

By: Representative Powell

To: Ways and Means

HOUSE BILL NO. 561

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO  
 2 DEFINE THE TERM "GROCERY STORE" UNDER THE LOCAL OPTION ALCOHOLIC  
 3 BEVERAGE CONTROL LAW; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE  
 4 OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO ISSUE GROCERY  
 5 STORE WINE-ONLY RETAILER'S PERMITS THAT AUTHORIZE THE HOLDER  
 6 THEREOF TO SELL WINE AT RETAIL AT A GROCERY STORE IN ORIGINAL  
 7 SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE PREMISES  
 8 WHERE SOLD; TO PROVIDE THAT THE HOLDER OF A PACKAGE RETAILER'S  
 9 PERMIT MAY SELL OTHER PRODUCTS AND MERCHANDISE, EXCEPT BEER, BUT  
 10 MUST DERIVE AT LEAST 50% OF THE REVENUE OF THE LICENSED PREMISES  
 11 FROM THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN ORIGINAL SEALED AND  
 12 UNOPENED PACKAGES NOT TO BE CONSUMED ON THE LICENSED PREMISES; TO  
 13 AUTHORIZE A PERSON TO OWN OR CONTROL ANY INTEREST IN NO MORE THAN  
 14 SIX PACKAGE RETAILER'S PERMITS; TO AMEND SECTION 27-71-5,  
 15 MISSISSIPPI CODE OF 1972, TO PROVIDE THE LICENSE TAX REQUIRED FOR  
 16 GROCERY STORE WINE-ONLY RETAILER'S PERMITS; TO AMEND SECTIONS  
 17 67-1-41, 67-1-75, 67-1-83 AND 67-1-85, MISSISSIPPI CODE OF 1972,  
 18 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, is  
 21 amended as follows:

22 67-1-5. For the purposes of this article and unless  
 23 otherwise required by the context:

24 (a) "Alcoholic beverage" means any alcoholic liquid,  
 25 including wines of more than five percent (5%) of alcohol by  
 26 weight, capable of being consumed as a beverage by a human being,



27 but shall not include light wine, light spirit product and beer,  
28 as defined in Section 67-3-3, Mississippi Code of 1972, but shall  
29 include native wines and native spirits. The words "alcoholic  
30 beverage" shall not include ethyl alcohol manufactured or  
31 distilled solely for fuel purposes or beer of an alcoholic content  
32 of more than eight percent (8%) by weight if the beer is legally  
33 manufactured in this state for sale in another state.

34 (b) "Alcohol" means the product of distillation of any  
35 fermented liquid, whatever the origin thereof, and includes  
36 synthetic ethyl alcohol, but does not include denatured alcohol or  
37 wood alcohol.

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

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

46 (e) "Person" means and includes any individual,  
47 partnership, corporation, association or other legal entity  
48 whatsoever.

49 (f) "Manufacturer" means any person engaged in  
50 manufacturing, distilling, rectifying, blending or bottling any  
51 alcoholic beverage.



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

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

59 (i) "State Tax Commission," "commission" or  
60 "department" means the Department of Revenue of the State of  
61 Mississippi, which shall create a division in its organization to  
62 be known as the Alcoholic Beverage Control Division. Any  
63 reference to the commission or the department hereafter means the  
64 powers and duties of the Department of Revenue with reference to  
65 supervision of the Alcoholic Beverage Control Division.

66 (j) "Division" means the Alcoholic Beverage Control  
67 Division of the Department of Revenue.

68 (k) "Municipality" means any incorporated city or town  
69 of this state.

70 (l) "Hotel" means an establishment within a  
71 municipality, or within a qualified resort area approved as such  
72 by the department, where, in consideration of payment, food and  
73 lodging are habitually furnished to travelers and wherein are  
74 located at least twenty (20) adequately furnished and completely  
75 separate sleeping rooms with adequate facilities that persons  
76 usually apply for and receive as overnight accommodations. Hotels



77 in towns or cities of more than twenty-five thousand (25,000)  
78 population are similarly defined except that they must have fifty  
79 (50) or more sleeping rooms. Any such establishment described in  
80 this paragraph with less than fifty (50) beds shall operate one or  
81 more regular dining rooms designed to be constantly frequented by  
82 customers each day. When used in this article, the word "hotel"  
83 shall also be construed to include any establishment that meets  
84 the definition of "bed and breakfast inn" as provided in this  
85 section.

