

By: Senator(s) Johnson

To: Finance

SENATE BILL NO. 2844  
(As Sent to Governor)

1 AN ACT TO DIRECT THE DEPARTMENT OF FINANCE AND ADMINISTRATION  
2 TO PROVIDE FOR THE CONSTRUCTION OF A NEW WAREHOUSE FOR THE  
3 DEPARTMENT OF REVENUE'S ALCOHOLIC BEVERAGE CONTROL DIVISION IN THE  
4 JACKSON, MISSISSIPPI, METROPOLITAN AREA; TO PROVIDE THAT LAND  
5 ACQUISITION AND WAREHOUSE DESIGN AND CONSTRUCTION SHALL BE FUNDED  
6 WITH MONIES FROM THE ABC WAREHOUSE CONSTRUCTION FUND AND SUCH  
7 OTHER MONIES AS THE LEGISLATURE MAY MAKE AVAILABLE; TO PROVIDE  
8 REQUIREMENTS FOR THE CONTRACT FOR THE DESIGN AND CONSTRUCTION OF  
9 THE WAREHOUSE; TO DIRECT THE DEPARTMENT OF REVENUE TO CONTRACT FOR  
10 WAREHOUSE AND DISTRIBUTION OPERATIONS; TO PROVIDE THAT THE  
11 DEPARTMENT SHALL PAY REGULAR MAINTENANCE EXPENSES AND SHALL  
12 REIMBURSE THE OPERATOR FOR SERVICES PERFORMED UNDER THE CONTRACT  
13 OUT OF MONIES APPROPRIATED BY THE LEGISLATURE; TO PROVIDE  
14 REQUIREMENTS FOR THE CONTRACT FOR WAREHOUSE AND DISTRIBUTION  
15 OPERATIONS; TO SET THE TERM OF THE CONTRACT AND PROVIDE UP TO TWO  
16 OPTIONAL RENEWALS BEFORE A REQUEST FOR PROPOSALS SHALL BE  
17 REQUIRED; TO REQUIRE THE COMMISSIONER OF REVENUE TO DEVELOP A PLAN  
18 DEMONSTRATING THE METHOD BY WHICH THE STATE WOULD RESUME CONTROL  
19 OF THE WAREHOUSE UPON TERMINATION OF THE CONTRACT; TO REQUIRE THAT  
20 THE PLAN BE SUBMITTED FOR REVIEW AND COMMENT TO THE GOVERNOR AND  
21 THE LEGISLATURE; TO PROVIDE THAT THE COMMISSIONER OF REVENUE SHALL  
22 DESIGNATE AN EXISTING DEPARTMENT EMPLOYEE AS A CONTRACT COMPLIANCE  
23 OFFICER TO MONITOR THE CONTRACT FOR WAREHOUSE AND DISTRIBUTION  
24 OPERATIONS AND SHALL ASSURE OPERATOR COMPLIANCE WITH ITS  
25 PERFORMANCE WORK STATEMENT; TO REQUIRE THE CONTRACT COMPLIANCE  
26 OFFICER TO REPORT AT LEAST ANNUALLY, OR AS REQUESTED, TO THE  
27 GOVERNOR AND THE LEGISLATURE; TO CREATE THE ABC WAREHOUSE  
28 CONSTRUCTION FUND AS A SPECIAL FUND IN THE STATE TREASURY TO  
29 ASSIST THE DEPARTMENT OF FINANCE AND ADMINISTRATION IN PAYING THE  
30 COSTS ASSOCIATED WITH LAND ACQUISITION FOR, AND THE DESIGN,  
31 CONSTRUCTION, FURNISHING AND EQUIPPING OF, THE WAREHOUSE; TO  
32 CREATE THE ABC WAREHOUSE IMPROVEMENTS FUND AS A SPECIAL FUND IN  
33 THE STATE TREASURY TO ASSIST THE DEPARTMENT OF REVENUE IN PAYING  
34 THE COSTS ASSOCIATED WITH OCCASIONAL MAINTENANCE, REPAIRS,



35 UPGRADES AND OTHER IMPROVEMENTS FOR THE WAREHOUSE AND ITS  
36 EQUIPMENT; TO AUTHORIZE THE ISSUANCE OF REVENUE BONDS IN THE  
37 AMOUNT OF \$55,000,000.00 FOR THE ABC WAREHOUSE CONSTRUCTION FUND;  
38 TO CREATE A SPECIAL BOND SINKING FUND FOR THE PURPOSE OF PAYING  
39 THE DEBT SERVICE OF BONDS ISSUED UNDER THIS ACT; TO AMEND SECTION  
40 27-71-11, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE,  
41 AND TO ADD A \$0.25 CHARGE TO THE COST OF EACH CASE OF ALCOHOLIC  
42 BEVERAGES SHIPPED BY THE DEPARTMENT OR ITS WAREHOUSE OPERATOR, TO  
43 BE DEPOSITED INTO THE ABC WAREHOUSE IMPROVEMENTS FUND; TO  
44 PERIODICALLY SUSPEND THE CHARGE WHEN THE AMOUNT IN THE ABC  
45 WAREHOUSE IMPROVEMENTS FUND REACHES CERTAIN THRESHOLDS; TO AMEND  
46 SECTIONS 27-65-5 AND 27-65-25, MISSISSIPPI CODE OF 1972, TO REMOVE  
47 THE SALES TAX ON WHOLESALE PURCHASES OF ALCOHOLIC BEVERAGES; TO  
48 AMEND SECTIONS 67-1-5, 67-1-19, 67-1-33, 67-1-41 AND 67-1-43,  
49 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; TO AMEND  
50 SECTION 67-1-51, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE  
51 BILL NO. 918, 2022 REGULAR SESSION, IN CONFORMITY TO THE ABOVE,  
52 AND TO REVISE CERTAIN DISTANCE RESTRICTIONS; AND FOR RELATED  
53 PURPOSES.

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

55 **SECTION 1. Definitions.** In addition to the definitions  
56 provided in Section 67-1-5, which apply to this article, the  
57 following terms as used in this article shall have the following  
58 meanings unless otherwise required by the context:

59 (a) "Commissioner" means the Commissioner of Revenue.

60 (b) "Construction contractor" means an entity  
61 contracting with the Department of Finance and Administration to  
62 design and construct a warehouse under this article.

63 (c) "Occasional improvements" means items of  
64 maintenance, repairs, upgrades or other improvements for the  
65 warehouse or its equipment that are not performed on a monthly  
66 basis.

67 (d) "Regular maintenance" means monthly overhead  
68 expenses, including, but not limited to, utilities, cleaning  
69 services and lawn care.



70 (e) "Shipping costs" means the cost to the department  
71 per case of alcoholic beverages delivered from the warehouse to  
72 the permittee's premises.

73 (f) "State" means the State of Mississippi.

74 (g) "Warehouse" or "new warehouse" means a liquor  
75 distribution warehouse constructed under this article.

76 (h) "Warehouse operator" or "operator" means an entity  
77 contracting with the department to perform warehouse and  
78 distribution operations.

79 (i) "Warehouse and distribution operations" or  
80 "operations" means services provided to or on behalf of the state  
81 for the management of the warehouse and the distribution of  
82 alcoholic beverages. "Warehouse and distribution operations" or  
83 "operations" may include shipping; however, nothing herein shall  
84 preclude the department from entering into separate contracts for  
85 operations and for shipping.

86 **SECTION 2. Warehouse construction.** (1) The Department of  
87 Finance and Administration, using the monies available in the ABC  
88 Warehouse Construction Fund created in Section 6(1) of this act  
89 and such other monies as the Legislature may make available, shall  
90 purchase land for and shall provide for the design and  
91 construction of a warehouse for the division in the most expedient  
92 and cost-effective manner practicable as determined by the  
93 Executive Director of the Department of Finance and  
94 Administration.



95           (2) The Department of Finance and Administration shall  
96 select a suitable site for the warehouse within fifty (50) miles  
97 of the new state capitol building. In selecting a site, the  
98 Department of Finance and Administration shall consider the  
99 feasibility of selecting state-owned land by comparing the cost of  
100 preparing the state-owned land for construction to the cost of  
101 acquiring other land and preparing such other land for  
102 construction.

103           (3) The contract for design and construction shall provide  
104 that the operator shall be consulted so that the warehouse may, so  
105 far as possible, suit the preferences of the operator in  
106 furtherance of effective operations. The contract shall also  
107 provide that the design shall aim to fill demand for the next  
108 twenty-five (25) years.

109           (4) A contract for warehouse construction shall not be  
110 entered into unless the construction contractor has demonstrated:

111                   (a) The qualifications, experience and management  
112 personnel necessary to carry out the terms of the contract;

113                   (b) The ability to comply with applicable federal and  
114 state laws; and

115                   (c) The ability to expedite the design and construction  
116 of facilities comparable to the warehouse.

117           **SECTION 3. Warehouse and distribution operations.** (1) The  
118 department shall contract for warehouse and distribution



119 operations. The shipping contract in effect on July 1, 2022,  
120 shall remain in effect until the expiration of its term.

121 (2) The department shall pay regular maintenance expenses  
122 and shall reimburse the operator for services performed under the  
123 contract out of monies appropriated by the Legislature.

124 (3) The contract shall include the following terms:

125 (a) The department shall pay the operator cost-plus on  
126 these operations at a set dollar amount per case of alcoholic  
127 beverages sold. Otherwise, the contract shall not alter the  
128 current cash flow of operations;

129 (b) The operator shall be allotted a monthly spending  
130 limit for occasional improvements. The state may, at any time,  
131 review the operator's spending. The operator shall obtain prior  
132 state approval for any spending over the monthly limit set in the  
133 contract. The contract shall allow the operator to pay out of  
134 pocket, in which case the state will reimburse the operator on a  
135 monthly basis out of monies in the ABC Warehouse Improvements Fund  
136 created in Section 6(2) of this act;

137 (c) Shipping costs, where the contract encompasses  
138 shipping, shall be based on a set dollar amount per case of  
139 alcoholic beverages shipped from the warehouse to the permittee's  
140 premises;

141 (d) The department and the operator may provide for the  
142 operator's software to interface with the department's TAP system  
143 in a manner allowing for information sharing in furtherance of



144 efficient operations while also protecting the security of the TAP  
145 system;

146 (e) The department shall develop quality and efficiency  
147 criteria for determining whether to renew a contract for warehouse  
148 and distribution operations;

149 (f) The obligation of the department to proceed under  
150 the contract is conditioned upon the appropriation of funds by the  
151 Legislature and the receipt of state or federal funds. If the  
152 funds anticipated for the continuing time fulfillment of the  
153 agreement are, at any time, not forthcoming or insufficient,  
154 either through the failure of the federal government to provide  
155 funds or of the State of Mississippi to appropriate funds, or the  
156 discontinuance or material alteration of the program under which  
157 funds were provided, or if funds are not otherwise available to  
158 the department, the department shall have the right, upon ten (10)  
159 working days' written notice to the operator, to terminate this  
160 agreement without damage, penalty, cost or other expenses to the  
161 department of any kind whatsoever. The effective date of  
162 termination shall be as specified in the notice of termination;

163 (g) The state and the operator as parties to the  
164 contract and all terms of the contract shall be subject to and  
165 governed by the laws of the state at the time the contract is  
166 entered into, and any later amendments to such laws, through the  
167 duration of the contract; and



168 (h) The operator shall be required to comply with any  
169 duties, responsibilities, conditions or other provisions required  
170 by state law during the duration of the contract, regardless of  
171 whether such duties, responsibilities, conditions or other  
172 provisions were required by state law at the time the contract was  
173 entered into.

174 (4) The initial contract for operations shall terminate on  
175 the earlier of: (a) four (4) years from the date it commences; or  
176 (b) the last day of the use of the warehouse that is in service on  
177 July 1, 2022. The contract may be renewed for four (4) years,  
178 with another option to renew at the end of that four-year term.  
179 The department shall issue requests for proposals before entering  
180 any subsequent contract. Requests for proposals shall be required  
181 whenever a contract is not renewed, but no less frequently than  
182 every twelve (12) years.

183 (5) The contract shall provide that all employees needed for  
184 operations shall be employees of the operator.

185 (6) A contract for warehouse and distribution operations  
186 shall not be entered into unless the operator has demonstrated:

187 (a) The qualifications, experience and management  
188 personnel necessary to carry out the terms of the contract; and

189 (b) The ability to comply with applicable federal and  
190 state laws.

191 (7) A contract for operations shall not be entered into  
192 unless the following requirements are met:



193 (a) In addition to fire and casualty insurance, the  
194 operator provides at least Ten Million Dollars (\$10,000,000.00) of  
195 liability insurance. The liability insurance shall be issued by  
196 an insurance company with a rating of at least an A- according to  
197 AM Best standards. In determining the adequacy of such insurance,  
198 the Department of Finance and Administration shall determine  
199 whether:

200 (i) The insurance is adequate to protect the state  
201 from any and all actions by a third party against the operator or  
202 the state as a result of the contract;

203 (ii) The insurance is adequate to protect the  
204 state against any and all claims arising as a result of any  
205 occurrence during the term of the contract;

206 (iii) The insurance is adequate to assure the  
207 operator's ability to fulfill its contract with the state in all  
208 respects, and to assure that the operator is not limited in this  
209 ability because of financial liability which results from  
210 judgments; and

211 (iv) The insurance is adequate to satisfy such  
212 other requirements specified by the independent risk  
213 management/actuarial firm.

214 (b) The sovereign immunity of the state shall not apply  
215 to the operator. Neither the operator nor the operator's insurer  
216 may plead the defense of sovereign immunity in any action arising  
217 out of the performance of the contract.





218 (c) The operator shall post a performance bond to  
219 assure the operator's faithful performance of the specifications  
220 and conditions of the contract. The bond is required throughout  
221 the term of the contract. The terms and conditions must be  
222 approved by the department and the Department of Finance and  
223 Administration, and such approval is a condition precedent to the  
224 contract taking effect.

