

By: Representatives Powell, Hopkins

To: Ways and Means

## HOUSE BILL NO. 385

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

108 (2) A direct wine shipper may not:

109 (a) Sell or ship any light wine, light spirit products  
110 or beer that is regulated under Section 67-3-1 et seq. or any  
111 alcoholic beverage other than wine;

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



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

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

118 (a) Is otherwise entitled to receive a permit;

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

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

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

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

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

135 **SECTION 8.** The Commissioner of Revenue of the department may  
136 adopt any rules or regulations as necessary to carry out Sections  
137 1 through 9 of this act. All of the enforcement provisions of  
138 Section 67-1-1 et seq. that are not in conflict with Sections 1



139 through 9 of this act may be used by the department to enforce the  
140 provisions of Sections 1 through 9 of this act.

141 **SECTION 9.** (1) Any person who makes, participates in,  
142 transports, imports or receives a sale or shipment of wine in  
143 violation of Sections 1 through 9 of this act is guilty of a  
144 misdemeanor and, upon conviction thereof, shall be punished by a  
145 fine not exceeding One Thousand Dollars (\$1,000.00) or  
146 imprisonment in the county jail for not more than six (6) months,  
147 or both. Each sale or shipment in violation of Sections 1 through  
148 9 of this act shall constitute a separate offense.

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

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

155 27-71-5. (1) Upon each person approved for a permit under  
156 the provisions of the Alcoholic Beverage Control Law and  
157 amendments thereto, there is levied and imposed for each location  
158 for the privilege of engaging and continuing in this state in the  
159 business authorized by such permit, an annual privilege license  
160 tax in the amount provided in the following schedule:

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



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



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

212 In addition to the filing fee imposed by paragraph (l) of  
213 this subsection, a fee to be determined by the Department of





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

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

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

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

237 (b) (i) In addition to the tax imposed in paragraph  
238 (a) of this subsection, there is imposed and shall be collected by



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

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

257 (iii) Any person who has paid the additional  
258 privilege license tax imposed by this paragraph, and whose permit  
259 is renewed, may add any unused fraction of Five Thousand Dollars  
260 (\$5,000.00) purchases to the first Five Thousand Dollars  
261 (\$5,000.00) purchases authorized by the renewal permit, and no  
262 additional license tax will be required until purchases exceed the  
263 sum of the two (2) figures.



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

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

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

283 (5) If any person shall engage or continue in any business  
284 which is taxable under this section without having paid the tax as  
285 provided in this section, the person shall be liable for the full  
286 amount of the tax plus a penalty thereon equal to the amount  
287 thereof, and, in addition, shall be punished by a fine of not more  
288 than One Thousand Dollars (\$1,000.00), or by imprisonment in the



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

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

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

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

305 (a) Distilled spirits.....\$2.50 per  
306 gallon

307 (b) Sparkling wine and champagne.....\$1.00 per  
308 gallon

309 (c) Other wines, including native wines...\$ .35 per  
310 gallon

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



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

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

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



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

346 (3) There is levied and assessed upon the holder of a direct  
347 wine shipper's permit, a tax in the amount of thirty-four percent  
348 (34%) of the sales price of each sale and shipment of wine made to  
349 a resident in this state. The holder of a direct wine shipper's  
350 permit shall file a monthly report with the department along with  
351 a copy of the invoice for each sale and shipment of wine and remit  
352 any taxes due; however, no report shall be required for months in  
353 which no sales or shipments were made into this state. The  
354 report, together with copies of the invoices and the payment of  
355 all taxes, shall be filed with the department not later than the  
356 twentieth day of the month following the month in which the  
357 shipment was made. Permittees who fail to timely file and pay  
358 taxes as required by this subsection shall pay a late fee in the  
359 amount of Fifty Dollars (\$50.00), in addition to any other penalty  
360 authorized by this article.

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



363           27-71-15. Except as otherwise provided in Section 67-9-1 for  
364 the transportation of limited amounts of alcoholic beverages for  
365 the use of an alcohol processing permittee, and in Sections 1  
366 through 9 of this act for the sale and shipment of wine by the  
367 holder of a direct wine shipper's permit, if transportation  
368 requires passage through a county which has not authorized the  
369 sale of alcoholic beverages, such transportation shall be by a  
370 sealed vehicle. Such seal shall remain unbroken until the vehicle  
371 shall reach the place of business operated by the permittee. The  
372 operator of any vehicle transporting alcoholic beverages shall  
373 have in his possession an invoice issued by the \* \* \* department  
374 at the time of the wholesale sale covering the merchandise  
375 transported by the vehicle. The \* \* \* department is authorized to  
376 issue regulations controlling the transportation of alcoholic  
377 beverages.

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

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

386           27-71-29. (1) All taxes levied by this article shall be  
387 paid to the Department of Revenue in cash or by personal check,



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

394 All taxes levied under Section 27-71-7(1) and received by the  
395 department under this article shall be paid into the General Fund,  
396 and the three percent (3%) levied under Section 27-71-7(2) and  
397 received by the department under this article shall be paid into  
398 the special fund in the State Treasury designated as the  
399 "Alcoholism Treatment and Rehabilitation Fund" as required by law.  
400 Any funds derived from the sale of alcoholic beverages in excess  
401 of inventory requirements shall be paid not less often than  
402 annually into the General Fund, except for a portion of the  
403 twenty-seven and one-half percent (27-1/2%) markup provided for in  
404 Section 27-71-11, as specified in subsection (2) of this section,  
405 and except for fees charged by the department for the defraying of  
406 costs associated with shipping alcoholic beverages. The revenue  
407 derived from these fees shall be deposited by the department into  
408 a special fund, hereby created in the State Treasury, which is  
409 designated the "ABC Shipping Fund." The monies in this special  
410 fund shall be earmarked for use by the department for any  
411 expenditure made to ship alcoholic beverages. Any net proceeds  
412 remaining in the special fund on August 1 of any fiscal year shall





413 lapse into the General Fund. "Net proceeds" in this section means  
414 the total of all fees collected by the department to defray the  
415 costs of shipping less the actual costs of shipping.

416 (2) If the special bond sinking fund created in Section 7(3)  
417 of Chapter 483, Laws of 2022 has a balance below the minimum  
418 amount specified in the resolution providing for the issuance of  
419 the bonds, or below one and one-half (1-1/2) times the amount  
420 needed to pay the annual debt obligations related to the bonds  
421 issued under Section 7 of Chapter 483, Laws of 2022, whichever is  
422 the lesser amount, the Commissioner of Revenue shall transfer the  
423 deficit amount to the bond sinking fund from revenue derived from  
424 the twenty-seven and one-half percent (27-1/2%) markup provided  
425 for in Section 27-71-11.

426 (3) All taxes levied under Section 27-71-7(3) and received  
427 by the department under this article shall be paid into the  
428 General Fund, except for an amount equivalent to the three percent  
429 (3%) levied under Section 27-71-7(2), which shall be paid into the  
430 special fund in the State Treasury designated as the "Mental  
431 Health Programs Fund" as required by law.