86 (m) "Restaurant" means:

87 (i) A place which is regularly and in a bona fide  
88 manner used and kept open for the serving of meals to guests for  
89 compensation, which has suitable seating facilities for guests,  
90 and which has suitable kitchen facilities connected therewith for  
91 cooking an assortment of foods and meals commonly ordered at  
92 various hours of the day; the service of such food as sandwiches  
93 and salads only shall not be deemed in compliance with this  
94 requirement. Except as otherwise provided in this paragraph, no  
95 place shall qualify as a restaurant under this article unless  
96 twenty-five percent (25%) or more of the revenue derived from such  
97 place shall be from the preparation, cooking and serving of meals  
98 and not from the sale of beverages, or unless the value of food  
99 given to and consumed by customers is equal to twenty-five percent  
100 (25%) or more of total revenue; or



101                   (ii) Any privately owned business located in a  
102 building in a historic district where the district is listed in  
103 the National Register of Historic Places, where the building has a  
104 total occupancy rating of not less than one thousand (1,000) and  
105 where the business regularly utilizes ten thousand (10,000) square  
106 feet or more in the building for live entertainment, including not  
107 only the stage, lobby or area where the audience sits and/or  
108 stands, but also any other portion of the building necessary for  
109 the operation of the business, including any kitchen area, bar  
110 area, storage area and office space, but excluding any area for  
111 parking. In addition to the other requirements of this  
112 subparagraph, the business must also serve food to guests for  
113 compensation within the building and derive the majority of its  
114 revenue from event-related fees, including, but not limited to,  
115 admission fees or ticket sales to live entertainment in the  
116 building, and from the rental of all or part of the facilities of  
117 the business in the building to another party for a specific event  
118 or function.

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

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

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



125 (iii) Maintained by its members through the  
126 payment of annual dues;

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

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

135 (vi) No member, officer, agent or employee of  
136 which is paid, or directly or indirectly receives, in the form of  
137 a salary or other compensation any profit from the distribution or  
138 sale of alcoholic beverages to the club or to members or guests of  
139 the club beyond such salary or compensation as may be fixed and  
140 voted at a proper meeting by the board of directors or other  
141 governing body out of the general revenues of the club.

142 The department may, in its discretion, waive the five-year  
143 provision of this paragraph. In order to qualify under this  
144 paragraph, a club must file with the department, at the time of  
145 its application for a license under this article, two (2) copies  
146 of a list of the names and residences of its members and similarly  
147 file, within ten (10) days after the election of any additional  
148 member, his name and address. Each club applying for a license  
149 shall also file with the department at the time of the application



150 a copy of its articles of association, charter of incorporation,  
151 bylaws or other instruments governing the business and affairs  
152 thereof.

153 (o) "Qualified resort area" means any area or locality  
154 outside of the limits of incorporated municipalities in this state  
155 commonly known and accepted as a place which regularly and  
156 customarily attracts tourists, vacationists and other transients  
157 because of its historical, scenic or recreational facilities or  
158 attractions, or because of other attributes which regularly and  
159 customarily appeal to and attract tourists, vacationists and other  
160 transients in substantial numbers; however, no area or locality  
161 shall so qualify as a resort area until it has been duly and  
162 properly approved as such by the department. The department may  
163 not approve an area as a qualified resort area after July 1, 2018,  
164 if any portion of such proposed area is located within two (2)  
165 miles of a convent or monastery that is located in a county  
166 traversed by Interstate 55 and U.S. Highway 98. A convent or  
167 monastery may waive such distance restrictions in favor of  
168 allowing approval by the department of an area as a qualified  
169 resort area. Such waiver shall be in written form from the owner,  
170 the governing body, or the appropriate officer of the convent or  
171 monastery having the authority to execute such a waiver, and the  
172 waiver shall be filed with and verified by the department before  
173 becoming effective.