225 (d) The operator shall defend any suit or claim brought  
226 against the state arising out of any act or omission in  
227 operations, and shall hold the state harmless from such claim or  
228 suit. The operator shall be solely responsible for the payment of  
229 any legal or other costs relative to any such claim or suit. The  
230 operator shall reimburse the state for any costs that it may incur  
231 as a result of such claim or suit immediately upon being submitted  
232 a statement therefor by the Attorney General.

233 Any suit brought or claim made arising out of any act or  
234 omission in operations shall be made or brought against the  
235 operator and not the state.

236 The Attorney General retains all rights and emoluments of his  
237 or her office which include direction and control over any  
238 litigation or claim involving the state.

239 **SECTION 4. Resumption of control by state upon contract**  
240 **termination.** A plan shall be developed and certified by the  
241 commissioner which demonstrates the method by which the state  
242 would resume control of the warehouse upon termination of the



243 contract for operations. The plan shall be submitted for review  
244 and comment to the Governor, the Lieutenant Governor, the Speaker  
245 of the House, the Chairmen of the Senate Finance Committee and the  
246 House Ways and Means Committee, and the Joint Legislative  
247 Committee on Performance Evaluation and Expenditure Review.

248 **SECTION 5. Contract compliance officer.** (1) The  
249 commissioner shall designate an employee of the department as a  
250 contract compliance officer within the department who shall  
251 monitor the contract between the state and the operator for  
252 warehouse and distribution operations, and shall assure operator  
253 compliance with its performance work statement.

254 (2) The contract compliance officer shall be responsible for  
255 monitoring all aspects of the warehouse. The officer shall be  
256 provided an on-site work area, shall be on site on a daily basis,  
257 and shall have access to all areas of the warehouse and staff at  
258 all times. The operator shall provide any and all data, reports  
259 and other materials that the contract compliance officer  
260 determines are necessary to carry out monitoring responsibilities  
261 under this section.

262 (3) The contract compliance officer shall report at least  
263 annually, or as requested, to the Governor and the Legislature.

264 **SECTION 6. Special funds.** (1) A special fund, to be  
265 designated the "ABC Warehouse Construction Fund," is created  
266 within the State Treasury. The fund shall be maintained by the  
267 State Treasurer as a separate and special fund, separate and apart



268 from the General Fund of the state. Monies in this special fund  
269 shall be used to assist the Department of Finance and  
270 Administration in paying the costs associated with land  
271 acquisition for, and the design, construction, furnishing and  
272 equipping of, a new warehouse for the Department of Revenue's  
273 Alcoholic Beverage Control Division. In addition, monies in this  
274 special fund shall be used to pay the costs of relocating  
275 inventory to the new warehouse from the warehouse that is in  
276 service on July 1, 2022. Unexpended amounts remaining in the fund  
277 at the end of a fiscal year shall not lapse into the State General  
278 Fund, and any interest earned or investment earnings or interest  
279 earned on amounts in the fund shall be deposited to the credit of  
280 the fund.

281 (2) A special fund, to be designated the "ABC Warehouse  
282 Improvements Fund," is created within the State Treasury. The  
283 fund shall be maintained by the State Treasurer as a separate and  
284 special fund, separate and apart from the General Fund of the  
285 state. Monies in this special fund shall be used to assist the  
286 Department of Revenue in paying the costs associated with  
287 occasional improvements. Unexpended amounts remaining in the fund  
288 at the end of a fiscal year shall not lapse into the State General  
289 Fund, and any interest earned or investment earnings or interest  
290 earned on amounts in the fund shall be deposited to the credit of  
291 the fund.



292           **SECTION 7. Revenue bonds.** (1) As used in this section, the  
293 following words shall have the meanings ascribed herein unless the  
294 context clearly requires otherwise:

295           (a) "Accreted value" of any bond means, as of any date  
296 of computation, an amount equal to the sum of (i) the stated  
297 initial value of such bond, plus (ii) the interest accrued thereon  
298 from the issue date to the date of computation at the rate,  
299 compounded semiannually, that is necessary to produce the  
300 approximate yield to maturity shown for bonds of the same  
301 maturity.

302           (b) "State" means the State of Mississippi.

303           (c) "Commission" means the State Bond Commission.

304           (2) (a) Monies deposited into the ABC Warehouse  
305 Construction Fund created in Section 6(1) of this act shall be  
306 disbursed, in the discretion of the Department of Finance and  
307 Administration, to assist in paying the costs associated with land  
308 acquisition for, and the design, construction, furnishing and  
309 equipping of, a new warehouse for the Department of Revenue's  
310 Alcoholic Beverage Control Division.

311           (b) Amounts deposited into the ABC Warehouse  
312 Construction Fund created in Section 6(1) of this act shall be  
313 disbursed to pay the costs of the projects described in paragraph  
314 (a) of this subsection. Promptly after the commission has  
315 certified, by resolution duly adopted, that the projects described  
316 in paragraph (a) of this subsection have been completed,



317 abandoned, or cannot be completed in a timely fashion, any amounts  
318 remaining in such special fund shall be applied to pay debt  
319 service on the bonds issued under this section, in accordance with  
320 the proceedings authorizing the issuance of such bonds and as  
321 directed by the commission.

322 (3) For the purpose of providing for the payment of the  
323 principal of and interest upon bonds issued under this section,  
324 there is created a special bond sinking fund in the State  
325 Treasury. The special bond sinking fund shall consist of such  
326 amounts as may be paid into such fund under this act, by  
327 appropriation or by other authorization by the Legislature.  
328 Except as otherwise provided in this section, monies in the  
329 special bond sinking fund shall be used to pay the debt service  
330 requirements of the bonds issued under this section. If the  
331 special bond sinking fund has a balance below the minimum amount  
332 specified in the resolution providing for the issuance of the  
333 bonds, or below one and one-half (1-1/2) times the amount needed  
334 to pay the annual debt obligations related to the bonds issued  
335 under this section, whichever is the lesser amount, the  
336 Commissioner of Revenue shall transfer the deficit amount to the  
337 bond sinking fund from revenue derived from the twenty-seven and  
338 one-half percent (27-1/2%) markup provided for in Section  
339 27-71-11. Unexpended amounts remaining in the special bond  
340 sinking fund at the end of a fiscal year shall not lapse into the  
341 State General Fund, and any interest earned or investment earnings



342 on amounts in the special bond sinking fund shall be deposited  
343 into such sinking fund. If the special bond sinking fund has a  
344 balance in excess of the amount needed to pay the debt service and  
345 meet the obligations related to the bonds issued under this  
346 section, as determined in the resolution providing for the  
347 issuance of the bonds, the excess monies shall be transferred to  
348 the State General Fund.

349 (4) (a) The commission, at one time, or from time to time,  
350 may declare by resolution the necessity for issuance of revenue  
351 bonds of the State of Mississippi to provide funds for all costs  
352 incurred or to be incurred for the purposes described in  
353 subsection (2) of this section. Upon the adoption of a resolution  
354 by the Department of Finance and Administration, declaring the  
355 necessity for the issuance of any part or all of the revenue bonds  
356 authorized by this subsection, the Department of Finance and  
357 Administration shall deliver a certified copy of its resolution or  
358 resolutions to the commission. Upon receipt of such resolution,  
359 the commission, in its discretion, may act as the issuing agent,  
360 prescribe the form of the bonds, determine the appropriate method  
361 for sale of the bonds, advertise for and accept bids or negotiate  
362 the sale of the bonds, issue and sell the bonds so authorized to  
363 be sold, and do any and all other things necessary and advisable  
364 in connection with the issuance and sale of such bonds. The total  
365 amount of bonds issued under this section shall not exceed  
366 Fifty-five Million Dollars (\$55,000,000.00).



367 (b) Any investment earnings on amounts deposited into  
368 the ABC Warehouse Construction Fund created in Section 6(1) of  
369 this act shall be used to pay debt service on bonds issued under  
370 this section, in accordance with the proceedings authorizing  
371 issuance of such bonds.

372 (5) The principal of and interest on the bonds authorized  
373 under this section shall be payable in the manner provided in this  
374 subsection. Such bonds shall bear such date or dates, be in such  
375 denomination or denominations, bear interest at such rate or rates  
376 (not to exceed the limits set forth in Section 75-17-101,  
377 Mississippi Code of 1972), be payable at such place or places  
378 within or without the State of Mississippi, shall mature  
379 absolutely at such time or times not to exceed twenty-five (25)  
380 years from date of issue, be redeemable before maturity at such  
381 time or times and upon such terms, with or without premium, shall  
382 bear such registration privileges, and shall be substantially in  
383 such form, all as shall be determined by resolution of the  
384 commission.

385 (6) The bonds authorized by this section shall be signed by  
386 the chairman of the commission, or by his facsimile signature, and  
387 the official seal of the commission shall be affixed thereto,  
388 attested by the secretary of the commission. The interest  
389 coupons, if any, to be attached to such bonds may be executed by  
390 the facsimile signatures of such officers. Whenever any such  
391 bonds have been signed by the officials designated to sign the



392 bonds who were in office at the time of such signing, but who may  
393 have ceased to be such officers before the sale and delivery of  
394 such bonds, or who may not have been in office on the date such  
395 bonds may bear, the signatures of such officers upon such bonds  
396 and coupons shall nevertheless be valid and sufficient for all  
397 purposes and have the same effect as if the person so officially  
398 signing such bonds had remained in office until their delivery to  
399 the purchaser, or had been in office on the date such bonds may  
400 bear. However, notwithstanding anything herein to the contrary,  
401 such bonds may be issued as provided in the Registered Bond Act of  
402 the State of Mississippi.

403 (7) All bonds and interest coupons issued under the  
404 provisions of this section have all the qualities and incidents of  
405 negotiable instruments under the provisions of the Uniform  
406 Commercial Code, and in exercising the powers granted by this  
407 section, the commission shall not be required to and need not  
408 comply with the provisions of the Uniform Commercial Code.

409 (8) The commission shall act as issuing agent for the bonds  
410 authorized under this section, prescribe the form of the bonds,  
411 determine the appropriate method for sale of the bonds, advertise  
412 for and accept bids or negotiate the sale of the bonds, issue and  
413 sell the bonds so authorized to be sold, pay all fees and costs  
414 incurred in such issuance and sale, and do any and all other  
415 things necessary and advisable in connection with the issuance and  
416 sale of such bonds. The commission is authorized and empowered to





417 pay the costs that are incident to the sale, issuance and delivery  
418 of the bonds authorized under this section from the proceeds  
419 derived from the sale of such bonds. The commission may sell such  
420 bonds on sealed bids at public sale or may negotiate the sale of  
421 the bonds for such price as it may determine to be for the best  
422 interest of the State of Mississippi. All interest accruing on  
423 such bonds so issued shall be payable semiannually or annually.

424 If such bonds are sold by sealed bids at public sale, notice  
425 of the sale shall be published at least one time, not less than  
426 ten (10) days before the date of sale, and shall be so published  
427 in one or more newspapers published or having a general  
428 circulation in the City of Jackson, Mississippi, selected by the  
429 commission.

430 The commission, when issuing any bonds under the authority of  
431 this section, may provide that bonds, at the option of the State  
432 of Mississippi, may be called in for payment and redemption at the  
433 call price named therein and accrued interest on such date or  
434 dates named therein.

435 (9) The bonds issued under the provisions of this section  
436 shall be revenue bonds of the state, the principal of and interest  
437 on which shall be payable solely from and shall be secured by the  
438 special bond sinking fund created in subsection (3) of this  
439 section. The bonds shall never constitute an indebtedness of the  
440 state within the meaning of any state constitutional provision or  
441 statutory limitation, and shall never constitute or give rise to a



442 pecuniary liability of the state, or a charge against its general  
443 credit or taxing powers, and such fact shall be plainly stated on  
444 the face of each such bond. The bonds shall not be considered  
445 when computing any limitation of indebtedness of the state. All  
446 bonds issued under the authority of this section and all interest  
447 coupons applicable thereto shall be construed to be negotiable  
448 instruments, despite the fact that they are payable solely from a  
449 specified source.

450 (10) Upon the issuance and sale of bonds under the  
451 provisions of this section, the commission shall transfer the  
452 proceeds of any such sale or sales to the ABC Warehouse  
453 Construction Fund created in Section 6(1) of this act. The  
454 proceeds of such bonds shall be disbursed solely upon the order of  
455 the Department of Finance and Administration under such  
456 restrictions, if any, as may be contained in the resolution  
457 providing for the issuance of the bonds.

458 (11) The bonds authorized under this section may be issued  
459 without any other proceedings or the happening of any other  
460 conditions or things other than those proceedings, conditions and  
461 things which are specified or required by this section. Any  
462 resolution providing for the issuance of bonds under the  
463 provisions of this section shall become effective immediately upon  
464 its adoption by the commission, and any such resolution may be  
465 adopted at any regular or special meeting of the commission by a  
466 majority of its members.



467           (12) The bonds authorized under the authority of this  
468 section may be validated in the Chancery Court of the First  
469 Judicial District of Hinds County, Mississippi, in the manner and  
470 with the force and effect provided by Title 31, Chapter 13,  
471 Mississippi Code of 1972, for the validation of county, municipal,  
472 school district and other bonds. The notice to taxpayers required  
473 by such statutes shall be published in a newspaper published or  
474 having a general circulation in the City of Jackson, Mississippi.

475           (13) Any holder of bonds issued under the provisions of this  
476 section or of any of the interest coupons pertaining thereto may,  
477 either at law or in equity, by suit, action, mandamus or other  
478 proceeding, protect and enforce any and all rights granted under  
479 this section, or under such resolution, and may enforce and compel  
480 performance of all duties required by this section to be  
481 performed, in order to provide for the payment of bonds and  
482 interest thereon.

483           (14) All bonds issued under the provisions of this section  
484 shall be legal investments for trustees and other fiduciaries, and  
485 for savings banks, trust companies and insurance companies  
486 organized under the laws of the State of Mississippi, and such  
487 bonds shall be legal securities which may be deposited with and  
488 shall be received by all public officers and bodies of this state  
489 and all municipalities and political subdivisions for the purpose  
490 of securing the deposit of public funds.



