,
1003 including shirts, hats, glasses, and other promotional products
1004 customarily sold by alcoholic beverage manufacturers.

1005 (r) **Festival Wine Permit.** Any wine manufacturer or
1006 native wine producer permitted by Mississippi or any other state
1007 is eligible to obtain a Festival Wine Permit. This permit
1008 authorizes the entity to transport product manufactured by it to



1009 festivals held within the State of Mississippi and sell sealed,
1010 unopened bottles to festival participants. The holder of this
1011 permit may provide samples at no charge to participants.
1012 "Festival" means any event at which three (3) or more vendors are
1013 present at a location for the sale or distribution of goods. The
1014 holder of a Festival Wine Permit is not required to purchase the
1015 alcoholic beverages authorized to be sold by this paragraph from
1016 the department's liquor distribution warehouse. However, if the
1017 holder does not purchase the alcoholic beverages from the
1018 department's liquor distribution warehouse, the holder of this
1019 permit shall pay to the department all taxes, fees and surcharges
1020 on the alcoholic beverages sold at such festivals that are imposed
1021 upon the sale of alcoholic beverages shipped by the Alcoholic
1022 Beverage Control Division of the Department of Revenue.
1023 Additionally, the entity shall file all applicable reports and
1024 returns as prescribed by the department. This permit is issued
1025 per festival and provides authority to sell for two (2)
1026 consecutive days during the hours authorized for on-premises
1027 permittees' sales in that county or city. The holder of the
1028 permit shall be required to maintain all requirements set by Local
1029 Option Law for the service and sale of alcoholic beverages. This
1030 permit may be issued to entities participating in festivals at
1031 which a Class 1 temporary permit is in effect.

1032 This paragraph (r) shall stand repealed from and after July
1033 1, 2023.



1034 (s) **Charter vessel operator's permit.** Subject to the
1035 provisions of this paragraph (s), a charter vessel operator's
1036 permit shall authorize the holder thereof and its employees to
1037 sell and serve alcoholic beverages to passengers of the permit
1038 holder during public tours, historical tours, ecological tours and
1039 sunset cruises provided by the permit holder. The permit shall
1040 authorize the holder to only sell alcoholic beverages, including
1041 native wines, to passengers of the charter vessel operator during
1042 public tours, historical tours, ecological tours and sunset
1043 cruises provided by the permit holder aboard the charter vessel
1044 operator for consumption during such tours and cruises on the
1045 premises of the charter vessel operator described in the permit.
1046 For the purposes of this paragraph (s), "charter vessel operator"
1047 means a common carrier that (i) is certified to carry at least
1048 forty-nine (49) passengers, (ii) operates only in the waters
1049 within the State of Mississippi, which lie south of Interstate 10
1050 in the three (3) most southern counties in the State of
1051 Mississippi, and lie adjacent to the State of Mississippi south of
1052 the three (3) most southern counties in the State of Mississippi,
1053 extending not further than one (1) mile south of such counties,
1054 and (iii) provides vessel services for tours and cruises in such
1055 waters as provided in this paragraph (s).

1056 (t) **Native spirit retailer's permit.** Except as
1057 otherwise provided in subsection (5) of this section, a native
1058 spirit retailer's permit shall be issued only to a holder of a



1059 Class 4 manufacturer's permit, and shall authorize the holder
1060 thereof to make retail sales of native spirits to consumers for
1061 on-premises consumption or to consumers in originally sealed and
1062 unopened containers at an establishment located on the premises of
1063 or in the immediate vicinity of a native distillery. When selling
1064 to consumers for on-premises consumption, a holder of a native
1065 spirit retailer's permit may add to the native spirit alcoholic
1066 beverages not produced on the premises, so long as the total
1067 volume of foreign beverage components does not exceed twenty
1068 percent (20%) of the mixed beverage. Hours of sale shall be the
1069 same as those authorized for on-premises permittees in the city or
1070 county in which the native spirit retailer is located.

