

By: Representatives Powell, Hopkins

To: Ways and Means

HOUSE BILL NO. 381

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE NUMBER OF PACKAGE RETAILER'S PERMITS THAT MAY BE
3 OWNED BY A PERSON OR IN WHICH A PERSON MAY HAVE A CONTROLLING
4 INTEREST FROM ONE TO THREE; AND FOR RELATED PURPOSES.

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

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

8 67-1-51. (1) Permits which may be issued by the department
9 shall be as follows:

10 (a) **Manufacturer's permit.** A manufacturer's permit
11 shall permit the manufacture, importation in bulk, bottling and
12 storage of alcoholic liquor and its distribution and sale to
13 manufacturers holding permits under this article in this state and
14 to persons outside the state who are authorized by law to purchase
15 the same, and to sell as provided by this article.

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

17 Class 1. Distiller's and/or rectifier's permit, which shall
18 authorize the holder thereof to operate a distillery for the
19 production of distilled spirits by distillation or redistillation



20 and/or to operate a rectifying plant for the purifying, refining,
21 mixing, blending, flavoring or reducing in proof of distilled
22 spirits and alcohol.

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

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

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

32 (b) **Package retailer's permit.** Except as otherwise
33 provided in this paragraph and Section 67-1-52, a package
34 retailer's permit shall authorize the holder thereof to operate a
35 store exclusively for the sale at retail in original sealed and
36 unopened packages of alcoholic beverages, including native wines
37 and native spirits, not to be consumed on the premises where sold.
38 Alcoholic beverages shall not be sold by any retailer in any
39 package or container containing less than fifty (50) milliliters
40 by liquid measure. A package retailer's permit, with prior
41 approval from the department, shall authorize the holder thereof
42 to sample new product furnished by a manufacturer's representative
43 or his employees at the permitted place of business so long as the
44 sampling otherwise complies with this article and applicable



45 department regulations. Such samples may not be provided to
46 customers at the permitted place of business. In addition to the
47 sale at retail of packages of alcoholic beverages, the holder of a
48 package retailer's permit is authorized to sell at retail
49 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
50 other beverages commonly used to mix with alcoholic beverages.
51 Nonalcoholic beverages sold by the holder of a package retailer's
52 permit shall not be consumed on the premises where sold.

53 (c) **On-premises retailer's permit.** Except as otherwise
54 provided in subsection (5) of this section, an on-premises
55 retailer's permit shall authorize the sale of alcoholic beverages,
56 including native wines and native spirits, for consumption on the
57 licensed premises only; however, a patron of the permit holder may
58 remove one (1) bottle of wine from the licensed premises if: (i)
59 the patron consumed a portion of the bottle of wine in the course
60 of consuming a meal purchased on the licensed premises; (ii) the
61 permit holder securely reseals the bottle; (iii) the bottle is
62 placed in a bag that is secured in a manner so that it will be
63 visibly apparent if the bag is opened; and (iv) a dated receipt
64 for the wine and the meal is available. Additionally, as part of
65 a carryout order, a permit holder may sell one (1) bottle of wine
66 to be removed from the licensed premises for every two (2) entrees
67 ordered. Such a permit shall be issued only to qualified hotels,
68 restaurants and clubs, small craft breweries, microbreweries, and
69 to common carriers with adequate facilities for serving



70 passengers. In resort areas, whether inside or outside of a
71 municipality, the department, in its discretion, may issue
72 on-premises retailer's permits to such establishments as it deems
73 proper. An on-premises retailer's permit when issued to a common
74 carrier shall authorize the sale and serving of alcoholic
75 beverages aboard any licensed vehicle while moving through any
76 county of the state; however, the sale of such alcoholic beverages
77 shall not be permitted while such vehicle is stopped in a county
78 that has not legalized such sales. If an on-premises retailer's
79 permit is applied for by a common carrier operating solely in the
80 water, such common carrier must, along with all other
81 qualifications for a permit, (i) be certified to carry at least
82 one hundred fifty (150) passengers and/or provide overnight
83 accommodations for at least fifty (50) passengers and (ii) operate
84 primarily in the waters within the State of Mississippi which lie
85 adjacent to the State of Mississippi south of the three (3) most
86 southern counties in the State of Mississippi and/or on the
87 Mississippi River or navigable waters within any county bordering
88 on the Mississippi River.