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

434 67-1-41. (1) The department is hereby created a wholesale  
435 distributor and seller of alcoholic beverages, not including malt  
436 liquors, within the State of Mississippi. It is granted the right  
437 to import and sell alcoholic beverages at wholesale within the



438 state, and no person who is granted the right to sell, distribute  
439 or receive alcoholic beverages at retail shall purchase any  
440 alcoholic beverages from any source other than the department,  
441 except as authorized in subsections (4), (9) and (12) of this  
442 section and Sections 1 through 9 of this act. The department may  
443 establish warehouses, and the department may purchase alcoholic  
444 beverages in such quantities and from such sources as it may deem  
445 desirable and sell the alcoholic beverages to authorized  
446 permittees within the state including, at the discretion of the  
447 department, any retail distributors operating within any military  
448 post or qualified resort areas within the boundaries of the state,  
449 keeping a correct and accurate record of all such transactions and  
450 exercising such control over the distribution of alcoholic  
451 beverages as seem right and proper in keeping with the provisions  
452 or purposes of this article.

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

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



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

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

478 (6) The department shall maintain all forms to be completed  
479 by applicants necessary for licensure by the department at all  
480 district offices of the department.

481 (7) The department may promulgate rules which authorize the  
482 manufacturer of an alcoholic beverage or wine to import, transport  
483 and furnish or give a sample of alcoholic beverages or wines to  
484 the holders of package retailer's permits, on-premises retailer's  
485 permits, native wine or native spirit retailer's permits and  
486 temporary retailer's permits who have not previously purchased the  
487 brand of that manufacturer from the department. For each holder



488 of the designated permits, the manufacturer may furnish not more  
489 than five hundred (500) milliliters of any brand of alcoholic  
490 beverage and not more than three (3) liters of any brand of wine.

491 (8) The department may promulgate rules disallowing open  
492 product sampling of alcoholic beverages or wines by the holders of  
493 package retailer's permits and permitting open product sampling of  
494 alcoholic beverages by the holders of on-premises retailer's  
495 permits. Permitted sample products shall be plainly identified  
496 "sample" and the actual sampling must occur in the presence of the  
497 manufacturer's representatives during the legal operating hours of  
498 on-premises retailers.

499 (9) The department may promulgate rules and regulations that  
500 authorize the holder of a research permit to import and purchase  
501 limited amounts of alcoholic beverages from importers, wineries  
502 and distillers of alcoholic beverages or from the department. The  
503 department shall develop and provide forms to be completed by the  
504 research permittee verifying each transaction. The completed  
505 forms shall be forwarded to the department within a period of time  
506 prescribed by the department. The records and inventory of  
507 alcoholic beverages shall be open to inspection at any time by the  
508 Director of the Alcoholic Beverage Control Division or any duly  
509 authorized agent.

510 (10) The department may promulgate rules facilitating a  
511 retailer's on-site pickup of alcoholic beverages sold by the  
512 department or as authorized by the department, including, but not



513 limited to, native wines and native spirits, so that those  
514 alcoholic beverages may be delivered to the retailer at the  
515 manufacturer's location instead of via shipment from the  
516 department's warehouse.

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

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

523 (12) (a) An individual resident of this state who is at  
524 least twenty-one (21) years of age may purchase wine from a winery  
525 and have the purchase shipped into this state so long as it is  
526 shipped to a package retailer permittee in Mississippi; however,  
527 the permittee shall pay to the department all taxes, fees and  
528 surcharges on the wine that are imposed upon the sale of wine  
529 shipped by the department or its warehouse operator. No credit  
530 shall be provided to the permittee for any taxes paid to another  
531 state as a result of the transaction. Package retailers may  
532 charge a service fee for receiving and handling shipments from  
533 wineries on behalf of the purchasers. The department shall  
534 develop and provide forms to be completed by the package retailer  
535 permittees verifying the transaction. The completed forms shall  
536 be forwarded to the department within a period of time prescribed  
537 by the department.



538 (b) The purchaser of wine that is to be shipped to a  
539 package retailer's store shall be required to get the prior  
540 approval of the package retailer before any wine is shipped to the  
541 package retailer. A purchaser is limited to no more than ten (10)  
542 cases of wine per year to be shipped to a package retailer. A  
543 package retailer shall notify a purchaser of wine within two (2)  
544 days after receiving the shipment of wine. If the purchaser of  
545 the wine does not pick up or take the wine from the package  
546 retailer within thirty (30) days after being notified by the  
547 package retailer, the package retailer may sell the wine as part  
548 of his inventory.

549 (c) Shipments of wine into this state under this  
550 section shall be made by a duly licensed carrier. It shall be the  
551 duty of every common or contract carrier, and of every firm or  
552 corporation that shall bring, carry or transport wine from outside  
553 the state for delivery inside the state to package retailer  
554 permittees on behalf of consumers, to prepare and file with the  
555 department, on a schedule as determined by the department, of  
556 known wine shipments containing the name of the common or contract  
557 carrier, firm or corporation making the report, the period of time  
558 covered by said report, the name and permit number of the winery,  
559 the name and permit number of the package retailer permittee  
560 receiving such wine, the weight of the package delivered to each  
561 package retailer permittee, a unique tracking number, and the date  
562 of delivery. Reports received by the department shall be made



563 available by the department to the public via the Mississippi  
564 Public Records Act process in the same manner as other state  
565 alcohol filings.

566       Upon the department's request, any records supporting the  
567 report shall be made available to the department within a  
568 reasonable time after the department makes a written request for  
569 such records. Any records containing information relating to such  
570 reports shall be kept and preserved for a period of two (2) years,  
571 unless their destruction sooner is authorized, in writing, by the  
572 department, and shall be open and available to inspection by the  
573 department upon the department's written request. Reports shall  
574 also be made available to any law enforcement or regulatory body  
575 in the state in which the railroad company, express company,  
576 common or contract carrier making the report resides or does  
577 business.

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

585       (d) A winery that ships wine under this section shall  
586 be deemed to have consented to the jurisdiction of the courts of  
587 this state, of the department, of any other state agency regarding



588 the enforcement of this section, and of any related law, rules or  
589 regulations.

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

596 (13) If any provision of this article, or its application to  
597 any person or circumstance, is determined by a court to be invalid  
598 or unconstitutional, the remaining provisions shall be construed  
599 in accordance with the intent of the Legislature to further limit  
600 rather than expand commerce in alcoholic beverages to protect the  
601 health, safety, and welfare of the state's residents, and to  
602 enhance strict regulatory control over taxation, distribution and  
603 sale of alcoholic beverages through the three-tier regulatory  
604 system imposed by this article upon all alcoholic beverages to  
605 curb relationships and practices calculated to stimulate sales and  
606 impair the state's policy favoring trade stability and the  
607 promotion of temperance.

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

610 67-1-45. No manufacturer, rectifier or distiller of  
611 alcoholic beverages shall sell or attempt to sell any such  
612 alcoholic beverages, except malt liquor, within the State of





613 Mississippi, except to the department, or as provided in Section  
614 67-1-41, or pursuant to Section 67-1-51. A producer of native  
615 wine or native spirit may sell native wines or native spirits,  
616 respectively, to the department or to consumers at the location of  
617 the native winery or native distillery or its immediate vicinity.  
618 The holder of a direct wine shipper's permit may sell wines  
619 directly to residents in this state as authorized by Sections 1  
620 through 9 of this act.

621 Any violation of this section by any manufacturer, rectifier  
622 or distiller shall be punished by a fine of not less than Five  
623 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars  
624 (\$2,000.00), to which may be added imprisonment in the county jail  
625 not to exceed six (6) months.

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

628 67-1-51. (1) Permits which may be issued by the department  
629 shall be as follows:

630 (a) **Manufacturer's permit.** A manufacturer's permit  
631 shall permit the manufacture, importation in bulk, bottling and  
632 storage of alcoholic liquor and its distribution and sale to  
633 manufacturers holding permits under this article in this state and  
634 to persons outside the state who are authorized by law to purchase  
635 the same, and to sell as provided by this article.