1071 (u) **Delivery service permit.** Any individual, limited
1072 liability company, corporation or partnership registered to do
1073 business in this state is eligible to obtain a delivery service
1074 permit. Subject to the provisions of Section 67-1-51.1, this
1075 permit authorizes the permittee, or its employee or an independent
1076 contractor acting on its behalf, to deliver alcoholic beverages,
1077 beer, light wine and light spirit product from a licensed retailer
1078 to a person in this state who is at least twenty-one (21) years of
1079 age for the individual's use and not for resale. This permit does
1080 not authorize the delivery of alcoholic beverages, beer, light
1081 wine or light spirit product to the premises of a location with a
1082 permit for the manufacture, distribution or retail sale of
1083 alcoholic beverages, beer, light wine or light spirit product.



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

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

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

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

(b) A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1)



1109 of this section, to authorize activity relating to the
1110 manufacturing, sale or storage of alcoholic beverages which would
1111 otherwise be prohibited under the minimum distance criterion.
1112 Such waiver shall be in written form from the owner, the governing
1113 body, or the appropriate officer of the church or funeral home
1114 having the authority to execute such a waiver, and the waiver
1115 shall be filed with and verified by the department before becoming
1116 effective.

1117 (c) The distance restrictions imposed in this
1118 subsection shall not apply to the sale or storage of alcoholic
1119 beverages at a bed and breakfast inn listed in the National
1120 Register of Historic Places or to the sale or storage of alcoholic
1121 beverages in a historic district that is listed in the National
1122 Register of Historic Places, is a qualified resort area and is
1123 located in a municipality having a population greater than one
1124 hundred thousand (100,000) according to the latest federal
1125 decennial census.

1126 (d) The distance restrictions imposed in this
1127 subsection shall not apply to the sale or storage of alcoholic
1128 beverages at a qualified resort area as defined in Section
1129 67-1-5(o)(iii)32.

1130 (e) The distance restrictions imposed in this
1131 subsection shall not apply to the sale or storage of alcoholic
1132 beverages at a licensed premises in a building formerly owned by a
1133 municipality and formerly leased by the municipality to a



1134 municipal school district and used by the municipal school
1135 district as a district bus shop facility.

1136 (f) The distance restrictions imposed in this
1137 subsection shall not apply to the sale or storage of alcoholic
1138 beverages at a licensed premises in a building consisting of at
1139 least five thousand (5,000) square feet and located approximately
1140 six hundred (600) feet from the intersection of Mississippi
1141 Highway 15 and Mississippi Highway 4.

1142 (g) The distance restrictions imposed in this
1143 subsection shall not apply to the sale or storage of alcoholic
1144 beverages at a licensed premises in a building located at the
1145 southeast corner of Ward and Tate Streets in the City of
1146 Senatobia, Mississippi.

1147 (4) No person, either individually or as a member of a firm,
1148 partnership, limited liability company or association, or as a
1149 stockholder, officer or director in a corporation, shall own or
1150 control any interest in more than one (1) package retailer's
1151 permit, nor shall such person's spouse, if living in the same
1152 household of such person, any relative of such person, if living
1153 in the same household of such person, or any other person living
1154 in the same household with such person own any interest in any
1155 other package retailer's permit.

1156 (5) (a) In addition to any other authority granted under
1157 this section, the holder of a permit issued under subsection
1158 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may



1159 sell or otherwise provide alcoholic beverages and/or wine to a
1160 patron of the permit holder in the manner authorized in the permit
1161 and the patron may remove an open glass, cup or other container of
1162 the alcoholic beverage and/or wine from the licensed premises and
1163 may possess and consume the alcoholic beverage or wine outside of
1164 the licensed premises if: (i) the licensed premises is located
1165 within a leisure and recreation district created under Section
1166 67-1-101 and (ii) the patron remains within the boundaries of the
1167 leisure and recreation district while in possession of the
1168 alcoholic beverage or wine.

1169 (b) Nothing in this subsection shall be construed to
1170 allow a person to bring any alcoholic beverages into a permitted
1171 premises except to the extent otherwise authorized by this
1172 chapter.

1173 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is
1174 amended as follows:

1175 67-1-53. (1) Application for permits shall be in such form
1176 and shall contain such information as shall be required by the
1177 regulations of the * * * department; however, no regulation of
1178 the * * * department shall require personal financial information
1179 from any officer of a corporation applying for an on-premises
1180 retailer's permit to sell alcoholic beverages unless such officer
1181 owns ten percent (10%) or more of the stock of such corporation.