89 (d) **Solicitor's permit.** A solicitor's permit shall
90 authorize the holder thereof to act as salesman for a manufacturer
91 or wholesaler holding a proper permit, to solicit on behalf of his
92 employer orders for alcoholic beverages, and to otherwise promote
93 his employer's products in a legitimate manner. Such a permit
94 shall authorize the representation of and employment by one (1)



95 principal only. However, the permittee may also, in the
96 discretion of the department, be issued additional permits to
97 represent other principals. No such permittee shall buy or sell
98 alcoholic beverages for his own account, and no such beverage
99 shall be brought into this state in pursuance of the exercise of
100 such permit otherwise than through a permit issued to a wholesaler
101 or manufacturer in the state.

102 (e) **Native wine retailer's permit.** Except as otherwise
103 provided in subsection (5) of this section, a native wine
104 retailer's permit shall be issued only to a holder of a Class 3
105 manufacturer's permit, and shall authorize the holder thereof to
106 make retail sales of native wines to consumers for on-premises
107 consumption or to consumers in originally sealed and unopened
108 containers at an establishment located on the premises of or in
109 the immediate vicinity of a native winery. When selling to
110 consumers for on-premises consumption, a holder of a native wine
111 retailer's permit may add to the native wine alcoholic beverages
112 not produced on the premises, so long as the total volume of
113 foreign beverage components does not exceed twenty percent (20%)
114 of the mixed beverage. Hours of sale shall be the same as those
115 authorized for on-premises permittees in the city or county in
116 which the native wine retailer is located.

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



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

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

124 Class 1. A temporary one-day permit may be issued to bona
125 fide nonprofit civic or charitable organizations authorizing the
126 sale of alcoholic beverages, including native wine and native
127 spirit, for consumption on the premises described in the temporary
128 permit only. Class 1 permits may be issued only to applicants
129 demonstrating to the department, by a statement signed under
130 penalty of perjury submitted ten (10) days prior to the proposed
131 date or such other time as the department may determine, that they
132 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
133 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
134 Class 1 permittees shall obtain all alcoholic beverages from
135 package retailers located in the county in which the temporary
136 permit is issued. Alcoholic beverages remaining in stock upon
137 expiration of the temporary permit may be returned by the
138 permittee to the package retailer for a refund of the purchase
139 price upon consent of the package retailer or may be kept by the
140 permittee exclusively for personal use and consumption, subject to
141 all laws pertaining to the illegal sale and possession of
142 alcoholic beverages. The department, following review of the
143 statement provided by the applicant and the requirements of the
144 applicable statutes and regulations, may issue the permit.



145 Class 2. A temporary permit, not to exceed seventy (70)
146 days, may be issued to prospective permittees seeking to transfer
147 a permit authorized in paragraph (c) of this subsection. A Class
148 2 permit may be issued only to applicants demonstrating to the
149 department, by a statement signed under the penalty of perjury,
150 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
151 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
152 67-1-59. The department, following a preliminary review of the
153 statement provided by the applicant and the requirements of the
154 applicable statutes and regulations, may issue the permit.