174 (i) The department may approve an area or locality  
175 outside of the limits of an incorporated municipality that is in  
176 the process of being developed as a qualified resort area if such  
177 area or locality, when developed, can reasonably be expected to  
178 meet the requisites of the definition of the term "qualified  
179 resort area." In such a case, the status of qualified resort area  
180 shall not take effect until completion of the development.

181 (ii) The term includes any state park which is  
182 declared a resort area by the department; however, such  
183 declaration may only be initiated in a written request for resort  
184 area status made to the department by the Executive Director of  
185 the Department of Wildlife, Fisheries and Parks, and no permit for  
186 the sale of any alcoholic beverage, as defined in this article,  
187 except an on-premises retailer's permit, shall be issued for a  
188 hotel, restaurant or bed and breakfast inn in such park.

189 (iii) The term includes:

190 1. The clubhouses associated with the state  
191 park golf courses at the Lefleur's Bluff State Park, the John Kyle  
192 State Park, the Percy Quin State Park and the Hugh White State  
193 Park;

194 2. The clubhouse and associated golf course,  
195 tennis courts and related facilities and swimming pool and related  
196 facilities where the golf course, tennis courts and related  
197 facilities and swimming pool and related facilities are adjacent  
198 to one or more planned residential developments and the golf





199 course and all such developments collectively include at least  
200 seven hundred fifty (750) acres and at least four hundred (400)  
201 residential units;

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

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

211                   5. Any facility that is located in a  
212 municipality that is bordered by the Pearl River, traversed by  
213 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
214 International Airport and is located in a county which has voted  
215 against coming out from under the dry law; however, any such  
216 facility may only be located in areas designated by the governing  
217 authorities of such municipality;

218                   6. Any municipality with a population in  
219 excess of ten thousand (10,000) according to the latest federal  
220 decennial census that is located in a county that is bordered by  
221 the Pearl River and is not traversed by Interstate Highway 20,  
222 with a population in excess of forty-five thousand (45,000)  
223 according to the latest federal decennial census;



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

226                   8. a. Land that is located in any county in  
227 which Mississippi Highway 43 and Mississippi Highway 25 intersect  
228 and:

229                           A. Owned by the Pearl River Valley  
230 Water Supply District, and/or

231                           B. Located within the Reservoir  
232 Community District, zoned commercial, east of Old Fannin Road,  
233 north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
234 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
235 Drive and/or Lake Vista Place, and/or

236                           C. Located within the Reservoir  
237 Community District, zoned commercial, west of Old Fannin Road,  
238 south of Spillway Road and extending to the boundary of the  
239 corporate limits of the City of Flowood, Mississippi;

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

243                                   A. Specify the hours of operation  
244 of facilities that offer alcoholic beverages for sale,

245                                   B. Specify the percentage of  
246 revenue that facilities that offer alcoholic beverages for sale  
247 must derive from the preparation, cooking and serving of meals and  
248 not from the sale of beverages, and



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

251 9. Any facility located on property that is a  
252 game reserve with restricted access that consists of at least  
253 eight hundred (800) contiguous acres with no public roads, that  
254 offers as a service hunts for a fee to overnight guests of the  
255 facility, and has accommodations for at least fifty (50) overnight  
256 guests;

257 10. Any facility that:

258 a. Consists of at least six thousand  
259 (6,000) square feet being heated and cooled along with an  
260 additional adjacent area that consists of at least two thousand  
261 two hundred (2,200) square feet regardless of whether heated and  
262 cooled,

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

265 c. Provides lodging accommodations  
266 regardless of whether part of the facility and/or located adjacent  
267 to or in close proximity to the facility, and

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

270 11. Any facility and related property:

271 a. Located on property that consists of  
272 at least one hundred twenty-five (125) contiguous acres and  
273 consisting of an eighteen-hole golf course, and/or located in a



274 facility that consists of at least eight thousand (8,000) square  
275 feet being heated and cooled,

