

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 918**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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

23           67-1-51. (1) Permits which may be issued by the department  
24 shall be as follows:

25                   (a) **Manufacturer's permit.** A manufacturer's permit  
26 shall permit the manufacture, importation in bulk, bottling and  
27 storage of alcoholic liquor and its distribution and sale to  
28 manufacturers holding permits under this chapter in this state and  
29 to persons outside the state who are authorized by law to purchase  
30 the same, and to sell as provided by this chapter.



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

32           Class 1. Distiller's and/or rectifier's permit, which shall  
33 authorize the holder thereof to operate a distillery for the  
34 production of distilled spirits by distillation or redistillation  
35 and/or to operate a rectifying plant for the purifying, refining,  
36 mixing, blending, flavoring or reducing in proof of distilled  
37 spirits and alcohol.

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

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

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

47           (b) **Package retailer's permit.** Except as otherwise  
48 provided in this paragraph and Section 67-1-52, a package  
49 retailer's permit shall authorize the holder thereof to operate a  
50 store exclusively for the sale at retail in original sealed and  
51 unopened packages of alcoholic beverages, including native wines  
52 and native spirits, not to be consumed on the premises where sold.  
53 Alcoholic beverages shall not be sold by any retailer in any  
54 package or container containing less than fifty (50) milliliters  
55 by liquid measure. A package retailer's permit, with prior



56 approval from the department, shall authorize the holder thereof  
57 to sample new product furnished by a manufacturer's representative  
58 or his employees at the permitted place of business so long as the  
59 sampling otherwise complies with this chapter and applicable  
60 department regulations. Such samples may not be provided to  
61 customers at the permitted place of business. In addition to the  
62 sale at retail of packages of alcoholic beverages, the holder of a  
63 package retailer's permit is authorized to sell at retail  
64 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
65 other beverages commonly used to mix with alcoholic beverages.  
66 Nonalcoholic beverages sold by the holder of a package retailer's  
67 permit shall not be consumed on the premises where sold.

68 (c) **On-premises retailer's permit.** Except as otherwise  
69 provided in subsection (5) of this section, an on-premises  
70 retailer's permit shall authorize the sale of alcoholic beverages,  
71 including native wines and native spirits, for consumption on the  
72 licensed premises only; however, a patron of the permit holder may  
73 remove one (1) bottle of wine from the licensed premises if: (i)  
74 the patron consumed a portion of the bottle of wine in the course  
75 of consuming a meal purchased on the licensed premises; (ii) the  
76 permit holder securely reseals the bottle; (iii) the bottle is  
77 placed in a bag that is secured in a manner so that it will be  
78 visibly apparent if the bag is opened; and (iv) a dated receipt  
79 for the wine and the meal is available. Additionally, as part of  
80 a carryout order, a permit holder may sell one (1) bottle of wine



81 to be removed from the licensed premises for every two (2) entrees  
82 ordered. Such a permit shall be issued only to qualified hotels,  
83 restaurants and clubs, small craft breweries, microbreweries, and  
84 to common carriers with adequate facilities for serving  
85 passengers. In resort areas, whether inside or outside of a  
86 municipality, the department, in its discretion, may issue  
87 on-premises retailer's permits to such establishments as it deems  
88 proper. An on-premises retailer's permit when issued to a common  
89 carrier shall authorize the sale and serving of alcoholic  
90 beverages aboard any licensed vehicle while moving through any  
91 county of the state; however, the sale of such alcoholic beverages  
92 shall not be permitted while such vehicle is stopped in a county  
93 that has not legalized such sales. If an on-premises retailer's  
94 permit is applied for by a common carrier operating solely in the  
95 water, such common carrier must, along with all other  
96 qualifications for a permit, (i) be certified to carry at least  
97 one hundred fifty (150) passengers and/or provide overnight  
98 accommodations for at least fifty (50) passengers and (ii) operate  
99 primarily in the waters within the State of Mississippi which lie  
100 adjacent to the State of Mississippi south of the three (3) most  
101 southern counties in the State of Mississippi and/or on the  
102 Mississippi River or navigable waters within any county bordering  
103 on the Mississippi River.