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

163 Class 3. A temporary one-day permit may be issued to a
164 retail establishment authorizing the complimentary distribution of
165 wine, including native wine, to patrons of the retail
166 establishment at an open house or promotional event, for
167 consumption only on the premises described in the temporary
168 permit. A Class 3 permit may be issued only to an applicant
169 demonstrating to the department, by a statement signed under



170 penalty of perjury submitted ten (10) days before the proposed
171 date or such other time as the department may determine, that it
172 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
173 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
174 A Class 3 permit holder shall obtain all alcoholic beverages from
175 the holder(s) of a package retailer's permit located in the county
176 in which the temporary permit is issued. Wine remaining in stock
177 upon expiration of the temporary permit may be returned by the
178 Class 3 temporary permit holder to the package retailer for a
179 refund of the purchase price, with consent of the package
180 retailer, or may be kept by the Class 3 temporary permit holder
181 exclusively for personal use and consumption, subject to all laws
182 pertaining to the illegal sale and possession of alcoholic
183 beverages. The department, following review of the statement
184 provided by the applicant and the requirements of the applicable
185 statutes and regulations, may issue the permit. No retailer may
186 receive more than twelve (12) Class 3 temporary permits in a
187 calendar year. A Class 3 temporary permit shall not be issued to
188 a retail establishment that either holds a merchant permit issued
189 under paragraph (1) of this subsection, or holds a permit issued
190 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
191 the holder to engage in the business of a retailer of light wine
192 or beer.

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



195 business as a caterer and the resale of alcoholic beverages by
196 such person in conjunction with such catering business. No person
197 shall qualify as a caterer unless forty percent (40%) or more of
198 the revenue derived from such catering business shall be from the
199 serving of prepared food and not from the sale of alcoholic
200 beverages and unless such person has obtained a permit for such
201 business from the Department of Health. A caterer's permit shall
202 not authorize the sale of alcoholic beverages on the premises of
203 the person engaging in business as a caterer; however, the holder
204 of an on-premises retailer's permit may hold a caterer's permit.
205 When the holder of an on-premises retailer's permit or an
206 affiliated entity of the holder also holds a caterer's permit, the
207 caterer's permit shall not authorize the service of alcoholic
208 beverages on a consistent, recurring basis at a separate, fixed
209 location owned or operated by the caterer, on-premises retailer or
210 affiliated entity and an on-premises retailer's permit shall be
211 required for the separate location. All sales of alcoholic
212 beverages by holders of a caterer's permit shall be made at the
213 location being catered by the caterer, and, except as otherwise
214 provided in subsection (5) of this section, such sales may be made
215 only for consumption at the catered location. The location being
216 catered may be anywhere within a county or judicial district that
217 has voted to come out from under the dry laws or in which the sale
218 and distribution of alcoholic beverages is otherwise authorized by
219 law. Such sales shall be made pursuant to any other conditions



220 and restrictions which apply to sales made by on-premises retail
221 permittees. The holder of a caterer's permit or his employees
222 shall remain at the catered location as long as alcoholic
223 beverages are being sold pursuant to the permit issued under this
224 paragraph (g), and the permittee shall have at the location the
225 identification card issued by the Alcoholic Beverage Control
226 Division of the department. No unsold alcoholic beverages may be
227 left at the catered location by the permittee upon the conclusion
228 of his business at that location. Appropriate law enforcement
229 officers and Alcoholic Beverage Control Division personnel may
230 enter a catered location on private property in order to enforce
231 laws governing the sale or serving of alcoholic beverages.

232 (h) **Research permit.** A research permit shall authorize
233 the holder thereof to operate a research facility for the
234 professional research of alcoholic beverages. Such permit shall
235 authorize the holder of the permit to import and purchase limited
236 amounts of alcoholic beverages from the department or from
237 importers, wineries and distillers of alcoholic beverages for
238 professional research.

239 (i) **Alcohol processing permit.** An alcohol processing
240 permit shall authorize the holder thereof to purchase, transport
241 and possess alcoholic beverages for the exclusive use in cooking,
242 processing or manufacturing products which contain alcoholic
243 beverages as an integral ingredient. An alcohol processing permit
244 shall not authorize the sale of alcoholic beverages on the



245 premises of the person engaging in the business of cooking,
246 processing or manufacturing products which contain alcoholic
247 beverages. The amounts of alcoholic beverages allowed under an
248 alcohol processing permit shall be set by the department.