276                                   b. Used for the purpose of providing  
277 meals and hosting events, and

278                                   c. Used for the purpose of teaching  
279 culinary arts courses and/or turf management and grounds keeping  
280 courses, and/or outdoor recreation and leadership courses;

281                           12. Any facility and related property that:

282                                   a. Consist of at least eight thousand  
283 (8,000) square feet being heated and cooled,

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

285                                   c. Is used for the purpose of culinary  
286 arts courses, and/or live entertainment courses and art  
287 performances, and/or outdoor recreation and leadership courses;

288                           13. The clubhouse and associated golf course  
289 where the golf course is adjacent to one or more residential  
290 developments and the golf course and all such developments  
291 collectively include at least two hundred (200) acres and at least  
292 one hundred fifty (150) residential units and are located a. in a  
293 county that has voted against coming out from under the dry law;  
294 and b. outside of but in close proximity to a municipality in such  
295 county which has voted under Section 67-1-14, after January 1,  
296 2013, to come out from under the dry law;

297                           14. The clubhouse and associated  
298 eighteen-hole golf course located in a municipality traversed by



299 Interstate Highway 55 and U.S. Highway 51 that has voted to come  
300 out from under the dry law;

301                   15. a. Land that is planned for mixed-use  
302 development and consists of at least two hundred (200) contiguous  
303 acres with one or more planned residential developments  
304 collectively planned to include at least two hundred (200)  
305 residential units when completed, and also including a facility  
306 that consists of at least four thousand (4,000) square feet that  
307 is not part of such land but is located adjacent to or in close  
308 proximity thereto, and which land is located:

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

311                                   B. Outside the corporate limits of  
312 any municipality in such county and adjacent to or in close  
313 proximity to a golf course located in a municipality in such  
314 county, and

315                                   C. Within one (1) mile of a state  
316 institution of higher learning;

317                                   b. The board of supervisors of such  
318 county may by resolution or other order:

319   A. Specify the hours of operation  
320 of facilities that offer alcoholic beverages for sale,

321   B. Specify the percentage of  
322 revenue that facilities that offer alcoholic beverages for sale



323 must derive from the preparation, cooking and serving of meals and  
324 not from the sale of beverages, and

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

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

333 17. One hundred five (105) contiguous acres,  
334 more or less, located in Hinds County, Mississippi, and in the  
335 City of Jackson, Mississippi, whereon are constructed a variety of  
336 buildings, improvements, grounds or objects for the purpose of  
337 holding events thereon to promote agricultural and industrial  
338 development in Mississippi;

339 18. Land that is owned by a state institution  
340 of higher learning, and:

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

345 b. Adjacent to but outside the  
346 incorporated limits of a municipality that has elected by majority



347 vote to permit the sale, receipt, storage and transportation of  
348 light wine and beer pursuant to Section 67-3-9.

349 If any portion of the land described in this item 18 has been  
350 declared a qualified resort area by the department before July 1,  
351 2020, then that qualified resort area shall be incorporated into  
352 the qualified resort area created by this item 18;

353 19. Any facility and related property:

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

359 b. Located in a county that has not  
360 voted to come out from under the dry law and outside of but in  
361 close proximity to a municipality located in such county and which  
362 municipality has voted to come out from under the dry law;

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

367 a. A county traversed by Interstate 55  
368 and Interstate 20, and

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



371                   21. Any municipality with a population in  
372 excess of two thousand (2,000) according to the latest federal  
373 decennial census and in which is located a part of White's Creek  
374 Lake and in which U.S. Highway 82 intersects with Mississippi  
375 Highway 9 and located in a county that is partially bordered on  
376 one (1) side by the Big Black River;

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

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

386                   a. Specify the hours of operation of  
387 facilities that offer alcoholic beverages for sale;

388                   b. Specify the percentage of revenue  
389 that facilities that offer alcoholic beverages for sale must  
390 derive from the preparation, cooking and serving of meals and not  
391 from the sale of beverages; and