491 (15) Bonds issued under the provisions of this section and  
492 income therefrom shall be exempt from all taxation in the State of  
493 Mississippi.

494 (16) The proceeds of the bonds issued under this section  
495 shall be used solely for the purposes herein provided, including  
496 the costs incident to the issuance and sale of such bonds.

497 (17) The State Treasurer is authorized, without further  
498 process of law, to certify to the Department of Finance and  
499 Administration the necessity for warrants. The Department of  
500 Finance and Administration is authorized and directed to issue  
501 such warrants, in such amounts as may be necessary to pay when due  
502 the principal of, premium, if any, and interest on, or the  
503 accreted value of, all bonds issued under this section. The State  
504 Treasurer shall forward the necessary amount to the designated  
505 place or places of payment of such bonds in ample time to  
506 discharge such bonds, or the interest thereon, on the due dates  
507 thereof.

508 (18) This section shall be deemed to be full and complete  
509 authority for the exercise of the powers herein granted, but this  
510 section shall not be deemed to repeal or to be in derogation of  
511 any existing law of this state.

512 **SECTION 8.** Section 27-71-11, Mississippi Code of 1972, is  
513 amended as follows:

514 27-71-11. (1) The \* \* \* department shall from time to time  
515 by resolution request the State Bond Commission to provide



516 sufficient funds required to maintain an adequate alcoholic  
517 beverage inventory. Said funds shall be provided under the  
518 provisions of Chapter 557, Laws of 1966.

519 (2) The \* \* \* department shall add to the cost of all  
520 alcoholic beverages a markup of twenty-seven and one-half percent  
521 (27-1/2%), inclusive of the three percent (3%) markup imposed by  
522 Section 27-71-7(2).

523 (3) In addition to other excise taxes and markups imposed in  
524 this section and in Section 27-71-7, the department shall add to  
525 the cost of all alcoholic beverages shipped a charge of  
526 Twenty-five Cents (25¢) per case, to be deposited into the ABC  
527 Warehouse Improvements Fund created in Section 6(2) of this act.  
528 However, any unobligated amounts above Ten Million Dollars  
529 (\$10,000,000.00) remaining in the ABC Warehouse Improvements Fund  
530 at the end of a fiscal year shall be transferred to the State  
531 General Fund.

532 (4) Notwithstanding the contract for warehouse and  
533 distribution operations under Section 3 of this act, the  
534 department shall remain responsible for purchasing and selling  
535 alcoholic beverages. The \* \* \* department shall sell alcoholic  
536 beverages at uniform prices throughout the state. Pricing for all  
537 alcoholic beverages shall be set by the addition of the markup and  
538 taxes to the price at which the beverages were purchased by the  
539 department.



540       (5) A permittee's order shall qualify for shipping when it  
541 includes the minimum number of cases of alcoholic beverages as set  
542 by the department. The department shall place qualifying orders  
543 in a queue for shipment in the order in which the orders are made.  
544 An order of fewer than the minimum number of cases, and special  
545 orders, shall be added to the permittee's next qualified shipment.  
546 The department shall give sufficient notice of any change in the  
547 minimum number of cases for shipping and shall allow the  
548 opportunity for comment.

549       (6) The department shall set a per-case shipping fee to be  
550 charged to permittees. The department shall adjust the fee to  
551 match, as closely as possible, the shipping costs as defined in  
552 Section 1 of this act. The shipping fee charged under this  
553 subsection shall be deposited to the credit of the ABC Shipping  
554 Fund created in Section 27-71-29.

555       (7) The department shall charge manufacturers a bailment fee  
556 of One Dollar (\$1.00) per case of alcoholic beverages stored in  
557 the warehouse, to be deposited to the credit of the bond sinking  
558 fund created in Section 7(3) of this act.

559       **SECTION 9.** Section 27-71-29, Mississippi Code of 1972, is  
560 amended as follows:

561       27-71-29. (1) All taxes levied by this article shall be  
562 paid to the Department of Revenue in cash or by personal check,  
563 cashier's check, bank exchange, post office money order or express  
564 money order and shall be deposited by the department in the State



565 Treasury on the same day collected, but no remittances other than  
566 cash shall be a final discharge of liability for the tax herein  
567 imposed and levied unless and until it has been paid in cash to  
568 the department.

569 All taxes levied under Section 27-71-7(1) and received by the  
570 department under this article shall be paid into the General Fund,  
571 and the three percent (3%) levied under Section 27-71-7(2) and  
572 received by the department under this article shall be paid into  
573 the special fund in the State Treasury designated as the  
574 "Alcoholism Treatment and Rehabilitation Fund" as required by law.  
575 Any funds derived from the sale of alcoholic beverages in excess  
576 of inventory requirements shall be paid not less often than  
577 annually into the General Fund, except for a portion of the  
578 twenty-seven and one-half percent (27-1/2%) markup provided for in  
579 Section 27-71-11, as specified in subsection (2) of this section,  
580 and except for fees charged by the department for the defraying of  
581 costs associated with shipping alcoholic beverages. The revenue  
582 derived from these fees shall be deposited by the department into  
583 a special fund, hereby created in the State Treasury, which is  
584 designated the "ABC Shipping Fund." The monies in this special  
585 fund shall be earmarked for use by the department for any  
586 expenditure made to ship alcoholic beverages. Any net proceeds  
587 remaining in the special fund on August 1 of any fiscal year shall  
588 lapse into the General Fund. "Net proceeds" in this section means



589 the total of all fees collected by the department to defray the  
590 costs of shipping less the actual costs of shipping.

591 (2) If the special bond sinking fund created in Section 7(3)  
592 of this act has a balance below the minimum amount specified in  
593 the resolution providing for the issuance of the bonds, or below  
594 one and one-half (1-1/2) times the amount needed to pay the annual  
595 debt obligations related to the bonds issued under Section 7 of  
596 this act, whichever is the lesser amount, the Commissioner of  
597 Revenue shall transfer the deficit amount to the bond sinking fund  
598 from revenue derived from the twenty-seven and one-half percent  
599 (27-1/2%) markup provided for in Section 27-71-11.

600 **SECTION 10.** Section 27-65-5, Mississippi Code of 1972, is  
601 amended as follows:

602 27-65-5. "Wholesaler," "jobber" or "distributor" means a  
603 person doing a regularly organized wholesale or jobbing business,  
604 known to the trade as such, and selling to licensed retail dealers  
605 or other wholesalers for resale in the regular course of business.  
606 This classification has no bearing on rates of tax due under this  
607 chapter, each sale or part of sales being taxable or exempt  
608 depending upon the class in which it falls.

609 "Wholesale sales" shall apply to:

610 (1) A sale of tangible personal property taxable  
611 under \* \* \* Section 27-65-17 \* \* \* for resale in the regular line  
612 of business, when made in good faith to a retailer regularly





613 selling or renting that property and when the dealer is licensed  
614 under Section 27-65-27 of this chapter if located in this state.

615 A sale of a service taxable under Section 27-65-23 for resale  
616 in the regular line of business, when made to a regular dealer in  
617 that service and when the dealer is licensed under Section  
618 27-65-27 of this chapter if located in this state, or a charge for  
619 custom processing rendered upon merchandise for resale or rental  
620 by a dealer licensed under Section 27-65-27.

621 A sale of telecommunications services taxable under Section  
622 27-65-19 for resale in the regular course of business, when made  
623 to a regular telecommunications provider of the service and the  
624 provider is the holder of a permit issued under Section 27-65-27  
625 and is located in this state or is providing telecommunications  
626 services in this state.

627 A sale of specified digital product taxable under Section  
628 27-65-26 for resale in the regular course of business, when made  
629 to a regular dealer of specified digital products and the dealer  
630 is the holder of a permit issued under Section 27-65-27 and is  
631 located in this state.

632 "Wholesale sale" shall not include a transaction whereby  
633 property is delivered to, and collection for the transaction is  
634 made from, a person that will consume the property rather than  
635 resell it even though the billing is to a retailer.

636 However, when a taxpayer sells merchandise and has paid a  
637 rate equal to the retail rate of tax on the purchase price to a



638 wholesaler, the taxpayer may take credit for the tax paid to the  
639 wholesaler from the tax due on the sale of the merchandise  
640 specifically included in his return to the commissioner.

641 (2) A sale of tangible personal property (except sand  
642 or gravel when sold by the producer thereof) or service which is  
643 to become a component part of a structure or improvement erected,  
644 constructed, repaired, or made only when the sale is made to a  
645 contractor taxable under Section 27-65-21 of this chapter on the  
646 contract in which the component materials are to be used; and only  
647 when the contractor holds a material purchase certificate as  
648 required by Section 27-65-21 of this chapter.

649 (3) A sale of boxes, crates, cartons, cans, bottles and  
650 other packaging materials to a retailer or retail custom processor  
651 for use as a container to accompany goods or services sold by the  
652 retailer or custom processor where possession thereof will pass to  
653 the customer at the time of sale of the goods or services  
654 contained therein.

655 (4) The value of soft drinks and syrup withdrawn from  
656 the business by a manufacturer for sale at retail and food or  
657 drink withdrawn by a manufacturer or wholesaler to be sold through  
658 full service vending machines for human consumption.

659 The quantity of property or services sold or the price at  
660 which sold is immaterial in determining whether or not a sale is  
661 at wholesale. Sales may be classed as wholesale, or exempt, only  
662 if evidenced by proper and adequate records and invoices to



663 substantiate the wholesale rate or exemption from the tax on each  
664 individual sale.

665         The substantiation of the wholesale sales must be by an  
666 invoice clearly indicating the date, the name and address of the  
667 vendor and vendee, the items sold and the price thereof. Such  
668 proof of wholesale sales shall be filed in chronological order and  
669 thus preserved for a period of three (3) years from the date of  
670 sale. These records shall be subject to inspection by the  
671 commissioner and his agents, at their discretion, for the  
672 verification of returns filed by either the wholesaler or his  
673 customers.

674         The substantiation of an exempt sale must be by an invoice  
675 containing the same information as required for the wholesale  
676 sales. This requirement shall apply equally to a retailer making  
677 wholesale or exempt sales.

678         Any failure to comply with all the above requirements shall  
679 subject the violator to the retail rate of tax on all such  
680 violations.

681         **SECTION 11.** Section 27-65-25, Mississippi Code of 1972, is  
682 amended as follows:

683         27-65-25. Upon every person engaging or continuing within  
684 this state in the business of selling alcoholic beverages at  
685 retail, the sales of which are legal under the provisions of  
686 Chapter 1 of Title 67, Mississippi Code of 1972, there is hereby  
687 levied, assessed and shall be collected a tax equal to seven



688 percent (7%) of the gross proceeds of the retail sales of the  
689 business. \* \* \*

690 **SECTION 12.** Section 67-1-5, Mississippi Code of 1972, is  
691 amended as follows:

692 67-1-5. For the purposes of this chapter and unless  
693 otherwise required by the context:

694 (a) "Alcoholic beverage" means any alcoholic liquid,  
695 including wines of more than five percent (5%) of alcohol by  
696 weight, capable of being consumed as a beverage by a human being,  
697 but shall not include light wine, light spirit product and beer,  
698 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
699 include native wines and native spirits. The words "alcoholic  
700 beverage" shall not include ethyl alcohol manufactured or  
701 distilled solely for fuel purposes or beer of an alcoholic content  
702 of more than eight percent (8%) by weight if the beer is legally  
703 manufactured in this state for sale in another state.

704 (b) "Alcohol" means the product of distillation of any  
705 fermented liquid, whatever the origin thereof, and includes  
706 synthetic ethyl alcohol, but does not include denatured alcohol or  
707 wood alcohol.

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



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

716 (e) "Person" means and includes any individual,  
717 partnership, corporation, association or other legal entity  
718 whatsoever.

719 (f) "Manufacturer" means any person engaged in  
720 manufacturing, distilling, rectifying, blending or bottling any  
721 alcoholic beverage.

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

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

729 (i) "State Tax Commission," "commission" or  
730 "department" means the Department of Revenue of the State of  
731 Mississippi, which shall create a division in its organization to  
732 be known as the Alcoholic Beverage Control Division. Any  
733 reference to the commission or the department hereafter means the  
734 powers and duties of the Department of Revenue with reference to  
735 supervision of the Alcoholic Beverage Control Division.



736 (j) "Division" means the Alcoholic Beverage Control  
737 Division of the Department of Revenue.

738 (k) "Municipality" means any incorporated city or town  
739 of this state.

740 (l) "Hotel" means an establishment within a  
741 municipality, or within a qualified resort area approved as such  
742 by the department, where, in consideration of payment, food and  
743 lodging are habitually furnished to travelers and wherein are  
744 located at least twenty (20) adequately furnished and completely  
745 separate sleeping rooms with adequate facilities that persons  
746 usually apply for and receive as overnight accommodations. Hotels  
747 in towns or cities of more than twenty-five thousand (25,000)  
748 population are similarly defined except that they must have fifty  
749 (50) or more sleeping rooms. Any such establishment described in  
750 this paragraph with less than fifty (50) beds shall operate one or  
751 more regular dining rooms designed to be constantly frequented by  
752 customers each day. When used in this chapter, the word "hotel"  
753 shall also be construed to include any establishment that meets  
754 the definition of "bed and breakfast inn" as provided in this  
755 section.