104 (d) **Solicitor's permit.** A solicitor's permit shall  
105 authorize the holder thereof to act as salesman for a manufacturer



106 or wholesaler holding a proper permit, to solicit on behalf of his  
107 employer orders for alcoholic beverages, and to otherwise promote  
108 his employer's products in a legitimate manner. Such a permit  
109 shall authorize the representation of and employment by one (1)  
110 principal only. However, the permittee may also, in the  
111 discretion of the department, be issued additional permits to  
112 represent other principals. No such permittee shall buy or sell  
113 alcoholic beverages for his own account, and no such beverage  
114 shall be brought into this state in pursuance of the exercise of  
115 such permit otherwise than through a permit issued to a wholesaler  
116 or manufacturer in the state.

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



130 authorized for on-premises permittees in the city or county in  
131 which the native wine retailer is located.

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

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

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



155 permittee exclusively for personal use and consumption, subject to  
156 all laws pertaining to the illegal sale and possession of  
157 alcoholic beverages. The department, following review of the  
158 statement provided by the applicant and the requirements of the  
159 applicable statutes and regulations, may issue the permit.

160 Class 2. A temporary permit, not to exceed seventy (70)  
161 days, may be issued to prospective permittees seeking to transfer  
162 a permit authorized in paragraph (c) of this subsection. A Class  
163 2 permit may be issued only to applicants demonstrating to the  
164 department, by a statement signed under the penalty of perjury,  
165 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
166 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
167 67-1-59. The department, following a preliminary review of the  
168 statement provided by the applicant and the requirements of the  
169 applicable statutes and regulations, may issue the permit.

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

178 Class 3. A temporary one-day permit may be issued to a  
179 retail establishment authorizing the complimentary distribution of



180 wine, including native wine, to patrons of the retail  
181 establishment at an open house or promotional event, for  
182 consumption only on the premises described in the temporary  
183 permit. A Class 3 permit may be issued only to an applicant  
184 demonstrating to the department, by a statement signed under  
185 penalty of perjury submitted ten (10) days before the proposed  
186 date or such other time as the department may determine, that it  
187 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
188 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
189 A Class 3 permit holder shall obtain all alcoholic beverages from  
190 the holder(s) of a package retailer's permit located in the county  
191 in which the temporary permit is issued. Wine remaining in stock  
192 upon expiration of the temporary permit may be returned by the  
193 Class 3 temporary permit holder to the package retailer for a  
194 refund of the purchase price, with consent of the package  
195 retailer, or may be kept by the Class 3 temporary permit holder  
196 exclusively for personal use and consumption, subject to all laws  
197 pertaining to the illegal sale and possession of alcoholic  
198 beverages. The department, following review of the statement  
199 provided by the applicant and the requirements of the applicable  
200 statutes and regulations, may issue the permit. No retailer may  
201 receive more than twelve (12) Class 3 temporary permits in a  
202 calendar year. A Class 3 temporary permit shall not be issued to  
203 a retail establishment that either holds a merchant permit issued  
204 under paragraph (1) of this subsection, or holds a permit issued





205 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
206 the holder to engage in the business of a retailer of light wine  
207 or beer.

208           (g) **Caterer's permit.** A caterer's permit shall permit  
209 the purchase of alcoholic beverages by a person engaging in  
210 business as a caterer and the resale of alcoholic beverages by  
211 such person in conjunction with such catering business. No person  
212 shall qualify as a caterer unless forty percent (40%) or more of  
213 the revenue derived from such catering business shall be from the  
214 serving of prepared food and not from the sale of alcoholic  
215 beverages and unless such person has obtained a permit for such  
216 business from the Department of Health. A caterer's permit shall  
217 not authorize the sale of alcoholic beverages on the premises of  
218 the person engaging in business as a caterer; however, the holder  
219 of an on-premises retailer's permit may hold a caterer's permit.  
220 When the holder of an on-premises retailer's permit or an  
221 affiliated entity of the holder also holds a caterer's permit, the  
222 caterer's permit shall not authorize the service of alcoholic  
223 beverages on a consistent, recurring basis at a separate, fixed  
224 location owned or operated by the caterer, on-premises retailer or  
225 affiliated entity and an on-premises retailer's permit shall be  
226 required for the separate location. All sales of alcoholic  
227 beverages by holders of a caterer's permit shall be made at the  
228 location being catered by the caterer, and, except as otherwise  
229 provided in subsection (5) of this section, such sales may be made



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

247 (h) **Research permit.** A research permit shall authorize  
248 the holder thereof to operate a research facility for the  
249 professional research of alcoholic beverages. Such permit shall  
250 authorize the holder of the permit to import and purchase limited  
251 amounts of alcoholic beverages from the department or from  
252 importers, wineries and distillers of alcoholic beverages for  
253 professional research.