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

394                   24. A municipality in which Mississippi  
395 Highway 27 and Mississippi Highway 28 intersect;





396                   25. A municipality through which run  
397 Mississippi Highway 35 and Interstate 20;

398                   26. A municipality in which Mississippi  
399 Highway 16 and Mississippi Highway 35 intersect;

400                   27. A municipality in which U.S. Highway 82  
401 and Old Highway 61 intersect;

402                   28. A municipality in which Mississippi  
403 Highway 8 meets Mississippi Highway 1;

404                   29. A municipality in which U.S. Highway 82  
405 and Mississippi Highway 1 intersect;

406                   30. A municipality in which Mississippi  
407 Highway 50 meets Mississippi Highway 9;

408                   31. An area bounded on the north by Pearl  
409 Street, on the east by West Street, on the south by Court Street  
410 and on the west by Farish Street, within a municipality bordered  
411 on the east by the Pearl River and through which run Interstate 20  
412 and Interstate 55;

413                   32. Any facility and related property that:  
414                   a. Is contracted for mixed-use  
415 development improvements consisting of office and residential  
416 space and a restaurant and lounge, partially occupying the  
417 renovated space of a four-story commercial building which  
418 previously served as a financial institution; and adjacent  
419 property to the west consisting of a single-story office building



420 that was originally occupied by the Brotherhood of Carpenters and  
421 Joiners of American Local Number 569; and

422                   b. Is situated on a tract of land  
423 consisting of approximately one and one-tenth (1.10) acres, and  
424 the adjacent property to the west consisting of approximately 0.5  
425 acres, located in a municipality which is the seat of county  
426 government, situated south of Interstate 10, traversed by U.S.  
427 Highway 90, partially bordered on one (1) side by the Pascagoula  
428 River and having its most southern boundary bordered by the Gulf  
429 of Mexico, with a population greater than twenty-two thousand  
430 (22,000) according to the 2010 federal decennial census; however,  
431 the governing authorities of such a municipality may by ordinance:

432                   A. Specify the hours of operation  
433 of facilities that offer alcoholic beverages for sale;

434                   B. Specify the percentage of  
435 revenue that facilities that offer alcoholic beverages for sale  
436 must derive from the preparation, cooking and serving of meals and  
437 not from the sale of beverages; and

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

440                   33. Any facility with a maximum capacity of  
441 one hundred twenty (120) people that consists of at least three  
442 thousand (3,000) square feet being heated and cooled, has a  
443 commercial kitchen, has a pavilion that consists of at least nine



444 thousand (9,000) square feet and is located on land more  
445 particularly described as follows:

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

450 ALSO,

451 The Northeast 38 acres of the Southwest Quarter of Section  
452 21, Township 7 South, Range 4 East, Union County, Mississippi.

453 ALSO,

454 The South 81 1/2 acres of the Southwest Quarter of Section  
455 21, Township 7 South, Range 4 East, Union County, Mississippi;

456 34. A municipality in which U.S. Highway 51  
457 and Mississippi Highway 16 intersect;

458 35. A municipality in which Interstate 20  
459 passes over Mississippi Highway 15;

460 36. Any municipality that is bordered in its  
461 northwestern boundary by the Pearl River, traversed by U.S.  
462 Highway 49 and Interstate 20, and is located in a county which has  
463 voted against coming out from under the dry law;

464 37. A municipality in which Mississippi  
465 Highway 28 and Mississippi Highway 29 North intersect;

466 38. An area bounded as follows within a  
467 municipality through which run Interstate 22 and Mississippi  
468 Highway 15: Beginning at a point at the intersection of Bankhead