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



637           Class 1. Distiller's and/or rectifier's permit, which shall  
638 authorize the holder thereof to operate a distillery for the  
639 production of distilled spirits by distillation or redistillation  
640 and/or to operate a rectifying plant for the purifying, refining,  
641 mixing, blending, flavoring or reducing in proof of distilled  
642 spirits and alcohol.

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

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

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

652           (b) **Package retailer's permit.** Except as otherwise  
653 provided in this paragraph and Section 67-1-52, a package  
654 retailer's permit shall authorize the holder thereof to operate a  
655 store exclusively for the sale at retail in original sealed and  
656 unopened packages of alcoholic beverages, including native wines  
657 and native spirits, not to be consumed on the premises where sold.  
658 In addition, a holder of a package retailer's permit may sell at  
659 retail through the Internet and ship wine in original sealed and  
660 unopened packages to residents in this state and which is not to  
661 be consumed on the premises where sold. A holder of a package



662 retailer's permit making such sales of wine shall (i) ensure that  
663 all containers of wine sold and shipped directly to a resident in  
664 this state are conspicuously labeled with the words "CONTAINS  
665 WINE: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR  
666 DELIVERY" and (ii) report to the department annually the total  
667 amount of wine sold and shipped within the state during the  
668 preceding calendar year. A holder of a package retailer's permit  
669 who sells wine through the Internet may not sell or ship any  
670 alcoholic beverage other than wine or ship wine to an address in a  
671 county that has not voted in favor of coming out from under the  
672 dry law. Alcoholic beverages shall not be sold by any retailer in  
673 any package or container containing less than fifty (50)  
674 milliliters by liquid measure. A package retailer's permit, with  
675 prior approval from the department, shall authorize the holder  
676 thereof to sample new product furnished by a manufacturer's  
677 representative or his employees at the permitted place of business  
678 so long as the sampling otherwise complies with this article and  
679 applicable department regulations. Such samples may not be  
680 provided to customers at the permitted place of business. In  
681 addition to the sale at retail of packages of alcoholic beverages,  
682 the holder of a package retailer's permit is authorized to sell at  
683 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers  
684 and other beverages commonly used to mix with alcoholic beverages.  
685 Nonalcoholic beverages sold by the holder of a package retailer's  
686 permit shall not be consumed on the premises where sold.



687 (c) **On-premises retailer's permit.** Except as otherwise  
688 provided in subsection (5) of this section, an on-premises  
689 retailer's permit shall authorize the sale of alcoholic beverages,  
690 including native wines and native spirits, for consumption on the  
691 licensed premises only; however, a patron of the permit holder may  
692 remove one (1) bottle of wine from the licensed premises if: (i)  
693 the patron consumed a portion of the bottle of wine in the course  
694 of consuming a meal purchased on the licensed premises; (ii) the  
695 permit holder securely reseals the bottle; (iii) the bottle is  
696 placed in a bag that is secured in a manner so that it will be  
697 visibly apparent if the bag is opened; and (iv) a dated receipt  
698 for the wine and the meal is available. Additionally, as part of  
699 a carryout order, a permit holder may sell one (1) bottle of wine  
700 to be removed from the licensed premises for every two (2) entrees  
701 ordered. Such a permit shall be issued only to qualified hotels,  
702 restaurants and clubs, small craft breweries, microbreweries, and  
703 to common carriers with adequate facilities for serving  
704 passengers. In resort areas, whether inside or outside of a  
705 municipality, the department, in its discretion, may issue  
706 on-premises retailer's permits to such establishments as it deems  
707 proper. An on-premises retailer's permit when issued to a common  
708 carrier shall authorize the sale and serving of alcoholic  
709 beverages aboard any licensed vehicle while moving through any  
710 county of the state; however, the sale of such alcoholic beverages  
711 shall not be permitted while such vehicle is stopped in a county



712 that has not legalized such sales. If an on-premises retailer's  
713 permit is applied for by a common carrier operating solely in the  
714 water, such common carrier must, along with all other  
715 qualifications for a permit, (i) be certified to carry at least  
716 one hundred fifty (150) passengers and/or provide overnight  
717 accommodations for at least fifty (50) passengers and (ii) operate  
718 primarily in the waters within the State of Mississippi which lie  
719 adjacent to the State of Mississippi south of the three (3) most  
720 southern counties in the State of Mississippi and/or on the  
721 Mississippi River or navigable waters within any county bordering  
722 on the Mississippi River.

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



736                   (e) **Native wine retailer's permit.** Except as otherwise  
737 provided in subsection (5) of this section, a native wine  
738 retailer's permit shall be issued only to a holder of a Class 3  
739 manufacturer's permit, and shall authorize the holder thereof to  
740 make retail sales of native wines to consumers for on-premises  
741 consumption or to consumers in originally sealed and unopened  
742 containers at an establishment located on the premises of or in  
743 the immediate vicinity of a native winery. When selling to  
744 consumers for on-premises consumption, a holder of a native wine  
745 retailer's permit may add to the native wine alcoholic beverages  
746 not produced on the premises, so long as the total volume of  
747 foreign beverage components does not exceed twenty percent (20%)  
748 of the mixed beverage. Hours of sale shall be the same as those  
749 authorized for on-premises permittees in the city or county in  
750 which the native wine retailer is located.

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

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

758                   Class 1. A temporary one-day permit may be issued to bona  
759 fide nonprofit civic or charitable organizations authorizing the  
760 sale of alcoholic beverages, including native wine and native



761 spirit, for consumption on the premises described in the temporary  
762 permit only. Class 1 permits may be issued only to applicants  
763 demonstrating to the department, by a statement signed under  
764 penalty of perjury submitted ten (10) days prior to the proposed  
765 date or such other time as the department may determine, that they  
766 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
767 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
768 Class 1 permittees shall obtain all alcoholic beverages from  
769 package retailers located in the county in which the temporary  
770 permit is issued. Alcoholic beverages remaining in stock upon  
771 expiration of the temporary permit may be returned by the  
772 permittee to the package retailer for a refund of the purchase  
773 price upon consent of the package retailer or may be kept by the  
774 permittee exclusively for personal use and consumption, subject to  
775 all laws pertaining to the illegal sale and possession of  
776 alcoholic beverages. The department, following review of the  
777 statement provided by the applicant and the requirements of the  
778 applicable statutes and regulations, may issue the permit.

779 Class 2. A temporary permit, not to exceed seventy (70)  
780 days, may be issued to prospective permittees seeking to transfer  
781 a permit authorized in paragraph (c) of this subsection. A Class  
782 2 permit may be issued only to applicants demonstrating to the  
783 department, by a statement signed under the penalty of perjury,  
784 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
785 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and



786 67-1-59. The department, following a preliminary review of the  
787 statement provided by the applicant and the requirements of the  
788 applicable statutes and regulations, may issue the permit.