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

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

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

276           (l) **Merchant permit.** Except as otherwise provided in  
277 subsection (5) of this section, a merchant permit shall be issued  
278 only to the owner of a spa facility, an art studio or gallery, or



279 a cooking school, and shall authorize the holder to serve  
280 complimentary by the glass wine only, including native wine, at  
281 the holder's spa facility, art studio or gallery, or cooking  
282 school. A merchant permit holder shall obtain all wine from the  
283 holder of a package retailer's permit.

284 (m) **Temporary alcoholic beverages charitable auction**  
285 **permit.** A temporary permit, not to exceed five (5) days, may be  
286 issued to a qualifying charitable nonprofit organization that is  
287 exempt from taxation under Section 501(c)(3) or (4) of the  
288 Internal Revenue Code of 1986. The permit shall authorize the  
289 holder to sell alcoholic beverages for the limited purpose of  
290 raising funds for the organization during a live or silent auction  
291 that is conducted by the organization and that meets the following  
292 requirements: (i) the auction is conducted in an area of the  
293 state where the sale of alcoholic beverages is authorized; (ii) if  
294 the auction is conducted on the premises of an on-premises  
295 retailer's permit holder, then the alcoholic beverages to be  
296 auctioned must be stored separately from the alcoholic beverages  
297 sold, stored or served on the premises, must be removed from the  
298 premises immediately following the auction, and may not be  
299 consumed on the premises; (iii) the permit holder may not conduct  
300 more than two (2) auctions during a calendar year; (iv) the permit  
301 holder may not pay a commission or promotional fee to any person  
302 to arrange or conduct the auction.



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

323           (o) **Temporary theatre permit.** A temporary theatre  
324 permit, not to exceed five (5) days, may be issued to a charitable  
325 nonprofit organization that is exempt from taxation under Section  
326 501(c) (3) or (4) of the Internal Revenue Code and owns or operates  
327 a theatre facility that features plays and other theatrical



328 performances and productions. Except as otherwise provided in  
329 subsection (5) of this section, the permit shall authorize the  
330 holder to sell alcoholic beverages, including native wines and  
331 native spirits, to patrons of the theatre during performances and  
332 productions at the theatre facility for consumption during such  
333 performances and productions on the premises of the facility  
334 described in the permit. A temporary theatre permit holder shall  
335 obtain all alcoholic beverages from package retailers located in  
336 the county in which the permit is issued. Alcoholic beverages  
337 remaining in stock upon expiration of the temporary theatre permit  
338 may be returned by the permittee to the package retailer for a  
339 refund of the purchase price upon consent of the package retailer  
340 or may be kept by the permittee exclusively for personal use and  
341 consumption, subject to all laws pertaining to the illegal sale  
342 and possession of alcoholic beverages.

343           (p) **Charter ship operator's permit.** Subject to the  
344 provisions of this paragraph (p), a charter ship operator's permit  
345 shall authorize the holder thereof and its employees to serve,  
346 monitor, store and otherwise control the serving and availability  
347 of alcoholic beverages to customers of the permit holder during  
348 private charters under contract provided by the permit holder. A  
349 charter ship operator's permit shall authorize such action by the  
350 permit holder and its employees only as to alcoholic beverages  
351 brought onto the permit holder's ship by customers of the permit  
352 holder as part of such a private charter. All such alcoholic



353 beverages must be removed from the charter ship at the conclusion  
354 of each private charter. A charter ship operator's permit shall  
355 not authorize the permit holder to sell, charge for or otherwise  
356 supply alcoholic beverages to customers, except as authorized in  
357 this paragraph (p). For the purposes of this paragraph (p),  
358 "charter ship operator" means a common carrier that (i) is  
359 certified to carry at least one hundred fifty (150) passengers  
360 and/or provide overnight accommodations for at least fifty (50)  
361 passengers, (ii) operates only in the waters within the State of  
362 Mississippi, which lie adjacent to the State of Mississippi south  
363 of the three (3) most southern counties in the State of  
364 Mississippi, and (iii) provides charters under contract for tours  
365 and trips in such waters.