469 Street and Tallahatchie Trails; then running to a point at the  
470 intersection of Tallahatchie Trails and Interstate 22; then  
471 running to a point at the intersection of Interstate 22 and Carter  
472 Avenue; then running to a point at the intersection of Carter  
473 Avenue and Camp Avenue; then running to a point at the  
474 intersection of Camp Avenue and King Street; then running to a  
475 point at the intersection of King Street and E. Main Street; then  
476 running to a point at the intersection of E. Main Street and Camp  
477 Avenue; then running to a point at the intersection of Camp Avenue  
478 and Highland Street; then running to a point at the intersection  
479 of Highland Street and Adams Street; then running to a point at  
480 the intersection of Adams Street and Cleveland Street; then  
481 running to a point at the intersection of Cleveland Street and N.  
482 Railroad Avenue; then running to a point at the intersection of N.  
483 Railroad Avenue and McGill Street; then running to a point at the  
484 intersection of McGill Street and Snyder Street; then running to a  
485 point at the intersection of Snyder Street and Bankhead Street;  
486 then running to a point at the intersection of Bankhead Street and  
487 Tallahatchie Trails and the point of the beginning;

488                   39. A municipality through which run  
489 Mississippi Highway 43 and U.S. Highway 80;

490                   40. The coliseum in a municipality in which  
491 U.S. Highway 72 passes over U.S. Highway 45;



492                   41. A piece of property on the northeast  
493 corner of the T-intersection where Builders Square Drive meets  
494 Mississippi Highway 471;

495                   42. The clubhouse and associated golf course,  
496 tennis courts and related facilities and swimming pool and related  
497 facilities located on Oaks Country Club Road less than one-half  
498 (1/2) mile to the east of Mississippi Highway 15;

499                   43. Any facility located on land more  
500 particularly described as follows:

501           The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of  
502 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the  
503 Southwest Corner of the Southwest Quarter (SW 1/4) of the  
504 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2  
505 East, running 210 feet east and west and 840 feet running north  
506 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter  
507 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in  
508 Rankin County, Mississippi;

509                   44. Any facility located on land more  
510 particularly described as follows:

511           Beginning at a point 1915 feet west and 2171 feet north of  
512 southeast corner, Section 11, Township 24 North, Range 2 West,  
513 Second Judicial District, Tallahatchie County, Mississippi, which  
514 point is the southwest corner of J.C. Section Lot mentioned in  
515 deed recorded in Book 50, page 34, in the records of the Chancery  
516 Clerk's Office at Sumner, in said District of said County; thence



517 South 80° West, 19 feet to the east boundary of United States  
518 Highway 49-E, thence East along the east boundary of said Highway  
519 270 feet to point of beginning of Lot to be conveyed; thence  
520 southeast along the east boundary of said Highway 204 feet to a  
521 concrete post at the intersection of the east boundary of said  
522 Highway with the west boundary of gravel road from Sumner to Webb,  
523 known as Oil Mill Road, thence Northwest along west boundary of  
524 said Oil Mill Road 194 feet to center of driveway running  
525 southwest from said Oil Mill Road to U.S. Highway 49-E; thence  
526 South 66° West along center of said driveway 128 feet to point of  
527 beginning, being situated in Northwest Quarter of Southeast  
528 Quarter of Section 11, together with all improvements situated  
529 thereon;

530 45. Any facility that:

531 a. Consists of at least five thousand  
532 six hundred (5,600) square feet being heated and cooled along with  
533 a lakeside patio that consists of at least two thousand two  
534 hundred (2,200) square feet, regardless of whether such patio is  
535 part of the facility and/or located adjacent to or in close  
536 proximity to the facility;

537 b. Includes a caterer's kitchen and  
538 green room for entertainment preparation;

539 c. For a fee is used to host events; and

540 d. Is located adjacent to or in close

541 proximity to an approximately nine (9) acre lake on property that



542 consists of at least one hundred twenty (120) acres in a county  
543 traversed by Mississippi Highway 15 and U.S. Highway 278;

544                   46. Any municipality with a population in  
545 excess of one thousand (1,000) according to the 2010 federal  
546 decennial census and which is located in a county that is  
547 traversed by U.S. Highways 84 and 98 and has not voted to come out  
548 from under the dry law;

549                   47. The clubhouse and associated nine-hole  
550 golf course, tennis courts and related facilities and swimming  
551 pool and related facilities located on or near U.S. Highway 82  
552 between Mississippi Highway 15 and Mississippi Highway 9;