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

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

261 (l) **Merchant permit.** Except as otherwise provided in
262 subsection (5) of this section, a merchant permit shall be issued
263 only to the owner of a spa facility, an art studio or gallery, or
264 a cooking school, and shall authorize the holder to serve
265 complimentary by the glass wine only, including native wine, at
266 the holder's spa facility, art studio or gallery, or cooking
267 school. A merchant permit holder shall obtain all wine from the
268 holder of a package retailer's permit.



269 (m) **Temporary alcoholic beverages charitable auction**
270 **permit.** A temporary permit, not to exceed five (5) days, may be
271 issued to a qualifying charitable nonprofit organization that is
272 exempt from taxation under Section 501(c)(3) or (4) of the
273 Internal Revenue Code of 1986. The permit shall authorize the
274 holder to sell alcoholic beverages for the limited purpose of
275 raising funds for the organization during a live or silent auction
276 that is conducted by the organization and that meets the following
277 requirements: (i) the auction is conducted in an area of the
278 state where the sale of alcoholic beverages is authorized; (ii) if
279 the auction is conducted on the premises of an on-premises
280 retailer's permit holder, then the alcoholic beverages to be
281 auctioned must be stored separately from the alcoholic beverages
282 sold, stored or served on the premises, must be removed from the
283 premises immediately following the auction, and may not be
284 consumed on the premises; (iii) the permit holder may not conduct
285 more than two (2) auctions during a calendar year; (iv) the permit
286 holder may not pay a commission or promotional fee to any person
287 to arrange or conduct the auction.

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



294 the permittee. The caterer must serve at least three (3) entrees.
295 The permit may only be issued for venues that can accommodate two
296 hundred (200) persons or more. The number of persons a venue may
297 accommodate shall be determined by the local fire department and
298 such determination shall be provided in writing and submitted
299 along with all other documents required to be provided for an
300 on-premises retailer's permit. The permittee must derive the
301 majority of its revenue from event-related fees, including, but
302 not limited to, admission fees or ticket sales for live
303 entertainment in the building. "Event-related fees" do not
304 include alcohol, beer or light wine sales or any fee which may be
305 construed to cover the cost of alcohol, beer or light wine. This
306 determination shall be made on a per event basis. An event may
307 not last longer than two (2) consecutive days per week.

308 (o) **Temporary theatre permit.** A temporary theatre
309 permit, not to exceed five (5) days, may be issued to a charitable
310 nonprofit organization that is exempt from taxation under Section
311 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
312 a theatre facility that features plays and other theatrical
313 performances and productions. Except as otherwise provided in
314 subsection (5) of this section, the permit shall authorize the
315 holder to sell alcoholic beverages, including native wines and
316 native spirits, to patrons of the theatre during performances and
317 productions at the theatre facility for consumption during such
318 performances and productions on the premises of the facility



319 described in the permit. A temporary theatre permit holder shall
320 obtain all alcoholic beverages from package retailers located in
321 the county in which the permit is issued. Alcoholic beverages
322 remaining in stock upon expiration of the temporary theatre permit
323 may be returned by the permittee to the package retailer for a
324 refund of the purchase price upon consent of the package retailer
325 or may be kept by the permittee exclusively for personal use and
326 consumption, subject to all laws pertaining to the illegal sale
327 and possession of alcoholic beverages.

328 (p) **Charter ship operator's permit.** Subject to the
329 provisions of this paragraph (p), a charter ship operator's permit
330 shall authorize the holder thereof and its employees to serve,
331 monitor, store and otherwise control the serving and availability
332 of alcoholic beverages to customers of the permit holder during
333 private charters under contract provided by the permit holder. A
334 charter ship operator's permit shall authorize such action by the
335 permit holder and its employees only as to alcoholic beverages
336 brought onto the permit holder's ship by customers of the permit
337 holder as part of such a private charter. All such alcoholic
338 beverages must be removed from the charter ship at the conclusion
339 of each private charter. A charter ship operator's permit shall
340 not authorize the permit holder to sell, charge for or otherwise
341 supply alcoholic beverages to customers, except as authorized in
342 this paragraph (p). For the purposes of this paragraph (p),
343 "charter ship operator" means a common carrier that (i) is



344 certified to carry at least one hundred fifty (150) passengers
345 and/or provide overnight accommodations for at least fifty (50)
346 passengers, (ii) operates only in the waters within the State of
347 Mississippi, which lie adjacent to the State of Mississippi south
348 of the three (3) most southern counties in the State of
349 Mississippi, and (iii) provides charters under contract for tours
350 and trips in such waters.