1182 (2) Every applicant for each type of permit authorized by
1183 Section 67-1-51 shall give notice of such application by



1184 publication for two (2) consecutive issues in a newspaper of
1185 general circulation published in the city or town in which
1186 applicant's place of business is located. However, in instances
1187 where no newspaper is published in the city or town, then the
1188 notice shall be published in a newspaper of general circulation
1189 published in the county where the applicant's business is located.
1190 If no newspaper is published in the county, the notice shall be
1191 published in a qualified newspaper which is published in the
1192 closest neighboring county and circulated in the county of
1193 applicant's residence. The notice shall be printed in ten-point
1194 black face type and shall set forth the type of permit to be
1195 applied for, the exact location of the place of business, the name
1196 of the owner or owners thereof, and if operating under an assumed
1197 name, the trade name together with the names of all owners, and if
1198 a corporation, the names and titles of all officers. The cost of
1199 such notice shall be borne by the applicant. The provisions of
1200 this subsection (2) shall not apply to applicants for a direct
1201 wine shipper's permit under Sections 1 through 9 of this act.

1202 (3) Each application or filing made under this section shall
1203 include the social security number(s) of the applicant in
1204 accordance with Section 93-11-64, Mississippi Code of 1972.

1205 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is
1206 amended as follows:

1207 67-1-55. No permit of any type shall be issued by the * * *
1208 department until the applicant has first filed with the * * *



1209 department a sworn statement disclosing all persons who are
1210 financially involved in the operation of the business for which
1211 the permit is sought. If an applicant is an individual, he will
1212 swear that he owns one hundred percent (100%) of the business for
1213 which he is seeking a permit. If the applicant is a partnership,
1214 all partners and their addresses shall be disclosed and the extent
1215 of their interest in the partnership shall be disclosed. If the
1216 applicant is a corporation, the total stock in the corporation
1217 shall be disclosed and each shareholder and his address and the
1218 amount of stock in the corporation owned by him shall be
1219 disclosed. If the applicant is a limited liability company, each
1220 member and their addresses shall be disclosed and the extent of
1221 their interest in the limited liability company shall be
1222 disclosed. If the applicant is a trust, the trustee and all
1223 beneficiaries and their addresses shall be disclosed. If the
1224 applicant is a combination of any of the above, all information
1225 required to be disclosed above shall be required.

1226 All the disclosures shall be in writing and kept on file at
1227 the * * * department and shall be available to the public.

1228 Every applicant must, when applying for a renewal of his
1229 permit, disclose any change in the ownership of the business or
1230 any change in the beneficiaries of the income from the business.

1231 Any person who willfully fails to fully disclose the
1232 information required by this section, or who gives false
1233 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 limited liability company, each member of the limited liability company, is of good moral character and, in addition, enjoys a reputation of being a peaceable, law-abiding citizen of the community in which he resides, and is generally fit for the trust to be reposed in him, is not less than twenty-one (21) years of age, and has not been convicted of a felony in any state or federal court.

(b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the



1259 agent of any other person, and that he intends to superintend in
1260 person the management of the business or that he will designate a
1261 manager to manage the business for him. Except for managers
1262 employed by the holder of a direct wine shipper's permit, all
1263 managers must be approved by the department prior to completing
1264 any managerial tasks on behalf of the permittee and must possess
1265 all of the qualifications required of a permittee; however, a
1266 felony conviction, other than a crime of violence, does not
1267 automatically disqualify a person from being approved as a manager
1268 if the person was released from incarceration at least three (3)
1269 years prior to application for approval as a manager. A felony
1270 conviction, other than a crime of violence, may be considered by
1271 the department in determining whether all other qualifications are
1272 met.

1273 (c) That the applicant for a package retailer's permit,
1274 if an individual, is a resident of the State of Mississippi. If
1275 the applicant is a partnership, each member of the partnership
1276 must be a resident of the state. If the applicant is a limited
1277 liability company, each member of the limited liability company
1278 must be a resident of the state. If the applicant is a
1279 corporation, the designated manager of the corporation must be a
1280 resident of the state.