756 (m) "Restaurant" means:

757 (i) A place which is regularly and in a bona fide  
758 manner used and kept open for the serving of meals to guests for  
759 compensation, which has suitable seating facilities for guests,  
760 and which has suitable kitchen facilities connected therewith for



761 cooking an assortment of foods and meals commonly ordered at  
762 various hours of the day; the service of such food as sandwiches  
763 and salads only shall not be deemed in compliance with this  
764 requirement. Except as otherwise provided in this paragraph, no  
765 place shall qualify as a restaurant under this chapter unless  
766 twenty-five percent (25%) or more of the revenue derived from such  
767 place shall be from the preparation, cooking and serving of meals  
768 and not from the sale of beverages, or unless the value of food  
769 given to and consumed by customers is equal to twenty-five percent  
770 (25%) or more of total revenue; or

771 (ii) Any privately owned business located in a  
772 building in a historic district where the district is listed in  
773 the National Register of Historic Places, where the building has a  
774 total occupancy rating of not less than one thousand (1,000) and  
775 where the business regularly utilizes ten thousand (10,000) square  
776 feet or more in the building for live entertainment, including not  
777 only the stage, lobby or area where the audience sits and/or  
778 stands, but also any other portion of the building necessary for  
779 the operation of the business, including any kitchen area, bar  
780 area, storage area and office space, but excluding any area for  
781 parking. In addition to the other requirements of this  
782 subparagraph, the business must also serve food to guests for  
783 compensation within the building and derive the majority of its  
784 revenue from event-related fees, including, but not limited to,  
785 admission fees or ticket sales to live entertainment in the



786 building, and from the rental of all or part of the facilities of  
787 the business in the building to another party for a specific event  
788 or function.

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

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

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

795 (iii) Maintained by its members through the  
796 payment of annual dues;

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

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

805 (vi) No member, officer, agent or employee of  
806 which is paid, or directly or indirectly receives, in the form of  
807 a salary or other compensation any profit from the distribution or  
808 sale of alcoholic beverages to the club or to members or guests of  
809 the club beyond such salary or compensation as may be fixed and





810 voted at a proper meeting by the board of directors or other  
811 governing body out of the general revenues of the club.

812         The department may, in its discretion, waive the five-year  
813 provision of this paragraph. In order to qualify under this  
814 paragraph, a club must file with the department, at the time of  
815 its application for a license under this chapter, two (2) copies  
816 of a list of the names and residences of its members and similarly  
817 file, within ten (10) days after the election of any additional  
818 member, his name and address. Each club applying for a license  
819 shall also file with the department at the time of the application  
820 a copy of its articles of association, charter of incorporation,  
821 bylaws or other instruments governing the business and affairs  
822 thereof.

823         (o) "Qualified resort area" means any area or locality  
824 outside of the limits of incorporated municipalities in this state  
825 commonly known and accepted as a place which regularly and  
826 customarily attracts tourists, vacationists and other transients  
827 because of its historical, scenic or recreational facilities or  
828 attractions, or because of other attributes which regularly and  
829 customarily appeal to and attract tourists, vacationists and other  
830 transients in substantial numbers; however, no area or locality  
831 shall so qualify as a resort area until it has been duly and  
832 properly approved as such by the department. The department may  
833 not approve an area as a qualified resort area after July 1, 2018,  
834 if any portion of such proposed area is located within two (2)



835 miles of a convent or monastery that is located in a county  
836 traversed by Interstate 55 and U.S. Highway 98. A convent or  
837 monastery may waive such distance restrictions in favor of  
838 allowing approval by the department of an area as a qualified  
839 resort area. Such waiver shall be in written form from the owner,  
840 the governing body, or the appropriate officer of the convent or  
841 monastery having the authority to execute such a waiver, and the  
842 waiver shall be filed with and verified by the department before  
843 becoming effective.

844 (i) The department may approve an area or locality  
845 outside of the limits of an incorporated municipality that is in  
846 the process of being developed as a qualified resort area if such  
847 area or locality, when developed, can reasonably be expected to  
848 meet the requisites of the definition of the term "qualified  
849 resort area." In such a case, the status of qualified resort area  
850 shall not take effect until completion of the development.

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

859 (iii) The term includes:



860                   1. The clubhouses associated with the state  
861 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
862 State Park, the Percy Quin State Park and the Hugh White State  
863 Park;

864                   2. The clubhouse and associated golf course,  
865 tennis courts and related facilities and swimming pool and related  
866 facilities where the golf course, tennis courts and related  
867 facilities and swimming pool and related facilities are adjacent  
868 to one or more planned residential developments and the golf  
869 course and all such developments collectively include at least  
870 seven hundred fifty (750) acres and at least four hundred (400)  
871 residential units;

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

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

881                   5. Any facility that is located in a  
882 municipality that is bordered by the Pearl River, traversed by  
883 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
884 International Airport and is located in a county which has voted



885 against coming out from under the dry law; however, any such  
886 facility may only be located in areas designated by the governing  
887 authorities of such municipality;

888                   6. Any municipality with a population in  
889 excess of ten thousand (10,000) according to the latest federal  
890 decennial census that is located in a county that is bordered by  
891 the Pearl River and is not traversed by Interstate Highway 20,  
892 with a population in excess of forty-five thousand (45,000)  
893 according to the latest federal decennial census; however, the  
894 governing authorities of such a municipality may by ordinance:

895                   a. Specify the hours of operation of  
896 facilities that offer alcoholic beverages for sale;

897                   b. Specify the percentage of revenue  
898 that facilities that offer alcoholic beverages for sale must  
899 derive from the preparation, cooking and serving of meals and not  
900 from the sale of beverages;

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

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

905                   8. a. Land that is located in any county in  
906 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
907 and:

908                   A. Owned by the Pearl River Valley  
909 Water Supply District, and/or



910 B. Located within the Reservoir  
911 Community District, zoned commercial, east of Old Fannin Road,  
912 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
913 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
914 Drive and/or Lake Vista Place, and/or

915 C. Located within the Reservoir  
916 Community District, zoned commercial, west of Old Fannin Road,  
917 south of Spillway Road and extending to the boundary of the  
918 corporate limits of the City of Flowood, Mississippi;

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

922 A. Specify the hours of operation  
923 of facilities that offer alcoholic beverages for sale,

924 B. Specify the percentage of  
925 revenue that facilities that offer alcoholic beverages for sale  
926 must derive from the preparation, cooking and serving of meals and  
927 not from the sale of beverages, and

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

930 9. Any facility located on property that is a  
931 game reserve with restricted access that consists of at least  
932 eight hundred (800) contiguous acres with no public roads, that  
933 offers as a service hunts for a fee to overnight guests of the



934 facility, and has accommodations for at least fifty (50) overnight  
935 guests;

936 10. Any facility that:

937 a. Consists of at least six thousand  
938 (6,000) square feet being heated and cooled along with an  
939 additional adjacent area that consists of at least two thousand  
940 two hundred (2,200) square feet regardless of whether heated and  
941 cooled,

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

944 c. Provides lodging accommodations  
945 regardless of whether part of the facility and/or located adjacent  
946 to or in close proximity to the facility, and

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

949 11. Any facility and related property:

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

955 b. Used for the purpose of providing  
956 meals and hosting events, and



957 c. Used for the purpose of teaching  
958 culinary arts courses and/or turf management and grounds keeping  
959 courses, and/or outdoor recreation and leadership courses;

960 12. Any facility and related property that:

961 a. Consist of at least eight thousand  
962 (8,000) square feet being heated and cooled,

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

964 c. Is used for the purpose of culinary  
965 arts courses, and/or live entertainment courses and art  
966 performances, and/or outdoor recreation and leadership courses;

967 13. The clubhouse and associated golf course  
968 where the golf course is adjacent to one or more residential  
969 developments and the golf course and all such developments  
970 collectively include at least two hundred (200) acres and at least  
971 one hundred fifty (150) residential units and are located a. in a  
972 county that has voted against coming out from under the dry law;  
973 and b. outside of but in close proximity to a municipality in such  
974 county which has voted under Section 67-1-14, after January 1,  
975 2013, to come out from under the dry law;

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

980 15. a. Land that is planned for mixed use  
981 development and consists of at least two hundred (200) contiguous



982 acres with one or more planned residential developments  
983 collectively planned to include at least two hundred (200)  
984 residential units when completed, and also including a facility  
985 that consists of at least four thousand (4,000) square feet that  
986 is not part of such land but is located adjacent to or in close  
987 proximity thereto, and which land is located:

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

990                   B. Outside the corporate limits of  
991 any municipality in such county and adjacent to or in close  
992 proximity to a golf course located in a municipality in such  
993 county, and

994                   C. Within one (1) mile of a state  
995 institution of higher learning;

996                   b. The board of supervisors of such  
997 county may by resolution or other order:

998                   A. Specify the hours of operation  
999 of facilities that offer alcoholic beverages for sale,

1000                   B. Specify the percentage of  
1001 revenue that facilities that offer alcoholic beverages for sale  
1002 must derive from the preparation, cooking and serving of meals and  
1003 not from the sale of beverages, and

1004                   C. Designate the areas in which  
1005 facilities that offer alcoholic beverages for sale may be located;





1006                   16. Any facility with a capacity of five  
1007 hundred (500) people or more, to be used as a venue for private  
1008 events, on a tract of land in the Southwest Quarter of Section 33,  
1009 Township 2 South, Range 7 East, of a county where U.S. Highway 45  
1010 and U.S. Highway 72 intersect and that has not voted to come out  
1011 from under the dry law;

1012                   17. One hundred five (105) contiguous acres,  
1013 more or less, located in Hinds County, Mississippi, and in the  
1014 City of Jackson, Mississippi, whereon are constructed a variety of  
1015 buildings, improvements, grounds or objects for the purpose of  
1016 holding events thereon to promote agricultural and industrial  
1017 development in Mississippi;

1018                   18. Land that is owned by a state institution  
1019 of higher learning and:

1020                   a. Located entirely within a county that  
1021 has elected by majority vote not to permit the transportation,  
1022 storage, sale, distribution, receipt and/or manufacture of light  
1023 wine and beer pursuant to Section 67-3-7, and

1024                   b. Adjacent to but outside the  
1025 incorporated limits of a municipality that has elected by majority  
1026 vote to permit the sale, receipt, storage and transportation of  
1027 light wine and beer pursuant to Section 67-3-9.

1028                   If any portion of the land described in this item 18 has been  
1029 declared a qualified resort area by the department before July 1,



1030 2020, then that qualified resort area shall be incorporated into  
1031 the qualified resort area created by this item 18;

1032 19. Any facility and related property:

1033 a. Used as a flea market or similar  
1034 venue during a weekend (Saturday and Sunday) immediately preceding  
1035 the first Monday of a month and having an annual average of at  
1036 least one thousand (1,000) visitors for each such weekend and five  
1037 hundred (500) vendors for Saturday of each such weekend, and

1038 b. Located in a county that has not  
1039 voted to come out from under the dry law and outside of but in  
1040 close proximity to a municipality located in such county and which  
1041 municipality has voted to come out from under the dry law;

1042 20. Blocks 1, 2 and 3 of the original town  
1043 square in any municipality with a population in excess of one  
1044 thousand five hundred (1,500) according to the latest federal  
1045 decennial census and which is located in:

1046 a. A county traversed by Interstate 55  
1047 and Interstate 20, and

1048 b. A judicial district that has not  
1049 voted to come out from under the dry law;

1050 21. Any municipality with a population in  
1051 excess of two thousand (2,000) according to the latest federal  
1052 decennial census and in which is located a part of White's Creek  
1053 Lake and in which U.S. Highway 82 intersects with Mississippi  
1054 Highway 9 and located in a county that is partially bordered on



1055 one (1) side by the Big Black River; however, the governing  
1056 authorities of such a municipality may by ordinance:

1057 a. Specify the hours of operation of  
1058 facilities that offer alcoholic beverages for sale;

1059 b. Specify the percentage of revenue  
1060 that facilities that offer alcoholic beverages for sale must  
1061 derive from the preparation, cooking and serving of meals and not  
1062 from the sale of beverages; and

1063 c. Designate the areas in which  
1064 facilities that offer alcoholic beverages for sale may be located;

1065 22. A restaurant located on a two-acre tract  
1066 adjacent to a five-hundred-fifty-acre lake in the northeast corner  
1067 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

1068 23. Any tracts of land in Oktibbeha County,  
1069 situated north of Bailey Howell Drive, Lee Boulevard and Old  
1070 Mayhew Road, east of George Perry Street and south of Mississippi  
1071 Highway 182, and not located on the property of a state  
1072 institution of higher learning; however, the board of supervisors  
1073 of such county may by resolution or other order:

1074 a. Specify the hours of operation of  
1075 facilities that offer alcoholic beverages for sale;

1076 b. Specify the percentage of revenue  
1077 that facilities that offer alcoholic beverages for sale must  
1078 derive from the preparation, cooking and serving of meals and not  
1079 from the sale of beverages; and



1080 c. Designate the areas in which  
1081 facilities that offer alcoholic beverages for sale may be located;

1082 24. A municipality in which Mississippi  
1083 Highway 27 and Mississippi Highway 28 intersect; however, the  
1084 governing authorities of such a municipality may by ordinance:

1085 a. Specify the hours of operation of  
1086 facilities offering alcoholic beverages for sale;

1087 b. Specify the percentage of revenue  
1088 that facilities offering alcoholic beverages for sale must derive  
1089 from the preparation, cooking and serving of meals and not from  
1090 the sale of beverages; and

1091 c. Designate the areas in which  
1092 facilities offering alcoholic beverages for sale may be located;

1093 25. A municipality through which run  
1094 Mississippi Highway 35 and Interstate 20; however, the governing  
1095 authorities of such a municipality may by ordinance:

1096 a. Specify the hours of operation of  
1097 facilities that offer alcoholic beverages for sale;

1098 b. Specify the percentage of revenue  
1099 that facilities that offer alcoholic beverages for sale must  
1100 derive from the preparation, cooking and serving of meals and not  
1101 from the sale of beverages; and

1102 c. Designate the areas in which  
1103 facilities that offer alcoholic beverages for sale may be located;