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

797 Class 3. A temporary one-day permit may be issued to a  
798 retail establishment authorizing the complimentary distribution of  
799 wine, including native wine, to patrons of the retail  
800 establishment at an open house or promotional event, for  
801 consumption only on the premises described in the temporary  
802 permit. A Class 3 permit may be issued only to an applicant  
803 demonstrating to the department, by a statement signed under  
804 penalty of perjury submitted ten (10) days before the proposed  
805 date or such other time as the department may determine, that it  
806 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
807 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
808 A Class 3 permit holder shall obtain all alcoholic beverages from  
809 the holder(s) of a package retailer's permit located in the county  
810 in which the temporary permit is issued. Wine remaining in stock





811 upon expiration of the temporary permit may be returned by the  
812 Class 3 temporary permit holder to the package retailer for a  
813 refund of the purchase price, with consent of the package  
814 retailer, or may be kept by the Class 3 temporary permit holder  
815 exclusively for personal use and consumption, subject to all laws  
816 pertaining to the illegal sale and possession of alcoholic  
817 beverages. The department, following review of the statement  
818 provided by the applicant and the requirements of the applicable  
819 statutes and regulations, may issue the permit. No retailer may  
820 receive more than twelve (12) Class 3 temporary permits in a  
821 calendar year. A Class 3 temporary permit shall not be issued to  
822 a retail establishment that either holds a merchant permit issued  
823 under paragraph (1) of this subsection, or holds a permit issued  
824 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
825 the holder to engage in the business of a retailer of light wine  
826 or beer.

827           (g) **Caterer's permit.** A caterer's permit shall permit  
828 the purchase of alcoholic beverages by a person engaging in  
829 business as a caterer and the resale of alcoholic beverages by  
830 such person in conjunction with such catering business. No person  
831 shall qualify as a caterer unless forty percent (40%) or more of  
832 the revenue derived from such catering business shall be from the  
833 serving of prepared food and not from the sale of alcoholic  
834 beverages and unless such person has obtained a permit for such  
835 business from the Department of Health. A caterer's permit shall



836 not authorize the sale of alcoholic beverages on the premises of  
837 the person engaging in business as a caterer; however, the holder  
838 of an on-premises retailer's permit may hold a caterer's permit.  
839 When the holder of an on-premises retailer's permit or an  
840 affiliated entity of the holder also holds a caterer's permit, the  
841 caterer's permit shall not authorize the service of alcoholic  
842 beverages on a consistent, recurring basis at a separate, fixed  
843 location owned or operated by the caterer, on-premises retailer or  
844 affiliated entity and an on-premises retailer's permit shall be  
845 required for the separate location. All sales of alcoholic  
846 beverages by holders of a caterer's permit shall be made at the  
847 location being catered by the caterer, and, except as otherwise  
848 provided in subsection (5) of this section, such sales may be made  
849 only for consumption at the catered location. The location being  
850 catered may be anywhere within a county or judicial district that  
851 has voted to come out from under the dry laws or in which the sale  
852 and distribution of alcoholic beverages is otherwise authorized by  
853 law. Such sales shall be made pursuant to any other conditions  
854 and restrictions which apply to sales made by on-premises retail  
855 permittees. The holder of a caterer's permit or his employees  
856 shall remain at the catered location as long as alcoholic  
857 beverages are being sold pursuant to the permit issued under this  
858 paragraph (g), and the permittee shall have at the location the  
859 identification card issued by the Alcoholic Beverage Control  
860 Division of the department. No unsold alcoholic beverages may be



861 left at the catered location by the permittee upon the conclusion  
862 of his business at that location. Appropriate law enforcement  
863 officers and Alcoholic Beverage Control Division personnel may  
864 enter a catered location on private property in order to enforce  
865 laws governing the sale or serving of alcoholic beverages.

866 (h) **Research permit.** A research permit shall authorize  
867 the holder thereof to operate a research facility for the  
868 professional research of alcoholic beverages. Such permit shall  
869 authorize the holder of the permit to import and purchase limited  
870 amounts of alcoholic beverages from the department or from  
871 importers, wineries and distillers of alcoholic beverages for  
872 professional research.

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

883 (j) **Hospitality cart permit.** A hospitality cart permit  
884 shall authorize the sale of alcoholic beverages from a mobile cart  
885 on a golf course that is the holder of an on-premises retailer's



886 permit. The alcoholic beverages sold from the cart must be  
887 consumed within the boundaries of the golf course.

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

895 (l) **Merchant permit.** Except as otherwise provided in  
896 subsection (5) of this section, a merchant permit shall be issued  
897 only to the owner of a spa facility, an art studio or gallery, or  
898 a cooking school, and shall authorize the holder to serve  
899 complimentary by the glass wine only, including native wine, at  
900 the holder's spa facility, art studio or gallery, or cooking  
901 school. A merchant permit holder shall obtain all wine from the  
902 holder of a package retailer's permit.

903 (m) **Temporary alcoholic beverages charitable auction**  
904 **permit.** A temporary permit, not to exceed five (5) days, may be  
905 issued to a qualifying charitable nonprofit organization that is  
906 exempt from taxation under Section 501(c)(3) or (4) of the  
907 Internal Revenue Code of 1986. The permit shall authorize the  
908 holder to sell alcoholic beverages for the limited purpose of  
909 raising funds for the organization during a live or silent auction  
910 that is conducted by the organization and that meets the following



911 requirements: (i) the auction is conducted in an area of the  
912 state where the sale of alcoholic beverages is authorized; (ii) if  
913 the auction is conducted on the premises of an on-premises  
914 retailer's permit holder, then the alcoholic beverages to be  
915 auctioned must be stored separately from the alcoholic beverages  
916 sold, stored or served on the premises, must be removed from the  
917 premises immediately following the auction, and may not be  
918 consumed on the premises; (iii) the permit holder may not conduct  
919 more than two (2) auctions during a calendar year; (iv) the permit  
920 holder may not pay a commission or promotional fee to any person  
921 to arrange or conduct the auction.

922 (n) **Event venue retailer's permit.** An event venue  
923 retailer's permit shall authorize the holder thereof to purchase  
924 and resell alcoholic beverages, including native wines and native  
925 spirits, for consumption on the premises during legal hours during  
926 events held on the licensed premises if food is being served at  
927 the event by a caterer who is not affiliated with or related to  
928 the permittee. The caterer must serve at least three (3) entrees.  
929 The permit may only be issued for venues that can accommodate two  
930 hundred (200) persons or more. The number of persons a venue may  
931 accommodate shall be determined by the local fire department and  
932 such determination shall be provided in writing and submitted  
933 along with all other documents required to be provided for an  
934 on-premises retailer's permit. The permittee must derive the  
935 majority of its revenue from event-related fees, including, but



936 not limited to, admission fees or ticket sales for live  
937 entertainment in the building. "Event-related fees" do not  
938 include alcohol, beer or light wine sales or any fee which may be  
939 construed to cover the cost of alcohol, beer or light wine. This  
940 determination shall be made on a per event basis. An event may  
941 not last longer than two (2) consecutive days per week.

942 (o) **Temporary theatre permit.** A temporary theatre  
943 permit, not to exceed five (5) days, may be issued to a charitable  
944 nonprofit organization that is exempt from taxation under Section  
945 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
946 a theatre facility that features plays and other theatrical  
947 performances and productions. Except as otherwise provided in  
948 subsection (5) of this section, the permit shall authorize the  
949 holder to sell alcoholic beverages, including native wines and  
950 native spirits, to patrons of the theatre during performances and  
951 productions at the theatre facility for consumption during such  
952 performances and productions on the premises of the facility  
953 described in the permit. A temporary theatre permit holder shall  
954 obtain all alcoholic beverages from package retailers located in  
955 the county in which the permit is issued. Alcoholic beverages  
956 remaining in stock upon expiration of the temporary theatre permit  
957 may be returned by the permittee to the package retailer for a  
958 refund of the purchase price upon consent of the package retailer  
959 or may be kept by the permittee exclusively for personal use and



960 consumption, subject to all laws pertaining to the illegal sale  
961 and possession of alcoholic beverages.