1281 (d) That the place for which the permit is to be issued
1282 is an appropriate one considering the character of the premises
1283 and the surrounding neighborhood.



1284 (e) That the place for which the permit is to be issued
1285 is within the corporate limits of an incorporated municipality or
1286 qualified resort area or club which comes within the provisions of
1287 this chapter.

1288 (f) That the applicant is not indebted to the state for
1289 any taxes, fees or payment of penalties imposed by any law of the
1290 State of Mississippi or by any rule or regulation of the * * *
1291 department.

1292 (g) That the applicant is not in the habit of using
1293 alcoholic beverages to excess and is not physically or mentally
1294 incapacitated, and that the applicant has the ability to read and
1295 write the English language.

1296 (h) That the * * * department does not believe and has
1297 no reason to believe that the applicant will sell or knowingly
1298 permit any agent, servant or employee to unlawfully sell liquor in
1299 a dry area or in any other manner contrary to law.

1300 (i) That the applicant is not residentially domiciled
1301 with any person whose permit or license has been cancelled for
1302 cause within the twelve (12) months next preceding the date of the
1303 present application for a permit.

1304 (j) That the * * * department has not, in the exercise
1305 of its discretion which is reserved and preserved to it, refused
1306 to grant permits under the restrictions of this section, as well
1307 as under any other pertinent provision of this chapter.



1308 (k) That there are not sufficient legal reasons to deny
1309 a permit on the ground that the premises for which the permit is
1310 sought has previously been operated, used or frequented for any
1311 purpose or in any manner that is lewd, immoral or offensive to
1312 public decency. In the granting or withholding of any permit to
1313 sell alcoholic beverages at retail, the * * * department in
1314 forming its conclusions may give consideration to any
1315 recommendations made in writing by the district or county attorney
1316 or county, circuit or chancery judge of the county, or the sheriff
1317 of the county, or the mayor or chief of police of an incorporated
1318 city or town wherein the applicant proposes to conduct his
1319 business and to any recommendations made by representatives of
1320 the * * * department.

1321 (1) That the applicant and the applicant's key
1322 employees, as determined by the * * * department, do not have a
1323 disqualifying criminal record. In order to obtain a criminal
1324 record history check, the applicant shall submit to the commission
1325 a set of fingerprints from any local law enforcement agency for
1326 each person for whom the records check is required. The * * *
1327 department shall forward the fingerprints to the Mississippi
1328 Department of Public Safety. If no disqualifying record is
1329 identified at the state level, the Department of Public Safety
1330 shall forward the fingerprints to the Federal Bureau of
1331 Investigation for a national criminal history record check. Costs
1332 for processing the set or sets of fingerprints shall be borne by



1333 the applicant. The department may waive the fingerprint
1334 requirement in the case of an applicant for a direct wine
1335 shipper's permit. The * * * department shall not deny employment
1336 to an employee of the applicant prior to the identification of a
1337 disqualifying record or other disqualifying information.

1338 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is
1339 amended as follows:

1340 67-1-73. (1) Except as otherwise provided in subsection (3)
1341 of this section, every manufacturer, including native wine or
1342 native spirit producers, within or without the state, and every
1343 other shipper of alcoholic beverages who sells any alcoholic
1344 beverage, including native wine or native spirit, within the
1345 state, shall, at the time of making such sale, file with the
1346 department a copy of the invoice of such sale showing in detail
1347 the kind of alcoholic beverage sold, the quantities of each, the
1348 size of the container and the weight of the contents, the
1349 alcoholic content, and the name and address of the person to whom
1350 sold.

1351 (2) Except as otherwise provided in subsection (3) of this
1352 section, every person transporting alcoholic beverages, including
1353 native wine or native spirit, within this state to a point within
1354 this state, whether such transportation originates within or
1355 without this state, shall, within five (5) days after delivery of
1356 such shipment, furnish the department a copy of the bill of lading
1357 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, malt, or other intoxicating liquors or drinks, or for any such person, company, or corporation to transport any spirituous, malt, vinous, or intoxicating liquors or drinks from one place within this state to another place within the state, or from one (1) point within this state to any point without the state, except in cases where this chapter * * *, Section 67-9-1, or Sections 1 through 9 of this act authorizes the transportation.