366 (q) **Distillery retailer's permit.** The holder of a  
367 Class 1 manufacturer's permit may obtain a distillery retailer's  
368 permit. A distillery retailer's permit shall authorize the holder  
369 thereof to sell at retail alcoholic beverages to consumers for  
370 on-premises consumption, or to consumers by the sealed and  
371 unopened bottle from a retail location at the distillery for  
372 off-premises consumption. The holder may only sell product  
373 manufactured by the manufacturer at the distillery described in  
374 the permit. However, when selling to consumers for on-premises  
375 consumption, a holder of a distillery retailer's permit may add  
376 other beverages, alcoholic or not, so long as the total volume of  
377 other beverage components containing alcohol does not exceed



378 twenty percent (20%). Hours of sale shall be the same as those  
379 authorized for on-premises permittees in the city or county in  
380 which the distillery retailer is located.

381 The holder shall not sell at retail more than ten percent  
382 (10%) of the alcoholic beverages produced annually at its  
383 distillery. The holder shall not make retail sales of more than  
384 two and twenty-five one-hundredths (2.25) liters, in the  
385 aggregate, of the alcoholic beverages produced at its distillery  
386 to any one (1) individual for consumption off the premises of the  
387 distillery within a twenty-four-hour period. The hours of sale  
388 shall be the same as those hours for package retailers under this  
389 chapter. The holder of a distillery retailer's permit is not  
390 required to purchase the alcoholic beverages authorized to be sold  
391 by this paragraph from the department's liquor distribution  
392 warehouse; however, if the holder does not purchase the alcoholic  
393 beverages from the department's liquor distribution warehouse, the  
394 holder shall pay to the department all taxes, fees and surcharges  
395 on the alcoholic beverages that are imposed upon the sale of  
396 alcoholic beverages shipped by the Alcoholic Beverage Control  
397 Division of the Department of Revenue. In addition to alcoholic  
398 beverages, the holder of a distillery retailer's permit may sell  
399 at retail promotional products from the same retail location,  
400 including shirts, hats, glasses, and other promotional products  
401 customarily sold by alcoholic beverage manufacturers.





402                   (r) **Festival Wine Permit.** Any wine manufacturer or  
403 native wine producer permitted by Mississippi or any other state  
404 is eligible to obtain a Festival Wine Permit. This permit  
405 authorizes the entity to transport product manufactured by it to  
406 festivals held within the State of Mississippi and sell sealed,  
407 unopened bottles to festival participants. The holder of this  
408 permit may provide samples at no charge to participants.  
409 "Festival" means any event at which three (3) or more vendors are  
410 present at a location for the sale or distribution of goods. The  
411 holder of a Festival Wine Permit is not required to purchase the  
412 alcoholic beverages authorized to be sold by this paragraph from  
413 the department's liquor distribution warehouse. However, if the  
414 holder does not purchase the alcoholic beverages from the  
415 department's liquor distribution warehouse, the holder of this  
416 permit shall pay to the department all taxes, fees and surcharges  
417 on the alcoholic beverages sold at such festivals that are imposed  
418 upon the sale of alcoholic beverages shipped by the Alcoholic  
419 Beverage Control Division of the Department of Revenue.  
420 Additionally, the entity shall file all applicable reports and  
421 returns as prescribed by the department. This permit is issued  
422 per festival and provides authority to sell for two (2)  
423 consecutive days during the hours authorized for on-premises  
424 permittees' sales in that county or city. The holder of the  
425 permit shall be required to maintain all requirements set by Local  
426 Option Law for the service and sale of alcoholic beverages. This



427 permit may be issued to entities participating in festivals at  
428 which a Class 1 temporary permit is in effect.

429 This paragraph (r) shall stand repealed from and after July  
430 1, 2023.

431 (s) **Charter vessel operator's permit.** Subject to the  
432 provisions of this paragraph (s), a charter vessel operator's  
433 permit shall authorize the holder thereof and its employees to  
434 sell and serve alcoholic beverages to passengers of the permit  
435 holder during public tours, historical tours, ecological tours and  
436 sunset cruises provided by the permit holder. The permit shall  
437 authorize the holder to only sell alcoholic beverages, including  
438 native wines, to passengers of the charter vessel operator during  
439 public tours, historical tours, ecological tours and sunset  
440 cruises provided by the permit holder aboard the charter vessel  
441 operator for consumption during such tours and cruises on the  
442 premises of the charter vessel operator described in the permit.  
443 For the purposes of this paragraph (s), "charter vessel operator"  
444 means a common carrier that (i) is certified to carry at least  
445 forty-nine (49) passengers, (ii) operates only in the waters  
446 within the State of Mississippi, which lie south of Interstate 10  
447 in the three (3) most southern counties in the State of  
448 Mississippi, and lie adjacent to the State of Mississippi south of  
449 the three (3) most southern counties in the State of Mississippi,  
450 extending not further than one (1) mile south of such counties,



451 and (iii) provides vessel services for tours and cruises in such  
452 waters as provided in this paragraph (s).