962           (p) **Charter ship operator's permit.** Subject to the  
963 provisions of this paragraph (p), a charter ship operator's permit  
964 shall authorize the holder thereof and its employees to serve,  
965 monitor, store and otherwise control the serving and availability  
966 of alcoholic beverages to customers of the permit holder during  
967 private charters under contract provided by the permit holder. A  
968 charter ship operator's permit shall authorize such action by the  
969 permit holder and its employees only as to alcoholic beverages  
970 brought onto the permit holder's ship by customers of the permit  
971 holder as part of such a private charter. All such alcoholic  
972 beverages must be removed from the charter ship at the conclusion  
973 of each private charter. A charter ship operator's permit shall  
974 not authorize the permit holder to sell, charge for or otherwise  
975 supply alcoholic beverages to customers, except as authorized in  
976 this paragraph (p). For the purposes of this paragraph (p),  
977 "charter ship operator" means a common carrier that (i) is  
978 certified to carry at least one hundred fifty (150) passengers  
979 and/or provide overnight accommodations for at least fifty (50)  
980 passengers, (ii) operates only in the waters within the State of  
981 Mississippi, which lie adjacent to the State of Mississippi south  
982 of the three (3) most southern counties in the State of  
983 Mississippi, and (iii) provides charters under contract for tours  
984 and trips in such waters.



985           (q) **Distillery retailer's permit.** The holder of a  
986 Class 1 manufacturer's permit may obtain a distillery retailer's  
987 permit. A distillery retailer's permit shall authorize the holder  
988 thereof to sell at retail alcoholic beverages to consumers for  
989 on-premises consumption, or to consumers by the sealed and  
990 unopened bottle from a retail location at the distillery for  
991 off-premises consumption. The holder may only sell product  
992 manufactured by the manufacturer at the distillery described in  
993 the permit. However, when selling to consumers for on-premises  
994 consumption, a holder of a distillery retailer's permit may add  
995 other beverages, alcoholic or not, so long as the total volume of  
996 other beverage components containing alcohol does not exceed  
997 twenty percent (20%). Hours of sale shall be the same as those  
998 authorized for on-premises permittees in the city or county in  
999 which the distillery retailer is located.

1000           The holder shall not sell at retail more than ten percent  
1001 (10%) of the alcoholic beverages produced annually at its  
1002 distillery. The holder shall not make retail sales of more than  
1003 two and twenty-five one-hundredths (2.25) liters, in the  
1004 aggregate, of the alcoholic beverages produced at its distillery  
1005 to any one (1) individual for consumption off the premises of the  
1006 distillery within a twenty-four-hour period. The hours of sale  
1007 shall be the same as those hours for package retailers under this  
1008 article. The holder of a distillery retailer's permit is not  
1009 required to purchase the alcoholic beverages authorized to be sold





1010 by this paragraph from the department's liquor distribution  
1011 warehouse; however, if the holder does not purchase the alcoholic  
1012 beverages from the department's liquor distribution warehouse, the  
1013 holder shall pay to the department all taxes, fees and surcharges  
1014 on the alcoholic beverages that are imposed upon the sale of  
1015 alcoholic beverages shipped by the department or its warehouse  
1016 operator. In addition to alcoholic beverages, the holder of a  
1017 distillery retailer's permit may sell at retail promotional  
1018 products from the same retail location, including shirts, hats,  
1019 glasses, and other promotional products customarily sold by  
1020 alcoholic beverage manufacturers.

1021 (r) **Festival wine permit.** Any wine manufacturer or  
1022 native wine producer permitted by Mississippi or any other state  
1023 is eligible to obtain a Festival Wine Permit. This permit  
1024 authorizes the entity to transport product manufactured by it to  
1025 festivals held within the State of Mississippi and sell sealed,  
1026 unopened bottles to festival participants. The holder of this  
1027 permit may provide samples at no charge to participants.  
1028 "Festival" means any event at which three (3) or more vendors are  
1029 present at a location for the sale or distribution of goods. The  
1030 holder of a Festival Wine Permit is not required to purchase the  
1031 alcoholic beverages authorized to be sold by this paragraph from  
1032 the department's liquor distribution warehouse. However, if the  
1033 holder does not purchase the alcoholic beverages from the  
1034 department's liquor distribution warehouse, the holder of this



1035 permit shall pay to the department all taxes, fees and surcharges  
1036 on the alcoholic beverages sold at such festivals that are imposed  
1037 upon the sale of alcoholic beverages shipped by the Alcoholic  
1038 Beverage Control Division of the Department of Revenue.  
1039 Additionally, the entity shall file all applicable reports and  
1040 returns as prescribed by the department. This permit is issued  
1041 per festival and provides authority to sell for two (2)  
1042 consecutive days during the hours authorized for on-premises  
1043 permittees' sales in that county or city. The holder of the  
1044 permit shall be required to maintain all requirements set by Local  
1045 Option Law for the service and sale of alcoholic beverages. This  
1046 permit may be issued to entities participating in festivals at  
1047 which a Class 1 temporary permit is in effect.

1048 This paragraph (r) shall stand repealed from and after July  
1049 1, 2023.

1050 (s) **Charter vessel operator's permit.** Subject to the  
1051 provisions of this paragraph (s), a charter vessel operator's  
1052 permit shall authorize the holder thereof and its employees to  
1053 sell and serve alcoholic beverages to passengers of the permit  
1054 holder during public tours, historical tours, ecological tours and  
1055 sunset cruises provided by the permit holder. The permit shall  
1056 authorize the holder to only sell alcoholic beverages, including  
1057 native wines, to passengers of the charter vessel operator during  
1058 public tours, historical tours, ecological tours and sunset  
1059 cruises provided by the permit holder aboard the charter vessel



1060 operator for consumption during such tours and cruises on the  
1061 premises of the charter vessel operator described in the permit.  
1062 For the purposes of this paragraph (s), "charter vessel operator"  
1063 means a common carrier that (i) is certified to carry at least  
1064 forty-nine (49) passengers, (ii) operates only in the waters  
1065 within the State of Mississippi, which lie south of Interstate 10  
1066 in the three (3) most southern counties in the State of  
1067 Mississippi, and lie adjacent to the State of Mississippi south of  
1068 the three (3) most southern counties in the State of Mississippi,  
1069 extending not further than one (1) mile south of such counties,  
1070 and (iii) provides vessel services for tours and cruises in such  
1071 waters as provided in this paragraph (s).

1072 (t) **Native spirit retailer's permit.** Except as  
1073 otherwise provided in subsection (5) of this section, a native  
1074 spirit retailer's permit shall be issued only to a holder of a  
1075 Class 4 manufacturer's permit, and shall authorize the holder  
1076 thereof to make retail sales of native spirits to consumers for  
1077 on-premises consumption or to consumers in originally sealed and  
1078 unopened containers at an establishment located on the premises of  
1079 or in the immediate vicinity of a native distillery. When selling  
1080 to consumers for on-premises consumption, a holder of a native  
1081 spirit retailer's permit may add to the native spirit alcoholic  
1082 beverages not produced on the premises, so long as the total  
1083 volume of foreign beverage components does not exceed twenty  
1084 percent (20%) of the mixed beverage. Hours of sale shall be the



1085 same as those authorized for on-premises permittees in the city or  
1086 county in which the native spirit retailer is located.