553                   48. The downtown square area bound by East  
554 Service Drive, Commerce Street, Second Street and Court Street and  
555 adjacent properties in a municipality through which run Interstate  
556 55, U.S. Highway 51 and Mississippi Highway 306;

557                   49. All parcels zoned for mixed-use  
558 development located west of Mississippi Highway 589, more than  
559 four hundred (400) feet north of Old Highway 24, east of  
560 Parkers Creek and Black Creek, and south of J M Burge Road;  
561 and

562                   50. Any facility used by a soccer club and  
563 located on Old Highway 11 between one-tenth (0.1) and two-tenths  
564 (0.2) of a mile from its intersection with Oak Grove Road, in a  
565 county in which U.S. Highway 98 and Mississippi Highway 589  
566 intersect.



567           The status of these municipalities, districts, clubhouses,  
568 facilities, golf courses and areas described in this paragraph  
569 (o)(iii) as qualified resort areas does not require any  
570 declaration of same by the department.

571           The governing authorities of a municipality described, in  
572 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,  
573 34, 35, 36, 37, 38, 39, 46 or 48 of this paragraph (o)(iii) may by  
574 ordinance: specify the hours of operation of facilities offering  
575 alcoholic beverages for sale; specify the percentage of revenue  
576 that facilities offering alcoholic beverages for sale must derive  
577 from the preparation, cooking and serving of meals and not from  
578 the sale of beverages; and designate the areas in which facilities  
579 offering alcoholic beverages for sale may be located.

580           (p) "Native wine" means any product, produced in  
581 Mississippi for sale, having an alcohol content not to exceed  
582 twenty-one percent (21%) by weight and made in accordance with  
583 revenue laws of the United States, which shall be obtained  
584 primarily from the alcoholic fermentation of the juice of ripe  
585 grapes, fruits, berries, honey or vegetables grown and produced in  
586 Mississippi; provided that bulk, concentrated or fortified wines  
587 used for blending may be produced without this state and used in  
588 producing native wines. The department shall adopt and promulgate  
589 rules and regulations to permit a producer to import such bulk  
590 and/or fortified wines into this state for use in blending with





591 native wines without payment of any excise tax that would  
592 otherwise accrue thereon.

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

596 (r) "Bed and breakfast inn" means an establishment  
597 within a municipality where in consideration of payment, breakfast  
598 and lodging are habitually furnished to travelers and wherein are  
599 located not less than eight (8) and not more than nineteen (19)  
600 adequately furnished and completely separate sleeping rooms with  
601 adequate facilities, that persons usually apply for and receive as  
602 overnight accommodations; however, such restriction on the minimum  
603 number of sleeping rooms shall not apply to establishments on the  
604 National Register of Historic Places. No place shall qualify as a  
605 bed and breakfast inn under this article unless on the date of the  
606 initial application for a license under this article more than  
607 fifty percent (50%) of the sleeping rooms are located in a  
608 structure formerly used as a residence.

609 (s) "Board" shall refer to the Board of Tax Appeals of  
610 the State of Mississippi.

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



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

620 (v) "Cooking school" means an establishment within a  
621 municipality or qualified resort area and owned by a nationally  
622 recognized company that offers an established culinary education  
623 curriculum and program where, in consideration of payment, patrons  
624 are given scheduled professional group instruction on culinary  
625 techniques. For purposes of this paragraph, the definition of  
626 cooking school shall not include schools or classes offered by  
627 grocery stores, convenience stores or drugstores.

628 (w) "Campus" means property owned by a public school  
629 district, community or junior college, college or university in  
630 this state where educational courses are taught, school functions  
631 are held, tests and examinations are administered or academic  
632 course credits are awarded; however, the term shall not include  
633 any "restaurant" or "hotel" that is located on property owned by a  
634 community or junior college, college or university in this state,  
635 and is operated by a third party who receives all revenue  
636 generated from food and alcoholic beverage sales.