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

468           (u) **Delivery service permit.** Any individual, limited  
469 liability company, corporation or partnership registered to do  
470 business in this state is eligible to obtain a delivery service  
471 permit. Subject to the provisions of Section 67-1-51.1, this  
472 permit authorizes the permittee, or its employee or an independent  
473 contractor acting on its behalf, to deliver alcoholic beverages,  
474 beer, light wine and light spirit product from a licensed retailer  
475 to a person in this state who is at least twenty-one (21) years of



476 age for the individual's use and not for resale. This permit does  
477 not authorize the delivery of alcoholic beverages, beer, light  
478 wine or light spirit product to the premises of a location with a  
479 permit for the manufacture, distribution or retail sale of  
480 alcoholic beverages, beer, light wine or light spirit product.  
481 The holder of a package retailer's permit or an on-premises  
482 retailer's permit under Section 67-1-51 or of a beer, light wine  
483 and light spirit product permit under Section 67-3-19 is  
484 authorized to apply for a delivery service permit as a privilege  
485 separate from its existing retail permit.

486 (v) **Food truck permit.** A food truck permit shall  
487 authorize the holder of an on-premises retailer's permit to use a  
488 food truck to sell alcoholic beverages off its premises to guests  
489 who must consume the beverages in open containers. For the  
490 purposes of this paragraph (v), "food truck" means a fully encased  
491 food service establishment on a motor vehicle or on a trailer that  
492 a motor vehicle pulls to transport, and from which a vendor,  
493 standing within the frame of the establishment, prepares, cooks,  
494 sells and serves food for immediate human consumption. The term  
495 "food truck" does not include a food cart that is not motorized.  
496 Food trucks shall maintain such distance requirements from  
497 schools, churches, kindergartens and funeral homes as are required  
498 for on-premises retailer's permittees under this chapter, and all  
499 sales must be made within a valid leisure and recreation district  
500 established under Section 67-1-101. Food trucks cannot sell or



501 serve alcoholic beverages unless also offering food prepared and  
502 cooked within the food truck, and permittees must maintain a  
503 twenty-five percent (25%) food sale revenue requirement based on  
504 the food sold from the food truck alone. The hours allowed for  
505 sale shall be the same as those for on-premises retailer's  
506 permittees in the location. This permit will not be required for  
507 the holder of a caterer's permit issued under this chapter to  
508 cater an event as allowed by law. Permittees must provide notice  
509 of not less than forty-eight (48) hours to the department of each  
510 location at which alcoholic beverages will be sold.

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

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

521 (b) A church or funeral home may waive the distance  
522 restrictions imposed in this subsection in favor of allowing  
523 issuance by the department of a permit, pursuant to subsection (1)  
524 of this section, to authorize activity relating to the  
525 manufacturing, sale or storage of alcoholic beverages which would



526 otherwise be prohibited under the minimum distance criterion.  
527 Such waiver shall be in written form from the owner, the governing  
528 body, or the appropriate officer of the church or funeral home  
529 having the authority to execute such a waiver, and the waiver  
530 shall be filed with and verified by the department before becoming  
531 effective.

532 (c) The distance restrictions imposed in this  
533 subsection shall not apply to the sale or storage of alcoholic  
534 beverages at a bed and breakfast inn listed in the National  
535 Register of Historic Places or to the sale or storage of alcoholic  
536 beverages in a historic district that is listed in the National  
537 Register of Historic Places, is a qualified resort area and is  
538 located in a municipality having a population greater than one  
539 hundred thousand (100,000) according to the latest federal  
540 decennial census.

541 (d) The distance restrictions imposed in this  
542 subsection shall not apply to the sale or storage of alcoholic  
543 beverages at a qualified resort area as defined in Section  
544 67-1-5(o)(iii)32.

545 (e) The distance restrictions imposed in this  
546 subsection shall not apply to the sale or storage of alcoholic  
547 beverages at a licensed premises in a building formerly owned by a  
548 municipality and formerly leased by the municipality to a  
549 municipal school district and used by the municipal school  
550 district as a district bus shop facility.