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



1382 97-31-49. Except as otherwise provided in Sections 1 through
1383 9 of this act, it shall be unlawful for any person, firm or
1384 corporation in this state, in person, by letter, circular, or
1385 other printed or written matter, or in any other manner, to
1386 solicit or take order in this state for any liquors, bitters or
1387 drinks prohibited by the laws of this state to be sold, bartered,
1388 or otherwise disposed of. The inhibition of this section shall
1389 apply to such liquors, bitters and drinks, whether the parties
1390 intend that the same shall be shipped into this state from outside
1391 of the state, or from one (1) point in this state to another point
1392 in this state. If such order be in writing, parol evidence
1393 thereof is admissible without producing or accounting for the
1394 absence of the original; and the taking or soliciting of such
1395 orders is within the inhibition of this section, although the
1396 orders are subject to approval by some other person, and no part
1397 of the price is paid, nor any part of the goods is delivered when
1398 the order is taken.

1399 **SECTION 23.** Section 67-1-83, Mississippi Code of 1972, is
1400 amended as follows:

1401 67-1-83. (1) It shall be unlawful for any permittee or any
1402 employee or agent thereof to sell or furnish any alcoholic
1403 beverage to any person who is visibly intoxicated, or to any
1404 person who is known to habitually drink alcoholic beverages to
1405 excess, or to any person who is known to be an habitual user of
1406 narcotics or other habit-forming drugs. Except as otherwise



1407 provided in Section 67-1-51(1)(b), it shall also be unlawful for
1408 the holder of any package retailer's permit to sell any alcoholic
1409 beverages except by delivery in person to the purchaser at the
1410 place of business of the permittee, unless the holder of a package
1411 retailer's permit also holds a delivery service permit or uses a
1412 delivery service permittee to effect delivery.

1413 (2) It shall be unlawful for any permittee or any employee
1414 or agent thereof to sell or furnish any alcoholic beverage to any
1415 person to whom the department has, after investigation, decided to
1416 prohibit the sale of those beverages because of an appeal to the
1417 department so to do by the husband, wife, father, mother, brother,
1418 sister, child, or employer of the person. The interdiction in
1419 those cases shall last until removed by the department, but no
1420 person shall be held to have violated this subsection unless he
1421 has been informed by the department, by registered letter, that it
1422 is forbidden to sell to that individual or unless that fact is
1423 otherwise known to the permittee or its employee or agent.

1424 (3) It shall be unlawful for any holder of a package
1425 retailer's permit, or any employee or agent thereof, engaged
1426 solely in the business of package retail sales under this chapter
1427 to sell or furnish any alcoholic beverage before 10:00 a.m. and
1428 after 10:00 p.m. or to sell alcoholic beverages on Sunday and
1429 Christmas Day.

1430 (4) Any person who violates any of the provisions of this
1431 section shall be guilty of a misdemeanor and, upon conviction,



1432 shall be punished by a fine of not more than Five Hundred Dollars
1433 (\$500.00) or by imprisonment in the county jail for a term of not
1434 more than six (6) months, or by both that fine and imprisonment,
1435 in the discretion of the court. In addition to any other
1436 penalties prescribed by law, the commission may immediately revoke
1437 the permit of any permittee who violates the provisions of this
1438 section.

1439 **SECTION 24.** Section 67-1-67, Mississippi Code of 1972, is
1440 brought forward as follows:

1441 67-1-67. No permit shall be transferred by the permittee to
1442 any other person or any other place except with the written
1443 consent of the commission upon a regular application therefor in
1444 writing and upon consideration thereof as provided in this chapter
1445 for an original application for a permit. The commission shall
1446 not approve the transfer of the permit of any person against whom
1447 there is pending in the courts or before the commission any charge
1448 of keeping a disorderly house, or of violating this chapter or the
1449 laws against gambling in this state or against whom there is
1450 pending any proceedings for the revocation, suspension or
1451 cancellation of the permit.

1452 **SECTION 25.** This act shall take effect and be in force from
1453 and after July 1, 2022.