1104                           26. A municipality in which Mississippi  
1105 Highway 16 and Mississippi Highway 35 intersect; however, the  
1106 governing authorities of such a municipality may by ordinance:  
1107                           a. Specify the hours of operation of  
1108 facilities that offer alcoholic beverages for sale;  
1109                           b. Specify the percentage of revenue  
1110 that facilities that offer alcoholic beverages for sale must  
1111 derive from the preparation, cooking and serving of meals and not  
1112 from the sale of beverages; and  
1113                           c. Designate the areas in which  
1114 facilities that offer alcoholic beverages for sale may be located;  
1115                           27. A municipality in which U.S. Highway 82  
1116 and Old Highway 61 intersect; however, the governing authorities  
1117 of such a municipality may by ordinance:  
1118                           a. Specify the hours of operation of  
1119 facilities that offer alcoholic beverages for sale;  
1120                           b. Specify the percentage of revenue  
1121 that facilities that offer alcoholic beverages for sale must  
1122 derive from the preparation, cooking and serving of meals and not  
1123 from the sale of beverages; and  
1124                           c. Designate the areas in which  
1125 facilities that offer alcoholic beverages for sale may be located;  
1126                           28. A municipality in which Mississippi  
1127 Highway 8 meets Mississippi Highway 1; however, the governing  
1128 authorities of such a municipality may by ordinance:



1129 a. Specify the hours of operation of  
1130 facilities that offer alcoholic beverages for sale;

1131 b. Specify the percentage of revenue  
1132 that facilities that offer alcoholic beverages for sale must  
1133 derive from the preparation, cooking and serving of meals and not  
1134 from the sale of beverages; and

1135 c. Designate the areas in which  
1136 facilities that offer alcoholic beverages for sale may be located;

1137 29. A municipality in which U.S. Highway 82  
1138 and Mississippi Highway 1 intersect; however, the governing  
1139 authorities of such a municipality may by ordinance:

1140 a. Specify the hours of operation of  
1141 facilities that offer alcoholic beverages for sale;

1142 b. Specify the percentage of revenue  
1143 that facilities that offer alcoholic beverages for sale must  
1144 derive from the preparation, cooking and serving of meals and not  
1145 from the sale of beverages; and

1146 c. Designate the areas in which  
1147 facilities that offer alcoholic beverages for sale may be located;

1148 30. A municipality in which Mississippi  
1149 Highway 50 meets Mississippi Highway 9; however, the governing  
1150 authorities of such a municipality may by ordinance:

1151 a. Specify the hours of operation of  
1152 facilities that offer alcoholic beverages for sale;



1153                                   b. Specify the percentage of revenue  
1154 that facilities that offer alcoholic beverages for sale must  
1155 derive from the preparation, cooking and serving of meals and not  
1156 from the sale of beverages; and

1157                                   c. Designate the areas in which  
1158 facilities that offer alcoholic beverages for sale may be located;

1159                                   31. An area bounded on the north by Pearl  
1160 Street, on the east by West Street, on the south by Court Street  
1161 and on the west by Farish Street, within a municipality bordered  
1162 on the east by the Pearl River and through which run Interstate 20  
1163 and Interstate 55; however, the governing authorities of the  
1164 municipality in which such area is located may by ordinance:

1165                                   a. Specify the hours of operation of  
1166 facilities that offer alcoholic beverages for sale;

1167                                   b. Specify the percentage of revenue  
1168 that facilities that offer alcoholic beverages for sale must  
1169 derive from the preparation, cooking and serving of meals and not  
1170 from the sale of beverages; and

1171                                   c. Designate the areas in which  
1172 facilities that offer alcoholic beverages for sale may be located;

1173                                   32. Any facility and related property that:

1174                                   a. Is contracted for mixed-use  
1175 development improvements consisting of office and residential  
1176 space and a restaurant and lounge, partially occupying the  
1177 renovated space of a four-story commercial building which



1178 previously served as a financial institution; and adjacent  
1179 property to the west consisting of a single-story office building  
1180 that was originally occupied by the Brotherhood of Carpenters and  
1181 Joiners of American Local Number 569; and

1182                   b. Is situated on a tract of land  
1183 consisting of approximately one and one-tenth (1.10) acres, and  
1184 the adjacent property to the west consisting of approximately 0.5  
1185 acres, located in a municipality which is the seat of county  
1186 government, situated south of Interstate 10, traversed by U.S.  
1187 Highway 90, partially bordered on one (1) side by the Pascagoula  
1188 River and having its most southern boundary bordered by the Gulf  
1189 of Mexico, with a population greater than twenty-two thousand  
1190 (22,000) according to the 2010 federal decennial census; however,  
1191 the governing authorities of such a municipality may by ordinance:

1192                   A. Specify the hours of operation  
1193 of facilities that offer alcoholic beverages for sale;

1194                   B. Specify the percentage of  
1195 revenue that facilities that offer alcoholic beverages for sale  
1196 must derive from the preparation, cooking and serving of meals and  
1197 not from the sale of beverages; and

1198                   C. Designate the areas within the  
1199 facilities in which alcoholic beverages may be offered for sale;

1200                   33. Any facility with a maximum capacity of  
1201 one hundred twenty (120) people that consists of at least three  
1202 thousand (3,000) square feet being heated and cooled, has a





1203 commercial kitchen, has a pavilion that consists of at least nine  
1204 thousand (9,000) square feet and is located on land more  
1205 particularly described as follows:

1206 All that part of the East Half of the Northwest Quarter of Section  
1207 21, Township 7 South, Range 4 East, Union County, Mississippi,  
1208 that lies South of Mississippi State Highway 348 right-of-way and  
1209 containing 19.48 acres, more or less.

1210 ALSO,

1211 The Northeast 38 acres of the Southwest Quarter of Section 21,  
1212 Township 7 South, Range 4 East, Union County, Mississippi.

1213 ALSO,

1214 The South 81 1/2 acres of the Southwest Quarter of Section 21,  
1215 Township 7 South, Range 4 East, Union County, Mississippi; and

1216 34. A municipality in which U.S. Highway 51  
1217 and Mississippi Highway 16 intersect; however, the governing  
1218 authorities of such a municipality may by ordinance:

1219 a. Specify the hours of operation of  
1220 facilities that offer alcoholic beverages for sale;

1221 b. Specify the percentage of revenue  
1222 that facilities that offer alcoholic beverages for sale must  
1223 derive from the preparation, cooking and serving of meals and not  
1224 from the sale of beverages; and

1225 c. Designate the areas in which  
1226 facilities that offer alcoholic beverages for sale may be located.



1227           The status of these municipalities, districts, clubhouses,  
1228 facilities, golf courses and areas described in subparagraph (iii)  
1229 of this paragraph (o) as qualified resort areas does not require  
1230 any declaration of same by the department.

1231           (p) "Native wine" means any product, produced in  
1232 Mississippi for sale, having an alcohol content not to exceed  
1233 twenty-one percent (21%) by weight and made in accordance with  
1234 revenue laws of the United States, which shall be obtained  
1235 primarily from the alcoholic fermentation of the juice of ripe  
1236 grapes, fruits, berries, honey or vegetables grown and produced in  
1237 Mississippi; provided that bulk, concentrated or fortified wines  
1238 used for blending may be produced without this state and used in  
1239 producing native wines. The department shall adopt and promulgate  
1240 rules and regulations to permit a producer to import such bulk  
1241 and/or fortified wines into this state for use in blending with  
1242 native wines without payment of any excise tax that would  
1243 otherwise accrue thereon.

1244           (q) "Native winery" means any place or establishment  
1245 within the State of Mississippi where native wine is produced, in  
1246 whole or in part, for sale.

1247           (r) "Bed and breakfast inn" means an establishment  
1248 within a municipality where in consideration of payment, breakfast  
1249 and lodging are habitually furnished to travelers and wherein are  
1250 located not less than eight (8) and not more than nineteen (19)  
1251 adequately furnished and completely separate sleeping rooms with



1252 adequate facilities, that persons usually apply for and receive as  
1253 overnight accommodations; however, such restriction on the minimum  
1254 number of sleeping rooms shall not apply to establishments on the  
1255 National Register of Historic Places. No place shall qualify as a  
1256 bed and breakfast inn under this chapter unless on the date of the  
1257 initial application for a license under this chapter more than  
1258 fifty percent (50%) of the sleeping rooms are located in a  
1259 structure formerly used as a residence.

1260 (s) "Board" shall refer to the Board of Tax Appeals of  
1261 the State of Mississippi.

1262 (t) "Spa facility" means an establishment within a  
1263 municipality or qualified resort area and owned by a hotel where,  
1264 in consideration of payment, patrons receive from licensed  
1265 professionals a variety of private personal care treatments such  
1266 as massages, facials, waxes, exfoliation and hairstyling.

1267 (u) "Art studio or gallery" means an establishment  
1268 within a municipality or qualified resort area that is in the sole  
1269 business of allowing patrons to view and/or purchase paintings and  
1270 other creative artwork.

1271 (v) "Cooking school" means an establishment within a  
1272 municipality or qualified resort area and owned by a nationally  
1273 recognized company that offers an established culinary education  
1274 curriculum and program where, in consideration of payment, patrons  
1275 are given scheduled professional group instruction on culinary  
1276 techniques. For purposes of this paragraph, the definition of



1277 cooking school shall not include schools or classes offered by  
1278 grocery stores, convenience stores or drugstores.

1279 (w) "Campus" means property owned by a public school  
1280 district, community or junior college, college or university in  
1281 this state where educational courses are taught, school functions  
1282 are held, tests and examinations are administered or academic  
1283 course credits are awarded; however, the term shall not include  
1284 any "restaurant" or "hotel" that is located on property owned by a  
1285 community or junior college, college or university in this state,  
1286 and is operated by a third party who receives all revenue  
1287 generated from food and alcoholic beverage sales.

1288 (x) "Native spirit" shall mean any beverage, produced  
1289 in Mississippi for sale, manufactured primarily by the  
1290 distillation of fermented grain, starch, molasses or sugar  
1291 produced in Mississippi, including dilutions and mixtures of these  
1292 beverages. In order to be classified as "native spirit" under the  
1293 provisions of this chapter, at least fifty-one percent (51%) of  
1294 the finished product by volume shall have been obtained from  
1295 distillation of fermented grain, starch, molasses or sugar grown  
1296 and produced in Mississippi.

1297 (y) "Native distillery" shall mean any place or  
1298 establishment within this state where native spirit is produced in  
1299 whole or in part for sale.

1300 (z) "Warehouse operator" shall have the meaning  
1301 ascribed in Section 1 of this act.



1302           **SECTION 13.** Section 67-1-19, Mississippi Code of 1972, is  
1303 amended as follows:

1304           67-1-19. Except as otherwise noted, the administration and  
1305 enforcement of this chapter shall be vested in the Department of  
1306 Revenue. There is hereby created the Alcoholic Beverage Control  
1307 Division within and as a part of the Department of Revenue.

1308           **SECTION 14.** Section 67-1-33, Mississippi Code of 1972, is  
1309 amended as follows:

1310           67-1-33. (1) No member of the Board of Tax Appeals,  
1311 Commissioner of Revenue of the Department of Revenue, or person  
1312 appointed or employed by the department under this chapter,  
1313 including its warehouse operator, shall solicit, accept or receive  
1314 any gift, gratuity, emolument or employment from any person  
1315 subject to the provisions of this chapter, or from any officer,  
1316 agent or employee thereof.

1317           (2) No member of the Board of Tax Appeals, the Commissioner  
1318 of Revenue of the Department of Revenue, or person appointed or  
1319 employed by the department under this chapter, including its  
1320 warehouse operator, shall solicit, request from or recommend,  
1321 directly or indirectly, to any person subject to the provisions of  
1322 this chapter, or to any officer, agent or employee thereof, the  
1323 appointment of any person to any place or position.

1324           (3) Every person subject to the provisions of this chapter,  
1325 and every officer, agent or employee thereof, is hereby forbidden  
1326 to offer to any member of the Board of Tax Appeals, to the



1327 Commissioner of Revenue or to any person appointed or employed by  
1328 the department under this chapter, including its warehouse  
1329 operator, any gift, gratuity, emolument or employment.

1330 (4) If any member of the Board of Tax Appeals, the  
1331 Commissioner of Revenue or any person appointed or employed by the  
1332 department under this chapter, including its warehouse operator,  
1333 shall violate any of the provisions of this section, he shall be  
1334 removed from the office or employment held by him.

1335 (5) Every person violating the provisions of this section  
1336 shall be guilty of a misdemeanor.

1337 (6) For purposes of this provision, the terms "gift,"  
1338 "gratuity," "emolument" and "employment" do not include the  
1339 payment of expenses associated with social occasions afforded  
1340 public servants or any other benefit that does not come within the  
1341 definition of "pecuniary benefit" as defined in Section 25-4-103.

1342 **SECTION 15.** Section 67-1-41, Mississippi Code of 1972, is  
1343 amended as follows:

1344 67-1-41. (1) The department is hereby created a wholesale  
1345 distributor and seller of alcoholic beverages, not including malt  
1346 liquors, within the State of Mississippi. It is granted the right  
1347 to import and sell alcoholic beverages at wholesale within the  
1348 state, and no person who is granted the right to sell, distribute  
1349 or receive alcoholic beverages at retail shall purchase any  
1350 alcoholic beverages from any source other than the department,  
1351 except as authorized in subsections (4), (9) and (12) of this



1352 section. The department may establish warehouses, and the  
1353 department may purchase alcoholic beverages in such quantities and  
1354 from such sources as it may deem desirable and sell the alcoholic  
1355 beverages to authorized permittees within the state including, at  
1356 the discretion of the department, any retail distributors  
1357 operating within any military post or qualified resort areas  
1358 within the boundaries of the state, keeping a correct and accurate  
1359 record of all such transactions and exercising such control over  
1360 the distribution of alcoholic beverages as seem right and proper  
1361 in keeping with the provisions or purposes of this chapter.

1362 (2) No person for the purpose of sale shall manufacture,  
1363 distill, brew, sell, possess, export, transport, distribute,  
1364 warehouse, store, solicit, take orders for, bottle, rectify,  
1365 blend, treat, mix or process any alcoholic beverage except in  
1366 accordance with authority granted under this chapter, or as  
1367 otherwise provided by law for native wines or native spirits.