1087 (u) **Delivery service permit.** Any individual, limited  
1088 liability company, corporation or partnership registered to do  
1089 business in this state is eligible to obtain a delivery service  
1090 permit. Subject to the provisions of Section 67-1-51.1, this  
1091 permit authorizes the permittee, or its employee or an independent  
1092 contractor acting on its behalf, to deliver alcoholic beverages,  
1093 beer, light wine and light spirit product from a licensed retailer  
1094 to a person in this state who is at least twenty-one (21) years of  
1095 age for the individual's use and not for resale. This permit does  
1096 not authorize the delivery of alcoholic beverages, beer, light  
1097 wine or light spirit product to the premises of a location with a  
1098 permit for the manufacture, distribution or retail sale of  
1099 alcoholic beverages, beer, light wine or light spirit product.  
1100 The holder of a package retailer's permit or an on-premises  
1101 retailer's permit under Section 67-1-51 or of a beer, light wine  
1102 and light spirit product permit under Section 67-3-19 is  
1103 authorized to apply for a delivery service permit as a privilege  
1104 separate from its existing retail permit.

1105 (v) **Food truck permit.** A food truck permit shall  
1106 authorize the holder of an on-premises retailer's permit to use a  
1107 food truck to sell alcoholic beverages off its premises to guests  
1108 who must consume the beverages in open containers. For the  
1109 purposes of this paragraph (v), "food truck" means a fully encased



1110 food service establishment on a motor vehicle or on a trailer that  
1111 a motor vehicle pulls to transport, and from which a vendor,  
1112 standing within the frame of the establishment, prepares, cooks,  
1113 sells and serves food for immediate human consumption. The term  
1114 "food truck" does not include a food cart that is not motorized.  
1115 Food trucks shall maintain such distance requirements from  
1116 schools, churches, kindergartens and funeral homes as are required  
1117 for on-premises retailer's permittees under this article, and all  
1118 sales must be made within a valid leisure and recreation district  
1119 established under Section 67-1-101. Food trucks cannot sell or  
1120 serve alcoholic beverages unless also offering food prepared and  
1121 cooked within the food truck, and permittees must maintain a  
1122 twenty-five percent (25%) food sale revenue requirement based on  
1123 the food sold from the food truck alone. The hours allowed for  
1124 sale shall be the same as those for on-premises retailer's  
1125 permittees in the location. This permit will not be required for  
1126 the holder of a caterer's permit issued under this article to  
1127 cater an event as allowed by law. Permittees must provide notice  
1128 of not less than forty-eight (48) hours to the department of each  
1129 location at which alcoholic beverages will be sold.

1130 (w) **Direct wine shipper's permit.** A direct wine  
1131 shipper's permit shall authorize the holder to sell and ship a  
1132 limited amount of wine directly to residents in this state in  
1133 accordance with the provisions of Sections 1 through 9 of this  
1134 act, without being required to transact the sale and shipment of



1135 those wines through the Alcoholic Beverage Control Division of the  
1136 department.

1137 (2) Except as otherwise provided in subsection (4) of this  
1138 section, retail permittees may hold more than one (1) retail  
1139 permit, at the discretion of the department.

1140 (3) (a) Except as otherwise provided in this subsection, no  
1141 authority shall be granted to any person to manufacture, sell or  
1142 store for sale any intoxicating liquor as specified in this  
1143 article within four hundred (400) feet of any church, school,  
1144 kindergarten or funeral home. However, within an area zoned  
1145 commercial or business, such minimum distance shall be not less  
1146 than one hundred (100) feet.

1147 (b) A church or funeral home may waive the distance  
1148 restrictions imposed in this subsection in favor of allowing  
1149 issuance by the department of a permit, pursuant to subsection (1)  
1150 of this section, to authorize activity relating to the  
1151 manufacturing, sale or storage of alcoholic beverages which would  
1152 otherwise be prohibited under the minimum distance criterion.  
1153 Such waiver shall be in written form from the owner, the governing  
1154 body, or the appropriate officer of the church or funeral home  
1155 having the authority to execute such a waiver, and the waiver  
1156 shall be filed with and verified by the department before becoming  
1157 effective.

1158 (c) The distance restrictions imposed in this  
1159 subsection shall not apply to the sale or storage of alcoholic



1160 beverages at a bed and breakfast inn listed in the National  
1161 Register of Historic Places or to the sale or storage of alcoholic  
1162 beverages in a historic district that is listed in the National  
1163 Register of Historic Places, is a qualified resort area and is  
1164 located in a municipality having a population greater than one  
1165 hundred thousand (100,000) according to the latest federal  
1166 decennial census.

1167 (d) The distance restrictions imposed in this  
1168 subsection shall not apply to the sale or storage of alcoholic  
1169 beverages at a qualified resort area as defined in Section  
1170 67-1-5(o)(iii)32.

1171 (e) The distance restrictions imposed in this  
1172 subsection shall not apply to the sale or storage of alcoholic  
1173 beverages at a licensed premises in a building formerly owned by a  
1174 municipality and formerly leased by the municipality to a  
1175 municipal school district and used by the municipal school  
1176 district as a district bus shop facility.

1177 (f) The distance restrictions imposed in this  
1178 subsection shall not apply to the sale or storage of alcoholic  
1179 beverages at a licensed premises in a building consisting of at  
1180 least five thousand (5,000) square feet and located approximately  
1181 six hundred (600) feet from the intersection of Mississippi  
1182 Highway 15 and Mississippi Highway 4.

1183 (g) The distance restrictions imposed in this  
1184 subsection shall not apply to the sale or storage of alcoholic



1185 beverages at a licensed premises in a building located at or near  
1186 the intersection of Ward and Tate Streets and adjacent properties  
1187 in the City of Senatobia, Mississippi.

1188 (h) The distance restrictions imposed in this  
1189 subsection shall not apply to the sale or storage of alcoholic  
1190 beverages at a theatre facility that features plays and other  
1191 theatrical performances and productions and (i) is capable of  
1192 seating more than seven hundred fifty (750) people, (ii) is owned  
1193 by a municipality which has a population greater than ten thousand  
1194 (10,000) according to the latest federal decennial census, (iii)  
1195 was constructed prior to 1930, (iv) is on the National Register of  
1196 Historic Places, and (v) is located in a historic district.

1197 (4) No person, either individually or as a member of a firm,  
1198 partnership, limited liability company or association, or as a  
1199 stockholder, officer or director in a corporation, shall own or  
1200 control any interest in more than one (1) package retailer's  
1201 permit, nor shall such person's spouse, if living in the same  
1202 household of such person, any relative of such person, if living  
1203 in the same household of such person, or any other person living  
1204 in the same household with such person own any interest in any  
1205 other package retailer's permit.

1206 (5) (a) In addition to any other authority granted under  
1207 this section, the holder of a permit issued under subsection  
1208 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
1209 sell or otherwise provide alcoholic beverages and/or wine to a





1210 patron of the permit holder in the manner authorized in the permit  
1211 and the patron may remove an open glass, cup or other container of  
1212 the alcoholic beverage and/or wine from the licensed premises and  
1213 may possess and consume the alcoholic beverage or wine outside of  
1214 the licensed premises if: (i) the licensed premises is located  
1215 within a leisure and recreation district created under Section  
1216 67-1-101 and (ii) the patron remains within the boundaries of the  
1217 leisure and recreation district while in possession of the  
1218 alcoholic beverage or wine.

1219 (b) Nothing in this subsection shall be construed to  
1220 allow a person to bring any alcoholic beverages into a permitted  
1221 premises except to the extent otherwise authorized by this  
1222 article.