351 (q) **Distillery retailer's permit.** The holder of a
352 Class 1 manufacturer's permit may obtain a distillery retailer's
353 permit. A distillery retailer's permit shall authorize the holder
354 thereof to sell at retail alcoholic beverages to consumers for
355 on-premises consumption, or to consumers by the sealed and
356 unopened bottle from a retail location at the distillery for
357 off-premises consumption. The holder may only sell product
358 manufactured by the manufacturer at the distillery described in
359 the permit. However, when selling to consumers for on-premises
360 consumption, a holder of a distillery retailer's permit may add
361 other beverages, alcoholic or not, so long as the total volume of
362 other beverage components containing alcohol does not exceed
363 twenty percent (20%). Hours of sale shall be the same as those
364 authorized for on-premises permittees in the city or county in
365 which the distillery retailer is located.

366 The holder shall not sell at retail more than ten percent
367 (10%) of the alcoholic beverages produced annually at its
368 distillery. The holder shall not make retail sales of more than



369 two and twenty-five one-hundredths (2.25) liters, in the
370 aggregate, of the alcoholic beverages produced at its distillery
371 to any one (1) individual for consumption off the premises of the
372 distillery within a twenty-four-hour period. The hours of sale
373 shall be the same as those hours for package retailers under this
374 article. The holder of a distillery retailer's permit is not
375 required to purchase the alcoholic beverages authorized to be sold
376 by this paragraph from the department's liquor distribution
377 warehouse; however, if the holder does not purchase the alcoholic
378 beverages from the department's liquor distribution warehouse, the
379 holder shall pay to the department all taxes, fees and surcharges
380 on the alcoholic beverages that are imposed upon the sale of
381 alcoholic beverages shipped by the department or its warehouse
382 operator. In addition to alcoholic beverages, the holder of a
383 distillery retailer's permit may sell at retail promotional
384 products from the same retail location, including shirts, hats,
385 glasses, and other promotional products customarily sold by
386 alcoholic beverage manufacturers.

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



394 "Festival" means any event at which three (3) or more vendors are
395 present at a location for the sale or distribution of goods. The
396 holder of a Festival Wine Permit is not required to purchase the
397 alcoholic beverages authorized to be sold by this paragraph from
398 the department's liquor distribution warehouse. However, if the
399 holder does not purchase the alcoholic beverages from the
400 department's liquor distribution warehouse, the holder of this
401 permit shall pay to the department all taxes, fees and surcharges
402 on the alcoholic beverages sold at such festivals that are imposed
403 upon the sale of alcoholic beverages shipped by the Alcoholic
404 Beverage Control Division of the Department of Revenue.
405 Additionally, the entity shall file all applicable reports and
406 returns as prescribed by the department. This permit is issued
407 per festival and provides authority to sell for two (2)
408 consecutive days during the hours authorized for on-premises
409 permittees' sales in that county or city. The holder of the
410 permit shall be required to maintain all requirements set by Local
411 Option Law for the service and sale of alcoholic beverages. This
412 permit may be issued to entities participating in festivals at
413 which a Class 1 temporary permit is in effect.