1368 (3) No alcoholic beverage intended for sale or resale shall  
1369 be imported, shipped or brought into this state for delivery to  
1370 any person other than as provided in this chapter, or as otherwise  
1371 provided by law for native wines or native spirits.

1372 (4) The department may promulgate rules and regulations  
1373 which authorize on-premises retailers to purchase limited amounts  
1374 of alcoholic beverages from package retailers and for package  
1375 retailers to purchase limited amounts of alcoholic beverages from  
1376 other package retailers. The department shall develop and provide



1377 forms to be completed by the on-premises retailers and the package  
1378 retailers verifying the transaction. The completed forms shall be  
1379 forwarded to the department within a period of time prescribed by  
1380 the department.

1381 (5) The department may promulgate rules which authorize the  
1382 holder of a package retailer's permit to permit individual retail  
1383 purchasers of packages of alcoholic beverages to return, for  
1384 exchange, credit or refund, limited amounts of original sealed and  
1385 unopened packages of alcoholic beverages purchased by the  
1386 individual from the package retailer.

1387 (6) The department shall maintain all forms to be completed  
1388 by applicants necessary for licensure by the department at all  
1389 district offices of the department.

1390 (7) The department may promulgate rules which authorize the  
1391 manufacturer of an alcoholic beverage or wine to import, transport  
1392 and furnish or give a sample of alcoholic beverages or wines to  
1393 the holders of package retailer's permits, on-premises retailer's  
1394 permits, native wine or native spirit retailer's permits and  
1395 temporary retailer's permits who have not previously purchased the  
1396 brand of that manufacturer from the department. For each holder  
1397 of the designated permits, the manufacturer may furnish not more  
1398 than five hundred (500) milliliters of any brand of alcoholic  
1399 beverage and not more than three (3) liters of any brand of wine.

1400 (8) The department may promulgate rules disallowing open  
1401 product sampling of alcoholic beverages or wines by the holders of





1402 package retailer's permits and permitting open product sampling of  
1403 alcoholic beverages by the holders of on-premises retailer's  
1404 permits. Permitted sample products shall be plainly identified  
1405 "sample" and the actual sampling must occur in the presence of the  
1406 manufacturer's representatives during the legal operating hours of  
1407 on-premises retailers.

1408 (9) The department may promulgate rules and regulations that  
1409 authorize the holder of a research permit to import and purchase  
1410 limited amounts of alcoholic beverages from importers, wineries  
1411 and distillers of alcoholic beverages or from the department. The  
1412 department shall develop and provide forms to be completed by the  
1413 research permittee verifying each transaction. The completed  
1414 forms shall be forwarded to the department within a period of time  
1415 prescribed by the department. The records and inventory of  
1416 alcoholic beverages shall be open to inspection at any time by the  
1417 Director of the Alcoholic Beverage Control Division or any duly  
1418 authorized agent.

1419 (10) The department may promulgate rules facilitating a  
1420 retailer's on-site pickup of alcoholic beverages sold by the  
1421 department or as authorized by the department, including, but not  
1422 limited to, native wines and native spirits, so that those  
1423 alcoholic beverages may be delivered to the retailer at the  
1424 manufacturer's location instead of via shipment from the  
1425 department's warehouse.



1426           (11)   **[Through June 30, 2023]** This section shall not apply  
1427 to alcoholic beverages authorized to be sold by the holder of a  
1428 distillery retailer's permit or a festival wine permit.

1429           (11)   **[From and after July 1, 2023]** This section shall not  
1430 apply to alcoholic beverages authorized to be sold by the holder  
1431 of a distillery retailer's permit.

1432           (12) (a) An individual resident of this state who is at  
1433 least twenty-one (21) years of age may purchase wine from a winery  
1434 and have the purchase shipped into this state so long as it is  
1435 shipped to a package retailer permittee in Mississippi; however,  
1436 the permittee shall pay to the department all taxes, fees and  
1437 surcharges on the wine that are imposed upon the sale of wine  
1438 shipped by the department or its warehouse operator. No credit  
1439 shall be provided to the permittee for any taxes paid to another  
1440 state as a result of the transaction. Package retailers may  
1441 charge a service fee for receiving and handling shipments from  
1442 wineries on behalf of the purchasers. The department shall  
1443 develop and provide forms to be completed by the package retailer  
1444 permittees verifying the transaction. The completed forms shall  
1445 be forwarded to the department within a period of time prescribed  
1446 by the department.

1447           (b) The purchaser of wine that is to be shipped to a  
1448 package retailer's store shall be required to get the prior  
1449 approval of the package retailer before any wine is shipped to the  
1450 package retailer. A purchaser is limited to no more than ten (10)



1451 cases of wine per year to be shipped to a package retailer. A  
1452 package retailer shall notify a purchaser of wine within two (2)  
1453 days after receiving the shipment of wine. If the purchaser of  
1454 the wine does not pick up or take the wine from the package  
1455 retailer within thirty (30) days after being notified by the  
1456 package retailer, the package retailer may sell the wine as part  
1457 of his inventory.

1458 (c) Shipments of wine into this state under this  
1459 section shall be made by a duly licensed carrier. It shall be the  
1460 duty of every common or contract carrier, and of every firm or  
1461 corporation that shall bring, carry or transport wine from outside  
1462 the state for delivery inside the state to package retailer  
1463 permittees on behalf of consumers, to prepare and file with the  
1464 department, on a schedule as determined by the department, of  
1465 known wine shipments containing the name of the common or contract  
1466 carrier, firm or corporation making the report, the period of time  
1467 covered by said report, the name and permit number of the winery,  
1468 the name and permit number of the package retailer permittee  
1469 receiving such wine, the weight of the package delivered to each  
1470 package retailer permittee, a unique tracking number, and the date  
1471 of delivery. Reports received by the department shall be made  
1472 available by the department to the public via the Mississippi  
1473 Public Records Act process in the same manner as other state  
1474 alcohol filings.



1475           Upon the department's request, any records supporting the  
1476 report shall be made available to the department within a  
1477 reasonable time after the department makes a written request for  
1478 such records. Any records containing information relating to such  
1479 reports shall be kept and preserved for a period of two (2) years,  
1480 unless their destruction sooner is authorized, in writing, by the  
1481 department, and shall be open and available to inspection by the  
1482 department upon the department's written request. Reports shall  
1483 also be made available to any law enforcement or regulatory body  
1484 in the state in which the railroad company, express company,  
1485 common or contract carrier making the report resides or does  
1486 business.

1487           Any common or contract carrier that willfully fails to make  
1488 reports, as provided by this section or any of the rules and  
1489 regulations of the department for the administration and  
1490 enforcement of this section, is subject to a notification of  
1491 violation. In the case of a continuing failure to make reports,  
1492 the common or contract carrier is subject to possible license  
1493 suspension and revocation at the department's discretion.

1494           (d) A winery that ships wine under this section shall  
1495 be deemed to have consented to the jurisdiction of the courts of  
1496 this state, of the department, of any other state agency regarding  
1497 the enforcement of this section, and of any related law, rules or  
1498 regulations.



1499 (e) Any person who makes, participates in, transports,  
1500 imports or receives a shipment in violation of this section is  
1501 guilty of a misdemeanor and, upon conviction thereof, shall be  
1502 punished by a fine of One Thousand Dollars (\$1,000.00) or  
1503 imprisonment in the county jail for not more than six (6) months,  
1504 or both. Each shipment shall constitute a separate offense.

1505 (13) If any provision of this chapter, or its application to  
1506 any person or circumstance, is determined by a court to be invalid  
1507 or unconstitutional, the remaining provisions shall be construed  
1508 in accordance with the intent of the Legislature to further limit  
1509 rather than expand commerce in alcoholic beverages to protect the  
1510 health, safety, and welfare of the state's residents, and to  
1511 enhance strict regulatory control over taxation, distribution and  
1512 sale of alcoholic beverages through the three-tier regulatory  
1513 system imposed by this chapter upon all alcoholic beverages to  
1514 curb relationships and practices calculated to stimulate sales and  
1515 impair the state's policy favoring trade stability and the  
1516 promotion of temperance.

1517 **SECTION 16.** Section 67-1-43, Mississippi Code of 1972, is  
1518 amended as follows:

1519 67-1-43. Any authorized retail distributor who shall  
1520 purchase or receive \* \* \* alcoholic beverages from any source  
1521 except from the department or its warehouse operator, unless  
1522 authorized by rules and regulations of the department promulgated  
1523 under Section 67-1-41, shall be guilty of a misdemeanor and upon



1524 conviction thereof shall be punished by a fine of not less than  
1525 Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars  
1526 (\$2,000.00), to which may be added imprisonment in the county jail  
1527 for not more than six (6) months. Any authorization of such  
1528 person to sell intoxicating beverages may be revoked as provided  
1529 by law.

1530         **SECTION 17.** Section 67-1-51, Mississippi Code of 1972, as  
1531 amended by House Bill No. 918, 2022 Regular Session, is amended as  
1532 follows:

1533             67-1-51. (1) Permits which may be issued by the department  
1534 shall be as follows:

1535             (a) **Manufacturer's permit.** A manufacturer's permit  
1536 shall permit the manufacture, importation in bulk, bottling and  
1537 storage of alcoholic liquor and its distribution and sale to  
1538 manufacturers holding permits under this chapter in this state and  
1539 to persons outside the state who are authorized by law to purchase  
1540 the same, and to sell as provided by this chapter.

1541             Manufacturer's permits shall be of the following classes:

1542             Class 1. Distiller's and/or rectifier's permit, which shall  
1543 authorize the holder thereof to operate a distillery for the  
1544 production of distilled spirits by distillation or redistillation  
1545 and/or to operate a rectifying plant for the purifying, refining,  
1546 mixing, blending, flavoring or reducing in proof of distilled  
1547 spirits and alcohol.



1548           Class 2. Wine manufacturer's permit, which shall authorize  
1549 the holder thereof to manufacture, import in bulk, bottle and  
1550 store wine or vinous liquor.

1551           Class 3. Native wine producer's permit, which shall  
1552 authorize the holder thereof to produce, bottle, store and sell  
1553 native wines.

1554           Class 4. Native spirit producer's permit, which shall  
1555 authorize the holder thereof to produce, bottle, store and sell  
1556 native spirits.

1557                   (b) **Package retailer's permit.** Except as otherwise  
1558 provided in this paragraph and Section 67-1-52, a package  
1559 retailer's permit shall authorize the holder thereof to operate a  
1560 store exclusively for the sale at retail in original sealed and  
1561 unopened packages of alcoholic beverages, including native wines  
1562 and native spirits, not to be consumed on the premises where sold.  
1563 Alcoholic beverages shall not be sold by any retailer in any  
1564 package or container containing less than fifty (50) milliliters  
1565 by liquid measure. A package retailer's permit, with prior  
1566 approval from the department, shall authorize the holder thereof  
1567 to sample new product furnished by a manufacturer's representative  
1568 or his employees at the permitted place of business so long as the  
1569 sampling otherwise complies with this chapter and applicable  
1570 department regulations. Such samples may not be provided to  
1571 customers at the permitted place of business. In addition to the  
1572 sale at retail of packages of alcoholic beverages, the holder of a



1573 package retailer's permit is authorized to sell at retail  
1574 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
1575 other beverages commonly used to mix with alcoholic beverages.  
1576 Nonalcoholic beverages sold by the holder of a package retailer's  
1577 permit shall not be consumed on the premises where sold.

1578           (c) **On-premises retailer's permit.** Except as otherwise  
1579 provided in subsection (5) of this section, an on-premises  
1580 retailer's permit shall authorize the sale of alcoholic beverages,  
1581 including native wines and native spirits, for consumption on the  
1582 licensed premises only; however, a patron of the permit holder may  
1583 remove one (1) bottle of wine from the licensed premises if: (i)  
1584 the patron consumed a portion of the bottle of wine in the course  
1585 of consuming a meal purchased on the licensed premises; (ii) the  
1586 permit holder securely reseals the bottle; (iii) the bottle is  
1587 placed in a bag that is secured in a manner so that it will be  
1588 visibly apparent if the bag is opened; and (iv) a dated receipt  
1589 for the wine and the meal is available. Additionally, as part of  
1590 a carryout order, a permit holder may sell one (1) bottle of wine  
1591 to be removed from the licensed premises for every two (2) entrees  
1592 ordered. Such a permit shall be issued only to qualified hotels,  
1593 restaurants and clubs, small craft breweries, microbreweries, and  
1594 to common carriers with adequate facilities for serving  
1595 passengers. In resort areas, whether inside or outside of a  
1596 municipality, the department, in its discretion, may issue  
1597 on-premises retailer's permits to such establishments as it deems





1598 proper. An on-premises retailer's permit when issued to a common  
1599 carrier shall authorize the sale and serving of alcoholic  
1600 beverages aboard any licensed vehicle while moving through any  
1601 county of the state; however, the sale of such alcoholic beverages  
1602 shall not be permitted while such vehicle is stopped in a county  
1603 that has not legalized such sales. If an on-premises retailer's  
1604 permit is applied for by a common carrier operating solely in the  
1605 water, such common carrier must, along with all other  
1606 qualifications for a permit, (i) be certified to carry at least  
1607 one hundred fifty (150) passengers and/or provide overnight  
1608 accommodations for at least fifty (50) passengers and (ii) operate  
1609 primarily in the waters within the State of Mississippi which lie  
1610 adjacent to the State of Mississippi south of the three (3) most  
1611 southern counties in the State of Mississippi and/or on the  
1612 Mississippi River or navigable waters within any county bordering  
1613 on the Mississippi River.