1223 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is  
1224 amended as follows:

1225 67-1-53. (1) Application for permits shall be in such form  
1226 and shall contain such information as shall be required by the  
1227 regulations of the \* \* \* department; however, no regulation of  
1228 the \* \* \* department shall require personal financial information  
1229 from any officer of a corporation applying for an on-premises  
1230 retailer's permit to sell alcoholic beverages unless such officer  
1231 owns ten percent (10%) or more of the stock of such corporation.

1232 (2) Every applicant for each type of permit authorized by  
1233 Section 67-1-51 shall give notice of such application by  
1234 publication for two (2) consecutive issues in a newspaper of



1235 general circulation published in the city or town in which  
1236 applicant's place of business is located. However, in instances  
1237 where no newspaper is published in the city or town, then the  
1238 notice shall be published in a newspaper of general circulation  
1239 published in the county where the applicant's business is located.  
1240 If no newspaper is published in the county, the notice shall be  
1241 published in a qualified newspaper which is published in the  
1242 closest neighboring county and circulated in the county of  
1243 applicant's residence. The notice shall be printed in ten-point  
1244 black face type and shall set forth the type of permit to be  
1245 applied for, the exact location of the place of business, the name  
1246 of the owner or owners thereof, and if operating under an assumed  
1247 name, the trade name together with the names of all owners, and if  
1248 a corporation, the names and titles of all officers. The cost of  
1249 such notice shall be borne by the applicant. The provisions of  
1250 this subsection (2) shall not apply to applicants for a direct  
1251 wine shipper's permit under Sections 1 through 9 of this act.

1252 (3) Each application or filing made under this section shall  
1253 include the social security number(s) of the applicant in  
1254 accordance with Section 93-11-64, Mississippi Code of 1972.

1255 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is  
1256 amended as follows:

1257 67-1-55. No permit of any type shall be issued by the \* \* \*  
1258 department until the applicant has first filed with the \* \* \*  
1259 department a sworn statement disclosing all persons who are



1260 financially involved in the operation of the business for which  
1261 the permit is sought. If an applicant is an individual, he will  
1262 swear that he owns one hundred percent (100%) of the business for  
1263 which he is seeking a permit. If the applicant is a partnership,  
1264 all partners and their addresses shall be disclosed and the extent  
1265 of their interest in the partnership shall be disclosed. If the  
1266 applicant is a corporation, the total stock in the corporation  
1267 shall be disclosed and each shareholder and his address and the  
1268 amount of stock in the corporation owned by him shall be  
1269 disclosed. If the applicant is a limited liability company, each  
1270 member and their addresses shall be disclosed and the extent of  
1271 their interest in the limited liability company shall be  
1272 disclosed. If the applicant is a trust, the trustee and all  
1273 beneficiaries and their addresses shall be disclosed. If the  
1274 applicant is a combination of any of the above, all information  
1275 required to be disclosed above shall be required.

1276 All the disclosures shall be in writing and kept on file at  
1277 the \* \* \* department and shall be available to the public.

1278 Every applicant must, when applying for a renewal of his  
1279 permit, disclose any change in the ownership of the business or  
1280 any change in the beneficiaries of the income from the business.

1281 Any person who willfully fails to fully disclose the  
1282 information required by this section, or who gives false  
1283 information, shall be guilty of a misdemeanor and, upon conviction  
1284 thereof, shall be fined a sum not to exceed Five Hundred Dollars



1285 (\$500.00) or imprisoned for not more than one (1) year, or both,  
1286 and the person or applicant shall never again be eligible for any  
1287 permit pertaining to alcoholic beverages.

1288 The provisions of this section shall not apply to applicants  
1289 for a direct wine shipper's permit under Sections 1 through 9 of  
1290 this act.

1291 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is  
1292 amended as follows:

1293 67-1-57. Before a permit is issued the department shall  
1294 satisfy itself:

1295 (a) That the applicant, if an individual, or if a  
1296 partnership, each of the members of the partnership, or if a  
1297 corporation, each of its principal officers and directors, or if a  
1298 limited liability company, each member of the limited liability  
1299 company, is of good moral character and, in addition, enjoys a  
1300 reputation of being a peaceable, law-abiding citizen of the  
1301 community in which he resides, and is generally fit for the trust  
1302 to be reposed in him, is not less than twenty-one (21) years of  
1303 age, and has not been convicted of a felony in any state or  
1304 federal court.

1305 (b) That, except in the case of an application for a  
1306 solicitor's permit, the applicant is the true and actual owner of  
1307 the business for which the permit is desired, and that he intends  
1308 to carry on the business authorized for himself and not as the  
1309 agent of any other person, and that he intends to superintend in



1310 person the management of the business or that he will designate a  
1311 manager to manage the business for him. Except for managers  
1312 employed by the holder of a direct wine shipper's permit, all  
1313 managers must be approved by the department prior to completing  
1314 any managerial tasks on behalf of the permittee and must possess  
1315 all of the qualifications required of a permittee; however, a  
1316 felony conviction, other than a crime of violence, does not  
1317 automatically disqualify a person from being approved as a manager  
1318 if the person was released from incarceration at least three (3)  
1319 years prior to application for approval as a manager. A felony  
1320 conviction, other than a crime of violence, may be considered by  
1321 the department in determining whether all other qualifications are  
1322 met.

1323 (c) That the applicant for a package retailer's permit,  
1324 if an individual, is a resident of the State of Mississippi. If  
1325 the applicant is a partnership, each member of the partnership  
1326 must be a resident of the state. If the applicant is a limited  
1327 liability company, each member of the limited liability company  
1328 must be a resident of the state. If the applicant is a  
1329 corporation, the designated manager of the corporation must be a  
1330 resident of the state.

1331 (d) That the place for which the permit is to be issued  
1332 is an appropriate one considering the character of the premises  
1333 and the surrounding neighborhood.



1334 (e) That the place for which the permit is to be issued  
1335 is within the corporate limits of an incorporated municipality or  
1336 qualified resort area or club which comes within the provisions of  
1337 this article.

1338 (f) That the applicant is not indebted to the state for  
1339 any taxes, fees or payment of penalties imposed by any law of the  
1340 State of Mississippi or by any rule or regulation of the \* \* \*  
1341 department.

1342 (g) That the applicant is not in the habit of using  
1343 alcoholic beverages to excess and is not physically or mentally  
1344 incapacitated, and that the applicant has the ability to read and  
1345 write the English language.

1346 (h) That the \* \* \* department does not believe and has  
1347 no reason to believe that the applicant will sell or knowingly  
1348 permit any agent, servant or employee to unlawfully sell liquor in  
1349 a dry area or in any other manner contrary to law.

1350 (i) That the applicant is not residentially domiciled  
1351 with any person whose permit or license has been cancelled for  
1352 cause within the twelve (12) months next preceding the date of the  
1353 present application for a permit.

1354 (j) That the \* \* \* department has not, in the exercise  
1355 of its discretion which is reserved and preserved to it, refused  
1356 to grant permits under the restrictions of this section, as well  
1357 as under any other pertinent provision of this article.



1358           (k) That there are not sufficient legal reasons to deny  
1359 a permit on the ground that the premises for which the permit is  
1360 sought has previously been operated, used or frequented for any  
1361 purpose or in any manner that is lewd, immoral or offensive to  
1362 public decency. In the granting or withholding of any permit to  
1363 sell alcoholic beverages at retail, the \* \* \* department in  
1364 forming its conclusions may give consideration to any  
1365 recommendations made in writing by the district or county attorney  
1366 or county, circuit or chancery judge of the county, or the sheriff  
1367 of the county, or the mayor or chief of police of an incorporated  
1368 city or town wherein the applicant proposes to conduct his  
1369 business and to any recommendations made by representatives of  
1370 the \* \* \* department.