414 This paragraph (r) shall stand repealed from and after July
415 1, 2023.

416 (s) **Charter vessel operator's permit.** Subject to the
417 provisions of this paragraph (s), a charter vessel operator's
418 permit shall authorize the holder thereof and its employees to



419 sell and serve alcoholic beverages to passengers of the permit
420 holder during public tours, historical tours, ecological tours and
421 sunset cruises provided by the permit holder. The permit shall
422 authorize the holder to only sell alcoholic beverages, including
423 native wines, to passengers of the charter vessel operator during
424 public tours, historical tours, ecological tours and sunset
425 cruises provided by the permit holder aboard the charter vessel
426 operator for consumption during such tours and cruises on the
427 premises of the charter vessel operator described in the permit.
428 For the purposes of this paragraph (s), "charter vessel operator"
429 means a common carrier that (i) is certified to carry at least
430 forty-nine (49) passengers, (ii) operates only in the waters
431 within the State of Mississippi, which lie south of Interstate 10
432 in the three (3) most southern counties in the State of
433 Mississippi, and lie adjacent to the State of Mississippi south of
434 the three (3) most southern counties in the State of Mississippi,
435 extending not further than one (1) mile south of such counties,
436 and (iii) provides vessel services for tours and cruises in such
437 waters as provided in this paragraph (s).

438 (t) **Native spirit retailer's permit.** Except as
439 otherwise provided in subsection (5) of this section, a native
440 spirit retailer's permit shall be issued only to a holder of a
441 Class 4 manufacturer's permit, and shall authorize the holder
442 thereof to make retail sales of native spirits to consumers for
443 on-premises consumption or to consumers in originally sealed and



444 unopened containers at an establishment located on the premises of
445 or in the immediate vicinity of a native distillery. When selling
446 to consumers for on-premises consumption, a holder of a native
447 spirit retailer's permit may add to the native spirit alcoholic
448 beverages not produced on the premises, so long as the total
449 volume of foreign beverage components does not exceed twenty
450 percent (20%) of the mixed beverage. Hours of sale shall be the
451 same as those authorized for on-premises permittees in the city or
452 county in which the native spirit retailer is located.

453 (u) **Delivery service permit.** Any individual, limited
454 liability company, corporation or partnership registered to do
455 business in this state is eligible to obtain a delivery service
456 permit. Subject to the provisions of Section 67-1-51.1, this
457 permit authorizes the permittee, or its employee or an independent
458 contractor acting on its behalf, to deliver alcoholic beverages,
459 beer, light wine and light spirit product from a licensed retailer
460 to a person in this state who is at least twenty-one (21) years of
461 age for the individual's use and not for resale. This permit does
462 not authorize the delivery of alcoholic beverages, beer, light
463 wine or light spirit product to the premises of a location with a
464 permit for the manufacture, distribution or retail sale of
465 alcoholic beverages, beer, light wine or light spirit product.
466 The holder of a package retailer's permit or an on-premises
467 retailer's permit under Section 67-1-51 or of a beer, light wine
468 and light spirit product permit under Section 67-3-19 is



469 authorized to apply for a delivery service permit as a privilege
470 separate from its existing retail permit.

471 (v) **Food truck permit.** A food truck permit shall
472 authorize the holder of an on-premises retailer's permit to use a
473 food truck to sell alcoholic beverages off its premises to guests
474 who must consume the beverages in open containers. For the
475 purposes of this paragraph (v), "food truck" means a fully encased
476 food service establishment on a motor vehicle or on a trailer that
477 a motor vehicle pulls to transport, and from which a vendor,
478 standing within the frame of the establishment, prepares, cooks,
479 sells and serves food for immediate human consumption. The term
480 "food truck" does not include a food cart that is not motorized.
481 Food trucks shall maintain such distance requirements from
482 schools, churches, kindergartens and funeral homes as are required
483 for on-premises retailer's permittees under this article, and all
484 sales must be made within a valid leisure and recreation district
485 established under Section 67-1-101. Food trucks cannot sell or
486 serve alcoholic beverages unless also offering food prepared and
487 cooked within the food truck, and permittees must maintain a
488 twenty-five percent (25%) food sale revenue requirement based on
489 the food sold from the food truck alone. The hours allowed for
490 sale shall be the same as those for on-premises retailer's
491 permittees in the location. This permit will not be required for
492 the holder of a caterer's permit issued under this article to
493 cater an event as allowed by law. Permittees must provide notice



494 of not less than forty-eight (48) hours to the department of each
495 location at which alcoholic beverages will be sold.