1614           (d) **Solicitor's permit.** A solicitor's permit shall  
1615 authorize the holder thereof to act as salesman for a manufacturer  
1616 or wholesaler holding a proper permit, to solicit on behalf of his  
1617 employer orders for alcoholic beverages, and to otherwise promote  
1618 his employer's products in a legitimate manner. Such a permit  
1619 shall authorize the representation of and employment by one (1)  
1620 principal only. However, the permittee may also, in the  
1621 discretion of the department, be issued additional permits to  
1622 represent other principals. No such permittee shall buy or sell



1623 alcoholic beverages for his own account, and no such beverage  
1624 shall be brought into this state in pursuance of the exercise of  
1625 such permit otherwise than through a permit issued to a wholesaler  
1626 or manufacturer in the state.

1627           (e) **Native wine retailer's permit.** Except as otherwise  
1628 provided in subsection (5) of this section, a native wine  
1629 retailer's permit shall be issued only to a holder of a Class 3  
1630 manufacturer's permit, and shall authorize the holder thereof to  
1631 make retail sales of native wines to consumers for on-premises  
1632 consumption or to consumers in originally sealed and unopened  
1633 containers at an establishment located on the premises of or in  
1634 the immediate vicinity of a native winery. When selling to  
1635 consumers for on-premises consumption, a holder of a native wine  
1636 retailer's permit may add to the native wine alcoholic beverages  
1637 not produced on the premises, so long as the total volume of  
1638 foreign beverage components does not exceed twenty percent (20%)  
1639 of the mixed beverage. Hours of sale shall be the same as those  
1640 authorized for on-premises permittees in the city or county in  
1641 which the native wine retailer is located.

1642           (f) **Temporary retailer's permit.** Except as otherwise  
1643 provided in subsection (5) of this section, a temporary retailer's  
1644 permit shall permit the purchase and resale of alcoholic  
1645 beverages, including native wines and native spirits, during legal  
1646 hours on the premises described in the temporary permit only.



1647 Temporary retailer's permits shall be of the following  
1648 classes:

1649 Class 1. A temporary one-day permit may be issued to bona  
1650 fide nonprofit civic or charitable organizations authorizing the  
1651 sale of alcoholic beverages, including native wine and native  
1652 spirit, for consumption on the premises described in the temporary  
1653 permit only. Class 1 permits may be issued only to applicants  
1654 demonstrating to the department, by a statement signed under  
1655 penalty of perjury submitted ten (10) days prior to the proposed  
1656 date or such other time as the department may determine, that they  
1657 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
1658 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
1659 Class 1 permittees shall obtain all alcoholic beverages from  
1660 package retailers located in the county in which the temporary  
1661 permit is issued. Alcoholic beverages remaining in stock upon  
1662 expiration of the temporary permit may be returned by the  
1663 permittee to the package retailer for a refund of the purchase  
1664 price upon consent of the package retailer or may be kept by the  
1665 permittee exclusively for personal use and consumption, subject to  
1666 all laws pertaining to the illegal sale and possession of  
1667 alcoholic beverages. The department, following review of the  
1668 statement provided by the applicant and the requirements of the  
1669 applicable statutes and regulations, may issue the permit.

1670 Class 2. A temporary permit, not to exceed seventy (70)  
1671 days, may be issued to prospective permittees seeking to transfer



1672 a permit authorized in paragraph (c) of this subsection. A Class  
1673 2 permit may be issued only to applicants demonstrating to the  
1674 department, by a statement signed under the penalty of perjury,  
1675 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
1676 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
1677 67-1-59. The department, following a preliminary review of the  
1678 statement provided by the applicant and the requirements of the  
1679 applicable statutes and regulations, may issue the permit.

1680 Class 2 temporary permittees must purchase their alcoholic  
1681 beverages directly from the department or, with approval of the  
1682 department, purchase the remaining stock of the previous  
1683 permittee. If the proposed applicant of a Class 1 or Class 2  
1684 temporary permit falsifies information contained in the  
1685 application or statement, the applicant shall never again be  
1686 eligible for a retail alcohol beverage permit and shall be subject  
1687 to prosecution for perjury.

1688 Class 3. A temporary one-day permit may be issued to a  
1689 retail establishment authorizing the complimentary distribution of  
1690 wine, including native wine, to patrons of the retail  
1691 establishment at an open house or promotional event, for  
1692 consumption only on the premises described in the temporary  
1693 permit. A Class 3 permit may be issued only to an applicant  
1694 demonstrating to the department, by a statement signed under  
1695 penalty of perjury submitted ten (10) days before the proposed  
1696 date or such other time as the department may determine, that it



1697 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
1698 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
1699 A Class 3 permit holder shall obtain all alcoholic beverages from  
1700 the holder(s) of a package retailer's permit located in the county  
1701 in which the temporary permit is issued. Wine remaining in stock  
1702 upon expiration of the temporary permit may be returned by the  
1703 Class 3 temporary permit holder to the package retailer for a  
1704 refund of the purchase price, with consent of the package  
1705 retailer, or may be kept by the Class 3 temporary permit holder  
1706 exclusively for personal use and consumption, subject to all laws  
1707 pertaining to the illegal sale and possession of alcoholic  
1708 beverages. The department, following review of the statement  
1709 provided by the applicant and the requirements of the applicable  
1710 statutes and regulations, may issue the permit. No retailer may  
1711 receive more than twelve (12) Class 3 temporary permits in a  
1712 calendar year. A Class 3 temporary permit shall not be issued to  
1713 a retail establishment that either holds a merchant permit issued  
1714 under paragraph (1) of this subsection, or holds a permit issued  
1715 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
1716 the holder to engage in the business of a retailer of light wine  
1717 or beer.

1718 (g) **Caterer's permit.** A caterer's permit shall permit  
1719 the purchase of alcoholic beverages by a person engaging in  
1720 business as a caterer and the resale of alcoholic beverages by  
1721 such person in conjunction with such catering business. No person



1722 shall qualify as a caterer unless forty percent (40%) or more of  
1723 the revenue derived from such catering business shall be from the  
1724 serving of prepared food and not from the sale of alcoholic  
1725 beverages and unless such person has obtained a permit for such  
1726 business from the Department of Health. A caterer's permit shall  
1727 not authorize the sale of alcoholic beverages on the premises of  
1728 the person engaging in business as a caterer; however, the holder  
1729 of an on-premises retailer's permit may hold a caterer's permit.  
1730 When the holder of an on-premises retailer's permit or an  
1731 affiliated entity of the holder also holds a caterer's permit, the  
1732 caterer's permit shall not authorize the service of alcoholic  
1733 beverages on a consistent, recurring basis at a separate, fixed  
1734 location owned or operated by the caterer, on-premises retailer or  
1735 affiliated entity and an on-premises retailer's permit shall be  
1736 required for the separate location. All sales of alcoholic  
1737 beverages by holders of a caterer's permit shall be made at the  
1738 location being catered by the caterer, and, except as otherwise  
1739 provided in subsection (5) of this section, such sales may be made  
1740 only for consumption at the catered location. The location being  
1741 catered may be anywhere within a county or judicial district that  
1742 has voted to come out from under the dry laws or in which the sale  
1743 and distribution of alcoholic beverages is otherwise authorized by  
1744 law. Such sales shall be made pursuant to any other conditions  
1745 and restrictions which apply to sales made by on-premises retail  
1746 permittees. The holder of a caterer's permit or his employees



1747 shall remain at the catered location as long as alcoholic  
1748 beverages are being sold pursuant to the permit issued under this  
1749 paragraph (g), and the permittee shall have at the location the  
1750 identification card issued by the Alcoholic Beverage Control  
1751 Division of the department. No unsold alcoholic beverages may be  
1752 left at the catered location by the permittee upon the conclusion  
1753 of his business at that location. Appropriate law enforcement  
1754 officers and Alcoholic Beverage Control Division personnel may  
1755 enter a catered location on private property in order to enforce  
1756 laws governing the sale or serving of alcoholic beverages.

1757 (h) **Research permit.** A research permit shall authorize  
1758 the holder thereof to operate a research facility for the  
1759 professional research of alcoholic beverages. Such permit shall  
1760 authorize the holder of the permit to import and purchase limited  
1761 amounts of alcoholic beverages from the department or from  
1762 importers, wineries and distillers of alcoholic beverages for  
1763 professional research.

1764 (i) **Alcohol processing permit.** An alcohol processing  
1765 permit shall authorize the holder thereof to purchase, transport  
1766 and possess alcoholic beverages for the exclusive use in cooking,  
1767 processing or manufacturing products which contain alcoholic  
1768 beverages as an integral ingredient. An alcohol processing permit  
1769 shall not authorize the sale of alcoholic beverages on the  
1770 premises of the person engaging in the business of cooking,  
1771 processing or manufacturing products which contain alcoholic



1772 beverages. The amounts of alcoholic beverages allowed under an  
1773 alcohol processing permit shall be set by the department.

1774 (j) **Hospitality cart permit.** A hospitality cart permit  
1775 shall authorize the sale of alcoholic beverages from a mobile cart  
1776 on a golf course that is the holder of an on-premises retailer's  
1777 permit. The alcoholic beverages sold from the cart must be  
1778 consumed within the boundaries of the golf course.

1779 (k) **Special service permit.** A special service permit  
1780 shall authorize the holder to sell commercially sealed alcoholic  
1781 beverages to the operator of a commercial or private aircraft for  
1782 en route consumption only by passengers. A special service permit  
1783 shall be issued only to a fixed-base operator who contracts with  
1784 an airport facility to provide fueling and other associated  
1785 services to commercial and private aircraft.

1786 (l) **Merchant permit.** Except as otherwise provided in  
1787 subsection (5) of this section, a merchant permit shall be issued  
1788 only to the owner of a spa facility, an art studio or gallery, or  
1789 a cooking school, and shall authorize the holder to serve  
1790 complimentary by the glass wine only, including native wine, at  
1791 the holder's spa facility, art studio or gallery, or cooking  
1792 school. A merchant permit holder shall obtain all wine from the  
1793 holder of a package retailer's permit.

1794 (m) **Temporary alcoholic beverages charitable auction**  
1795 **permit.** A temporary permit, not to exceed five (5) days, may be  
1796 issued to a qualifying charitable nonprofit organization that is





1797 exempt from taxation under Section 501(c)(3) or (4) of the  
1798 Internal Revenue Code of 1986. The permit shall authorize the  
1799 holder to sell alcoholic beverages for the limited purpose of  
1800 raising funds for the organization during a live or silent auction  
1801 that is conducted by the organization and that meets the following  
1802 requirements: (i) the auction is conducted in an area of the  
1803 state where the sale of alcoholic beverages is authorized; (ii) if  
1804 the auction is conducted on the premises of an on-premises  
1805 retailer's permit holder, then the alcoholic beverages to be  
1806 auctioned must be stored separately from the alcoholic beverages  
1807 sold, stored or served on the premises, must be removed from the  
1808 premises immediately following the auction, and may not be  
1809 consumed on the premises; (iii) the permit holder may not conduct  
1810 more than two (2) auctions during a calendar year; (iv) the permit  
1811 holder may not pay a commission or promotional fee to any person  
1812 to arrange or conduct the auction.

1813           (n) **Event venue retailer's permit.** An event venue  
1814 retailer's permit shall authorize the holder thereof to purchase  
1815 and resell alcoholic beverages, including native wines and native  
1816 spirits, for consumption on the premises during legal hours during  
1817 events held on the licensed premises if food is being served at  
1818 the event by a caterer who is not affiliated with or related to  
1819 the permittee. The caterer must serve at least three (3) entrees.  
1820 The permit may only be issued for venues that can accommodate two  
1821 hundred (200) persons or more. The number of persons a venue may



1822 accommodate shall be determined by the local fire department and  
1823 such determination shall be provided in writing and submitted  
1824 along with all other documents required to be provided for an  
1825 on-premises retailer's permit. The permittee must derive the  
1826 majority of its revenue from event-related fees, including, but  
1827 not limited to, admission fees or ticket sales for live  
1828 entertainment in the building. "Event-related fees" do not  
1829 include alcohol, beer or light wine sales or any fee which may be  
1830 construed to cover the cost of alcohol, beer or light wine. This  
1831 determination shall be made on a per event basis. An event may  
1832 not last longer than two (2) consecutive days per week.

1833           (o) **Temporary theatre permit.** A temporary theatre  
1834 permit, not to exceed five (5) days, may be issued to a charitable  
1835 nonprofit organization that is exempt from taxation under Section  
1836 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
1837 a theatre facility that features plays and other theatrical  
1838 performances and productions. Except as otherwise provided in  
1839 subsection (5) of this section, the permit shall authorize the  
1840 holder to sell alcoholic beverages, including native wines and  
1841 native spirits, to patrons of the theatre during performances and  
1842 productions at the theatre facility for consumption during such  
1843 performances and productions on the premises of the facility  
1844 described in the permit. A temporary theatre permit holder shall  
1845 obtain all alcoholic beverages from package retailers located in  
1846 the county in which the permit is issued. Alcoholic beverages



1847 remaining in stock upon expiration of the temporary theatre permit  
1848 may be returned by the permittee to the package retailer for a  
1849 refund of the purchase price upon consent of the package retailer  
1850 or may be kept by the permittee exclusively for personal use and  
1851 consumption, subject to all laws pertaining to the illegal sale  
1852 and possession of alcoholic beverages.

1853           (p) **Charter ship operator's permit.** Subject to the  
1854 provisions of this paragraph (p), a charter ship operator's permit  
1855 shall authorize the holder thereof and its employees to serve,  
1856 monitor, store and otherwise control the serving and availability  
1857 of alcoholic beverages to customers of the permit holder during  
1858 private charters under contract provided by the permit holder. A  
1859 charter ship operator's permit shall authorize such action by the  
1860 permit holder and its employees only as to alcoholic beverages  
1861 brought onto the permit holder's ship by customers of the permit  
1862 holder as part of such a private charter. All such alcoholic  
1863 beverages must be removed from the charter ship at the conclusion  
1864 of each private charter. A charter ship operator's permit shall  
1865 not authorize the permit holder to sell, charge for or otherwise  
1866 supply alcoholic beverages to customers, except as authorized in  
1867 this paragraph (p). For the purposes of this paragraph (p),  
1868 "charter ship operator" means a common carrier that (i) is  
1869 certified to carry at least one hundred fifty (150) passengers  
1870 and/or provide overnight accommodations for at least fifty (50)  
1871 passengers, (ii) operates only in the waters within the State of



1872 Mississippi, which lie adjacent to the State of Mississippi south  
1873 of the three (3) most southern counties in the State of  
1874 Mississippi, and (iii) provides charters under contract for tours  
1875 and trips in such waters.