1371           (1) That the applicant and the applicant's key  
1372 employees, as determined by the \* \* \* department, do not have a  
1373 disqualifying criminal record. In order to obtain a criminal  
1374 record history check, the applicant shall submit to the commission  
1375 a set of fingerprints from any local law enforcement agency for  
1376 each person for whom the records check is required. The \* \* \*  
1377 department shall forward the fingerprints to the Mississippi  
1378 Department of Public Safety. If no disqualifying record is  
1379 identified at the state level, the Department of Public Safety  
1380 shall forward the fingerprints to the Federal Bureau of  
1381 Investigation for a national criminal history record check. Costs  
1382 for processing the set or sets of fingerprints shall be borne by



1383 the applicant. The department may waive the fingerprint  
1384 requirement in the case of an applicant for a direct wine  
1385 shipper's permit. The \* \* \* department shall not deny employment  
1386 to an employee of the applicant prior to the identification of a  
1387 disqualifying record or other disqualifying information.

1388 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is  
1389 amended as follows:

1390 67-1-73. (1) Except as otherwise provided in subsection (3)  
1391 of this section, every manufacturer, including native wine or  
1392 native spirit producers, within or without the state, and every  
1393 other shipper of alcoholic beverages who sells any alcoholic  
1394 beverage, including native wine or native spirit, within the  
1395 state, shall, at the time of making such sale, file with the  
1396 department a copy of the invoice of such sale showing in detail  
1397 the kind of alcoholic beverage sold, the quantities of each, the  
1398 size of the container and the weight of the contents, the  
1399 alcoholic content, and the name and address of the person to whom  
1400 sold.

1401 (2) Except as otherwise provided in subsection (3) of this  
1402 section, every person transporting alcoholic beverages, including  
1403 native wine or native spirit, within this state to a point within  
1404 this state, whether such transportation originates within or  
1405 without this state, shall, within five (5) days after delivery of  
1406 such shipment, furnish the department a copy of the bill of lading  
1407 or receipt, showing the name or consignor or consignee, date,





1408 place received, destination, and quantity of alcoholic beverages  
1409 delivered. Upon failure to comply with the provisions of this  
1410 section, such person shall be deemed guilty of a misdemeanor and,  
1411 upon conviction thereof, shall be fined in the sum of Fifty  
1412 Dollars (\$50.00) for each offense.

1413 (3) Information regarding the sales, shipment, delivery and  
1414 transportation of wine in this state by the holder of a direct  
1415 wine shipper's permit under Sections 1 through 9 of this act shall  
1416 be in such form and content as prescribed by the department.

1417 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is  
1418 amended as follows:

1419 97-31-47. It shall be unlawful for any transportation  
1420 company, or any agent, employee, or officer of such company, or  
1421 any other person, or corporation to transport into or deliver in  
1422 this state in any manner or by any means any spirituous, vinous,  
1423 malt, or other intoxicating liquors or drinks, or for any such  
1424 person, company, or corporation to transport any spirituous, malt,  
1425 vinous, or intoxicating liquors or drinks from one place within  
1426 this state to another place within the state, or from one (1)  
1427 point within this state to any point without the state, except in  
1428 cases where this chapter \* \* \*, Section 67-9-1, or Sections 1  
1429 through 9 of this act authorizes the transportation.

1430 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is  
1431 amended as follows:



1432           97-31-49. Except as otherwise provided in Sections 1 through  
1433 9 of this act, it shall be unlawful for any person, firm or  
1434 corporation in this state, in person, by letter, circular, or  
1435 other printed or written matter, or in any other manner, to  
1436 solicit or take order in this state for any liquors, bitters or  
1437 drinks prohibited by the laws of this state to be sold, bartered,  
1438 or otherwise disposed of. The inhibition of this section shall  
1439 apply to such liquors, bitters and drinks, whether the parties  
1440 intend that the same shall be shipped into this state from outside  
1441 of the state, or from one (1) point in this state to another point  
1442 in this state. If such order be in writing, parol evidence  
1443 thereof is admissible without producing or accounting for the  
1444 absence of the original; and the taking or soliciting of such  
1445 orders is within the inhibition of this section, although the  
1446 orders are subject to approval by some other person, and no part  
1447 of the price is paid, nor any part of the goods is delivered when  
1448 the order is taken.

1449           **SECTION 23.** Section 67-1-83, Mississippi Code of 1972, is  
1450 amended as follows:

1451           67-1-83. (1) It shall be unlawful for any permittee or any  
1452 employee or agent thereof to sell or furnish any alcoholic  
1453 beverage to any person who is visibly intoxicated, or to any  
1454 person who is known to habitually drink alcoholic beverages to  
1455 excess, or to any person who is known to be an habitual user of  
1456 narcotics or other habit-forming drugs. It shall also be unlawful



1457 for the holder of any package retailer's permit to sell any  
1458 alcoholic beverages except by delivery in person to the purchaser  
1459 at the place of business of the permittee, unless the holder of a  
1460 package retailer's permit also holds a delivery service permit or  
1461 uses a delivery service permittee to effect delivery.

1462 (2) It shall be unlawful for any permittee or any employee  
1463 or agent thereof to sell or furnish any alcoholic beverage to any  
1464 person to whom the department has, after investigation, decided to  
1465 prohibit the sale of those beverages because of an appeal to the  
1466 department so to do by the husband, wife, father, mother, brother,  
1467 sister, child, or employer of the person. The interdiction in  
1468 those cases shall last until removed by the department, but no  
1469 person shall be held to have violated this subsection unless he  
1470 has been informed by the department, by registered letter, that it  
1471 is forbidden to sell to that individual or unless that fact is  
1472 otherwise known to the permittee or its employee or agent.

1473 (3) It shall be unlawful for any holder of a package  
1474 retailer's permit, or any employee or agent thereof, engaged  
1475 solely in the business of package retail sales under this article  
1476 to sell or furnish any alcoholic beverage before 10:00 a.m. and  
1477 after 10:00 p.m. or to sell alcoholic beverages on Sunday and  
1478 Christmas Day.

1479 (4) Any person who violates any of the provisions of this  
1480 section shall be guilty of a misdemeanor and, upon conviction,  
1481 shall be punished by a fine of not more than Five Hundred Dollars



1482 (\$500.00) or by imprisonment in the county jail for a term of not  
1483 more than six (6) months, or by both that fine and imprisonment,  
1484 in the discretion of the court. In addition to any other  
1485 penalties prescribed by law, the commission may immediately revoke  
1486 the permit of any permittee who violates the provisions of this  
1487 section.

1488 **SECTION 24.** Section 67-1-67, Mississippi Code of 1972, is  
1489 brought forward as follows:

1490 67-1-67. No permit shall be transferred by the permittee to  
1491 any other person or any other place except with the written  
1492 consent of the commission upon a regular application therefor in  
1493 writing and upon consideration thereof as provided in this article  
1494 for an original application for a permit. The commission shall  
1495 not approve the transfer of the permit of any person against whom  
1496 there is pending in the courts or before the commission any charge  
1497 of keeping a disorderly house, or of violating this article or the  
1498 laws against gambling in this state or against whom there is  
1499 pending any proceedings for the revocation, suspension or  
1500 cancellation of the permit.

1501 **SECTION 25.** This act shall take effect and be in force from  
1502 and after July 1, 2023.