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

557 (g) The distance restrictions imposed in this  
558 subsection shall not apply to the sale or storage of alcoholic  
559 beverages at a licensed premises in a building located at the  
560 southeast corner of Ward and Tate Streets in the City of  
561 Senatobia, Mississippi.

562 (4) No person, either individually or as a member of a firm,  
563 partnership, limited liability company or association, or as a  
564 stockholder, officer or director in a corporation, shall own or  
565 control any interest in more than one (1) package retailer's  
566 permit, nor shall such person's spouse, if living in the same  
567 household of such person, any relative of such person, if living  
568 in the same household of such person, or any other person living  
569 in the same household with such person own any interest in any  
570 other package retailer's permit.

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



576 and the patron may remove an open glass, cup or other container of  
577 the alcoholic beverage and/or wine from the licensed premises and  
578 may possess and consume the alcoholic beverage or wine outside of  
579 the licensed premises if: (i) the licensed premises is located  
580 within a leisure and recreation district created under Section  
581 67-1-101 and (ii) the patron remains within the boundaries of the  
582 leisure and recreation district while in possession of the  
583 alcoholic beverage or wine.

584 (b) Nothing in this subsection shall be construed to  
585 allow a person to bring any alcoholic beverages into a permitted  
586 premises except to the extent otherwise authorized by this  
587 chapter.

588 **SECTION 2.** Section 27-71-5, Mississippi Code of 1972, is  
589 amended as follows:

590 27-71-5. (1) Upon each person approved for a permit under  
591 the provisions of the Alcoholic Beverage Control Law and  
592 amendments thereto, there is levied and imposed for each location  
593 for the privilege of engaging and continuing in this state in the  
594 business authorized by such permit, an annual privilege license  
595 tax in the amount provided in the following schedule:

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

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





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

603                   (b) Manufacturer's permit, Class 2, wine  
604 manufacturer.....\$1,800.00

605                   (c) Manufacturer's permit, Class 3, native wine  
606 manufacturer per ten thousand (10,000) gallons or part thereof  
607 produced.....\$ 10.00

608                   (d) Manufacturer's permit, Class 4, native spirit  
609 manufacturer per one thousand (1,000) gallons or part thereof  
610 produced.....\$ 300.00

611                   (e) Native wine retailer's permit.....\$ 50.00

612                   (f) Package retailer's permit, each.....\$ 900.00

613                   (g) On-premises retailer's permit, except for clubs and  
614 common carriers, each.....\$ 450.00

615                   (h) On-premises retailer's permit for wine of more than  
616 five percent (5%) alcohol by weight, but not more than twenty-one  
617 percent (21%) alcohol by weight, each.....\$ 225.00

618                   (i) On-premises retailer's permit for clubs...\$ 225.00

619                   (j) On-premises retailer's permit for common carriers,  
620 per car, plane, or other vehicle.....\$ 120.00

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

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



626	(m)	Temporary permit, Class 1, each.....	\$ 10.00
627	(n)	Temporary permit, Class 2, each.....	\$ 50.00
628	(o)	(i) Caterer's permit.....	\$ 600.00
629		(ii) Caterer's permit for holders of on-premises	
630		retailer's permit.....	\$ 150.00
631	(p)	Research permit.....	\$ 100.00
632	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
633	(r)	Special service permit.....	\$ 225.00
634	(s)	Merchant permit.....	\$ 225.00
635	(t)	Temporary alcoholic beverages charitable auction	
636		permit.....	\$ 10.00
637	(u)	Event venue retailer's permit.....	\$ 225.00
638	(v)	Temporary theatre permit, each.....	\$ 10.00
639	(w)	Charter ship operator's permit.....	\$ 100.00
640	(x)	Distillery retailer's permit.....	\$ 450.00
641	(y)	Festival wine permit.....	\$ 10.00
642	(z)	Charter vessel operator's permit.....	\$ 100.00
643	(aa)	Native spirit retailer's permit.....	\$ 50.00
644	(bb)	Delivery service permit.....	\$ 500.00
645	(cc)	Food truck permit.....	\$ 100.00

646 In addition to the filing fee imposed by paragraph (l) of  
647 this subsection, a fee to be determined by the Department of  
648 Revenue may be charged to defray costs incurred to process  
649 applications. The additional fees shall be paid into the State  
650 Treasury to the credit of a special fund account, which is hereby



651 created, and expenditures therefrom shall be made only to defray  
652 the costs incurred by the Department of Revenue in processing  
653 alcoholic beverage applications. Any unencumbered balance  
654 remaining in the special fund account on June 30 of any fiscal  
655 year shall lapse into the State General Fund.