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

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

506 (b) A church or funeral home may waive the distance
507 restrictions imposed in this subsection in favor of allowing
508 issuance by the department of a permit, pursuant to subsection (1)
509 of this section, to authorize activity relating to the
510 manufacturing, sale or storage of alcoholic beverages which would
511 otherwise be prohibited under the minimum distance criterion.
512 Such waiver shall be in written form from the owner, the governing
513 body, or the appropriate officer of the church or funeral home
514 having the authority to execute such a waiver, and the waiver
515 shall be filed with and verified by the department before becoming
516 effective.

517 (c) The distance restrictions imposed in this
518 subsection shall not apply to the sale or storage of alcoholic



519 beverages at a bed and breakfast inn listed in the National
520 Register of Historic Places or to the sale or storage of alcoholic
521 beverages in a historic district that is listed in the National
522 Register of Historic Places, is a qualified resort area and is
523 located in a municipality having a population greater than one
524 hundred thousand (100,000) according to the latest federal
525 decennial census.

526 (d) The distance restrictions imposed in this
527 subsection shall not apply to the sale or storage of alcoholic
528 beverages at a qualified resort area as defined in Section
529 67-1-5(o)(iii)32.

530 (e) The distance restrictions imposed in this
531 subsection shall not apply to the sale or storage of alcoholic
532 beverages at a licensed premises in a building formerly owned by a
533 municipality and formerly leased by the municipality to a
534 municipal school district and used by the municipal school
535 district as a district bus shop facility.

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

542 (g) The distance restrictions imposed in this
543 subsection shall not apply to the sale or storage of alcoholic



544 beverages at a licensed premises in a building located at or near
545 the intersection of Ward and Tate Streets and adjacent properties
546 in the City of Senatobia, Mississippi.

547 (h) The distance restrictions imposed in this
548 subsection shall not apply to the sale or storage of alcoholic
549 beverages at a theatre facility that features plays and other
550 theatrical performances and productions and (i) is capable of
551 seating more than seven hundred fifty (750) people, (ii) is owned
552 by a municipality which has a population greater than ten thousand
553 (10,000) according to the latest federal decennial census, (iii)
554 was constructed prior to 1930, (iv) is on the National Register of
555 Historic Places, and (v) is located in a historic district.

556 (4) No person, either individually or as a member of a firm,
557 partnership, limited liability company or association, or as a
558 stockholder, officer or director in a corporation, shall own or
559 control any interest in more than * * * three (3) package
560 retailer's * * * permits, nor shall such person's spouse, if
561 living in the same household of such person, any relative of such
562 person, if living in the same household of such person, or any
563 other person living in the same household with such person own any
564 interest in any other package retailer's permit which, when
565 combined with the number of package retailer's permits owned by
566 the person or in which the person has a controlling interest,
567 would total more than three (3) package retailer's permits.



568 (5) (a) In addition to any other authority granted under
569 this section, the holder of a permit issued under subsection
570 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
571 sell or otherwise provide alcoholic beverages and/or wine to a
572 patron of the permit holder in the manner authorized in the permit
573 and the patron may remove an open glass, cup or other container of
574 the alcoholic beverage and/or wine from the licensed premises and
575 may possess and consume the alcoholic beverage or wine outside of
576 the licensed premises if: (i) the licensed premises is located
577 within a leisure and recreation district created under Section
578 67-1-101 and (ii) the patron remains within the boundaries of the
579 leisure and recreation district while in possession of the
580 alcoholic beverage or wine.

581 (b) Nothing in this subsection shall be construed to
582 allow a person to bring any alcoholic beverages into a permitted
583 premises except to the extent otherwise authorized by this
584 article.

585 **SECTION 2.** This act shall take effect and be in force from
586 and after July 1, 2023.