1876           (q) **Distillery retailer's permit.** The holder of a  
1877 Class 1 manufacturer's permit may obtain a distillery retailer's  
1878 permit. A distillery retailer's permit shall authorize the holder  
1879 thereof to sell at retail alcoholic beverages to consumers for  
1880 on-premises consumption, or to consumers by the sealed and  
1881 unopened bottle from a retail location at the distillery for  
1882 off-premises consumption. The holder may only sell product  
1883 manufactured by the manufacturer at the distillery described in  
1884 the permit. However, when selling to consumers for on-premises  
1885 consumption, a holder of a distillery retailer's permit may add  
1886 other beverages, alcoholic or not, so long as the total volume of  
1887 other beverage components containing alcohol does not exceed  
1888 twenty percent (20%). Hours of sale shall be the same as those  
1889 authorized for on-premises permittees in the city or county in  
1890 which the distillery retailer is located.

1891           The holder shall not sell at retail more than ten percent  
1892 (10%) of the alcoholic beverages produced annually at its  
1893 distillery. The holder shall not make retail sales of more than  
1894 two and twenty-five one-hundredths (2.25) liters, in the  
1895 aggregate, of the alcoholic beverages produced at its distillery  
1896 to any one (1) individual for consumption off the premises of the



1897 distillery within a twenty-four-hour period. The hours of sale  
1898 shall be the same as those hours for package retailers under this  
1899 chapter. The holder of a distillery retailer's permit is not  
1900 required to purchase the alcoholic beverages authorized to be sold  
1901 by this paragraph from the department's liquor distribution  
1902 warehouse; however, if the holder does not purchase the alcoholic  
1903 beverages from the department's liquor distribution warehouse, the  
1904 holder shall pay to the department all taxes, fees and surcharges  
1905 on the alcoholic beverages that are imposed upon the sale of  
1906 alcoholic beverages shipped by the \* \* \* department or its  
1907 warehouse operator. In addition to alcoholic beverages, the  
1908 holder of a distillery retailer's permit may sell at retail  
1909 promotional products from the same retail location, including  
1910 shirts, hats, glasses, and other promotional products customarily  
1911 sold by alcoholic beverage manufacturers.

1912 (r) **Festival Wine Permit.** Any wine manufacturer or  
1913 native wine producer permitted by Mississippi or any other state  
1914 is eligible to obtain a Festival Wine Permit. This permit  
1915 authorizes the entity to transport product manufactured by it to  
1916 festivals held within the State of Mississippi and sell sealed,  
1917 unopened bottles to festival participants. The holder of this  
1918 permit may provide samples at no charge to participants.  
1919 "Festival" means any event at which three (3) or more vendors are  
1920 present at a location for the sale or distribution of goods. The  
1921 holder of a Festival Wine Permit is not required to purchase the



1922 alcoholic beverages authorized to be sold by this paragraph from  
1923 the department's liquor distribution warehouse. However, if the  
1924 holder does not purchase the alcoholic beverages from the  
1925 department's liquor distribution warehouse, the holder of this  
1926 permit shall pay to the department all taxes, fees and surcharges  
1927 on the alcoholic beverages sold at such festivals that are imposed  
1928 upon the sale of alcoholic beverages shipped by the Alcoholic  
1929 Beverage Control Division of the Department of Revenue.  
1930 Additionally, the entity shall file all applicable reports and  
1931 returns as prescribed by the department. This permit is issued  
1932 per festival and provides authority to sell for two (2)  
1933 consecutive days during the hours authorized for on-premises  
1934 permittees' sales in that county or city. The holder of the  
1935 permit shall be required to maintain all requirements set by Local  
1936 Option Law for the service and sale of alcoholic beverages. This  
1937 permit may be issued to entities participating in festivals at  
1938 which a Class 1 temporary permit is in effect.

1939       This paragraph (r) shall stand repealed from and after July  
1940 1, 2023.

1941       (s) **Charter vessel operator's permit.** Subject to the  
1942 provisions of this paragraph (s), a charter vessel operator's  
1943 permit shall authorize the holder thereof and its employees to  
1944 sell and serve alcoholic beverages to passengers of the permit  
1945 holder during public tours, historical tours, ecological tours and  
1946 sunset cruises provided by the permit holder. The permit shall



1947 authorize the holder to only sell alcoholic beverages, including  
1948 native wines, to passengers of the charter vessel operator during  
1949 public tours, historical tours, ecological tours and sunset  
1950 cruises provided by the permit holder aboard the charter vessel  
1951 operator for consumption during such tours and cruises on the  
1952 premises of the charter vessel operator described in the permit.  
1953 For the purposes of this paragraph (s), "charter vessel operator"  
1954 means a common carrier that (i) is certified to carry at least  
1955 forty-nine (49) passengers, (ii) operates only in the waters  
1956 within the State of Mississippi, which lie south of Interstate 10  
1957 in the three (3) most southern counties in the State of  
1958 Mississippi, and lie adjacent to the State of Mississippi south of  
1959 the three (3) most southern counties in the State of Mississippi,  
1960 extending not further than one (1) mile south of such counties,  
1961 and (iii) provides vessel services for tours and cruises in such  
1962 waters as provided in this paragraph (s).

1963 (t) **Native spirit retailer's permit.** Except as  
1964 otherwise provided in subsection (5) of this section, a native  
1965 spirit retailer's permit shall be issued only to a holder of a  
1966 Class 4 manufacturer's permit, and shall authorize the holder  
1967 thereof to make retail sales of native spirits to consumers for  
1968 on-premises consumption or to consumers in originally sealed and  
1969 unopened containers at an establishment located on the premises of  
1970 or in the immediate vicinity of a native distillery. When selling  
1971 to consumers for on-premises consumption, a holder of a native



1972 spirit retailer's permit may add to the native spirit alcoholic  
1973 beverages not produced on the premises, so long as the total  
1974 volume of foreign beverage components does not exceed twenty  
1975 percent (20%) of the mixed beverage. Hours of sale shall be the  
1976 same as those authorized for on-premises permittees in the city or  
1977 county in which the native spirit retailer is located.

1978 (u) **Delivery service permit.** Any individual, limited  
1979 liability company, corporation or partnership registered to do  
1980 business in this state is eligible to obtain a delivery service  
1981 permit. Subject to the provisions of Section 67-1-51.1, this  
1982 permit authorizes the permittee, or its employee or an independent  
1983 contractor acting on its behalf, to deliver alcoholic beverages,  
1984 beer, light wine and light spirit product from a licensed retailer  
1985 to a person in this state who is at least twenty-one (21) years of  
1986 age for the individual's use and not for resale. This permit does  
1987 not authorize the delivery of alcoholic beverages, beer, light  
1988 wine or light spirit product to the premises of a location with a  
1989 permit for the manufacture, distribution or retail sale of  
1990 alcoholic beverages, beer, light wine or light spirit product.  
1991 The holder of a package retailer's permit or an on-premises  
1992 retailer's permit under Section 67-1-51 or of a beer, light wine  
1993 and light spirit product permit under Section 67-3-19 is  
1994 authorized to apply for a delivery service permit as a privilege  
1995 separate from its existing retail permit.





1996           (v) **Food truck permit.** A food truck permit shall  
1997 authorize the holder of an on-premises retailer's permit to use a  
1998 food truck to sell alcoholic beverages off its premises to guests  
1999 who must consume the beverages in open containers. For the  
2000 purposes of this paragraph (v), "food truck" means a fully encased  
2001 food service establishment on a motor vehicle or on a trailer that  
2002 a motor vehicle pulls to transport, and from which a vendor,  
2003 standing within the frame of the establishment, prepares, cooks,  
2004 sells and serves food for immediate human consumption. The term  
2005 "food truck" does not include a food cart that is not motorized.  
2006 Food trucks shall maintain such distance requirements from  
2007 schools, churches, kindergartens and funeral homes as are required  
2008 for on-premises retailer's permittees under this chapter, and all  
2009 sales must be made within a valid leisure and recreation district  
2010 established under Section 67-1-101. Food trucks cannot sell or  
2011 serve alcoholic beverages unless also offering food prepared and  
2012 cooked within the food truck, and permittees must maintain a  
2013 twenty-five percent (25%) food sale revenue requirement based on  
2014 the food sold from the food truck alone. The hours allowed for  
2015 sale shall be the same as those for on-premises retailer's  
2016 permittees in the location. This permit will not be required for  
2017 the holder of a caterer's permit issued under this chapter to  
2018 cater an event as allowed by law. Permittees must provide notice  
2019 of not less than forty-eight (48) hours to the department of each  
2020 location at which alcoholic beverages will be sold.



2021 (2) Except as otherwise provided in subsection (4) of this  
2022 section, retail permittees may hold more than one (1) retail  
2023 permit, at the discretion of the department.

2024 (3) (a) Except as otherwise provided in this subsection, no  
2025 authority shall be granted to any person to manufacture, sell or  
2026 store for sale any intoxicating liquor as specified in this  
2027 chapter within four hundred (400) feet of any church, school,  
2028 kindergarten or funeral home. However, within an area zoned  
2029 commercial or business, such minimum distance shall be not less  
2030 than one hundred (100) feet.

2031 (b) A church or funeral home may waive the distance  
2032 restrictions imposed in this subsection in favor of allowing  
2033 issuance by the department of a permit, pursuant to subsection (1)  
2034 of this section, to authorize activity relating to the  
2035 manufacturing, sale or storage of alcoholic beverages which would  
2036 otherwise be prohibited under the minimum distance criterion.  
2037 Such waiver shall be in written form from the owner, the governing  
2038 body, or the appropriate officer of the church or funeral home  
2039 having the authority to execute such a waiver, and the waiver  
2040 shall be filed with and verified by the department before becoming  
2041 effective.

2042 (c) The distance restrictions imposed in this  
2043 subsection shall not apply to the sale or storage of alcoholic  
2044 beverages at a bed and breakfast inn listed in the National  
2045 Register of Historic Places or to the sale or storage of alcoholic



2046 beverages in a historic district that is listed in the National  
2047 Register of Historic Places, is a qualified resort area and is  
2048 located in a municipality having a population greater than one  
2049 hundred thousand (100,000) according to the latest federal  
2050 decennial census.

2051 (d) The distance restrictions imposed in this  
2052 subsection shall not apply to the sale or storage of alcoholic  
2053 beverages at a qualified resort area as defined in Section  
2054 67-1-5(o)(iii)32.

2055 (e) The distance restrictions imposed in this  
2056 subsection shall not apply to the sale or storage of alcoholic  
2057 beverages at a licensed premises in a building formerly owned by a  
2058 municipality and formerly leased by the municipality to a  
2059 municipal school district and used by the municipal school  
2060 district as a district bus shop facility.

2061 (f) The distance restrictions imposed in this  
2062 subsection shall not apply to the sale or storage of alcoholic  
2063 beverages at a licensed premises in a building consisting of at  
2064 least five thousand (5,000) square feet and located approximately  
2065 six hundred (600) feet from the intersection of Mississippi  
2066 Highway 15 and Mississippi Highway 4.

2067 (g) The distance restrictions imposed in this  
2068 subsection shall not apply to the sale or storage of alcoholic  
2069 beverages at a licensed premises in a building located at or near



2070 the \* \* \* intersection of Ward and Tate Streets and adjacent  
2071 properties in the City of Senatobia, Mississippi.

2072 (h) The distance restrictions imposed in this  
2073 subsection shall not apply to the sale or storage of alcoholic  
2074 beverages at a theatre facility that features plays and other  
2075 theatrical performances and productions and (i) is capable of  
2076 seating more than seven hundred fifty (750) people, (ii) is owned  
2077 by a municipality which has a population greater than ten thousand  
2078 (10,000) according to the latest federal decennial census, (iii)  
2079 was constructed prior to 1930, (iv) is on the National Register of  
2080 Historic Places, and (v) is located in a historic district.

2081 (4) No person, either individually or as a member of a firm,  
2082 partnership, limited liability company or association, or as a  
2083 stockholder, officer or director in a corporation, shall own or  
2084 control any interest in more than one (1) package retailer's  
2085 permit, nor shall such person's spouse, if living in the same  
2086 household of such person, any relative of such person, if living  
2087 in the same household of such person, or any other person living  
2088 in the same household with such person own any interest in any  
2089 other package retailer's permit.

2090 (5) (a) In addition to any other authority granted under  
2091 this section, the holder of a permit issued under subsection  
2092 (1) (c), (e), (f), (g), (l), (n) and/or (o) of this section may  
2093 sell or otherwise provide alcoholic beverages and/or wine to a  
2094 patron of the permit holder in the manner authorized in the permit



2095 and the patron may remove an open glass, cup or other container of  
2096 the alcoholic beverage and/or wine from the licensed premises and  
2097 may possess and consume the alcoholic beverage or wine outside of  
2098 the licensed premises if: (i) the licensed premises is located  
2099 within a leisure and recreation district created under Section  
2100 67-1-101 and (ii) the patron remains within the boundaries of the  
2101 leisure and recreation district while in possession of the  
2102 alcoholic beverage or wine.

2103 (b) Nothing in this subsection shall be construed to  
2104 allow a person to bring any alcoholic beverages into a permitted  
2105 premises except to the extent otherwise authorized by this  
2106 chapter.

2107 **SECTION 18.** Sections 1 through 6 of this act shall be  
2108 codified as a new article in Title 67, Chapter 1, Mississippi Code  
2109 of 1972.

2110 **SECTION 19.** This act shall take effect and be in force from  
2111 and after July 1, 2022.