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

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

664 (2) (a) There is imposed and shall be collected from each  
665 permittee, except a common carrier, solicitor, a temporary  
666 permittee or a delivery service permittee, by the department, an  
667 additional license tax equal to the amounts imposed under  
668 subsection (1) of this section for the privilege of doing business  
669 within any municipality or county in which the licensee is  
670 located.

671 (b) (i) In addition to the tax imposed in paragraph  
672 (a) of this subsection, there is imposed and shall be collected by  
673 the department from each permittee described in subsection (1)(g),  
674 (h), (i), (n) and (u) of this section, an additional license tax  
675 for the privilege of doing business within any municipality or



676 county in which the licensee is located in the amount of Two  
677 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five  
678 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars  
679 (\$225.00) for each additional purchase of Five Thousand Dollars  
680 (\$5,000.00), or fraction thereof.

681 (ii) In addition to the tax imposed in paragraph  
682 (a) of this subsection, there is imposed and shall be collected by  
683 the department from each permittee described in subsection (1)(o)  
684 and (s) of this section, an additional license tax for the  
685 privilege of doing business within any municipality or county in  
686 which the licensee is located in the amount of Two Hundred Fifty  
687 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars  
688 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each  
689 additional purchase of Five Thousand Dollars (\$5,000.00), or  
690 fraction thereof.

691 (iii) Any person who has paid the additional  
692 privilege license tax imposed by this paragraph, and whose permit  
693 is renewed, may add any unused fraction of Five Thousand Dollars  
694 (\$5,000.00) purchases to the first Five Thousand Dollars  
695 (\$5,000.00) purchases authorized by the renewal permit, and no  
696 additional license tax will be required until purchases exceed the  
697 sum of the two (2) figures.

698 (c) If the licensee is located within a municipality,  
699 the department shall pay the amount of additional license tax  
700 collected under this section to the municipality, and if outside a



701 municipality the department shall pay the additional license tax  
702 to the county in which the licensee is located. Payments by the  
703 department to the respective local government subdivisions shall  
704 be made once each month for any collections during the preceding  
705 month.

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

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

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



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

733 **SECTION 3.** This act shall take effect and be in force from  
734 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO CREATE A FOOD TRUCK PERMIT UNDER THE LOCAL OPTION  
2 ALCOHOLIC BEVERAGE CONTROL LAW TO AUTHORIZE THE HOLDER OF AN  
3 ON-PREMISES RETAILER'S PERMIT TO USE A FOOD TRUCK TO SELL  
4 ALCOHOLIC BEVERAGES OFF ITS PREMISES TO GUESTS WHO MUST CONSUME  
5 THE BEVERAGES IN OPEN CONTAINERS; TO DEFINE THE TERM "FOOD TRUCK";  
6 TO PROVIDE THAT FOOD TRUCKS MUST MAINTAIN SUCH DISTANCE  
7 REQUIREMENTS FROM SCHOOLS, CHURCHES, KINDERGARTENS AND FUNERAL  
8 HOMES AS ARE REQUIRED FOR ON-PREMISES RETAILER'S PERMITTEES AND  
9 THAT SALES MUST BE MADE WITHIN A VALID LEISURE AND RECREATION  
10 DISTRICT; TO PROVIDE THAT FOOD TRUCKS CANNOT SELL OR SERVE  
11 ALCOHOLIC BEVERAGES UNLESS ALSO OFFERING FOOD PREPARED AND COOKED  
12 WITHIN THE FOOD TRUCK AND PERMITTEES MUST MAINTAIN A 25% FOOD SALE  
13 REVENUE REQUIREMENT BASED ON THE FOOD SOLD FROM A FOOD TRUCK  
14 ALONE; TO PROVIDE THAT A FOOD TRUCK PERMIT HOLDER MUST PROVIDE  
15 NOTICE OF NOT LESS THAN 48 HOURS TO THE DEPARTMENT OF REVENUE OF  
16 EACH LOCATION AT WHICH ALCOHOLIC BEVERAGES WILL BE SOLD; TO AMEND  
17 SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE  
18 PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A FOOD TRUCK PERMIT;  
19 AND FOR RELATED PURPOSES.