637 (x) "Native spirit" shall mean any beverage, produced  
638 in Mississippi for sale, manufactured primarily by the  
639 distillation of fermented grain, starch, molasses or sugar  
640 produced in Mississippi, including dilutions and mixtures of these



641 beverages. In order to be classified as "native spirit" under the  
642 provisions of this article, at least fifty-one percent (51%) of  
643 the finished product by volume shall have been obtained from  
644 distillation of fermented grain, starch, molasses or sugar grown  
645 and produced in Mississippi.

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

649 (z) "Warehouse operator" shall have the meaning  
650 ascribed in Section 67-1-201.

651 (aa) "Grocery store" means a physical establishment  
652 whose enclosed premises is at least twelve thousand (12,000)  
653 square feet and has an inventory of human-consumable items and is  
654 located in a wet county, municipality, judicial district or area.

655 **SECTION 2.** Section 67-1-51, Mississippi Code of 1972, is  
656 amended as follows:

657 67-1-51. (1) Permits which may be issued by the department  
658 shall be as follows:

659 (a) **Manufacturer's permit.** A manufacturer's permit  
660 shall permit the manufacture, importation in bulk, bottling and  
661 storage of alcoholic liquor and its distribution and sale to  
662 manufacturers holding permits under this article in this state and  
663 to persons outside the state who are authorized by law to purchase  
664 the same, and to sell as provided by this article.

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



666 Class 1. Distiller's and/or rectifier's permit, which shall  
667 authorize the holder thereof to operate a distillery for the  
668 production of distilled spirits by distillation or redistillation  
669 and/or to operate a rectifying plant for the purifying, refining,  
670 mixing, blending, flavoring or reducing in proof of distilled  
671 spirits and alcohol.

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

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

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

681 (b) **Package retailer's permit.** Except as otherwise  
682 provided in this paragraph and Section 67-1-52, a package  
683 retailer's permit shall authorize the holder thereof to operate a  
684 store exclusively for the sale at retail in original sealed and  
685 unopened packages of alcoholic beverages, including native wines  
686 and native spirits, not to be consumed on the premises where sold.  
687 Alcoholic beverages shall not be sold by any retailer in any  
688 package or container containing less than fifty (50) milliliters  
689 by liquid measure. A package retailer's permit, with prior  
690 approval from the department, shall authorize the holder thereof



691 to sample new product furnished by a manufacturer's representative  
692 or his employees at the permitted place of business so long as the  
693 sampling otherwise complies with this article and applicable  
694 department regulations. Such samples may not be provided to  
695 customers at the permitted place of business. In addition to the  
696 sale at retail of packages of alcoholic beverages, the holder of a  
697 package retailer's permit is authorized to sell at retail \* \* \*  
698 other products and merchandise, except beer, provided that at  
699 least fifty percent (50%) of the revenue of the licensed premises  
700 is derived from the retail sale in original sealed and unopened  
701 packages of alcoholic beverages, including native wines, not to be  
702 consumed on the premises where sold. Nonalcoholic beverages sold  
703 by the holder of a package retailer's permit shall not be consumed  
704 on the premises where sold.

705 (c) **On-premises retailer's permit.** Except as otherwise  
706 provided in subsection (5) of this section, an on-premises  
707 retailer's permit shall authorize the sale of alcoholic beverages,  
708 including native wines and native spirits, for consumption on the  
709 licensed premises only; however, a patron of the permit holder may  
710 remove one (1) bottle of wine from the licensed premises if: (i)  
711 the patron consumed a portion of the bottle of wine in the course  
712 of consuming a meal purchased on the licensed premises; (ii) the  
713 permit holder securely reseals the bottle; (iii) the bottle is  
714 placed in a bag that is secured in a manner so that it will be  
715 visibly apparent if the bag is opened; and (iv) a dated receipt



716 for the wine and the meal is available. Additionally, as part of  
717 a carryout order, a permit holder may sell one (1) bottle of wine  
718 to be removed from the licensed premises for every two (2) entrees  
719 ordered. Such a permit shall be issued only to qualified hotels,  
720 restaurants and clubs, small craft breweries, microbreweries, and  
721 to common carriers with adequate facilities for serving  
722 passengers. In resort areas, whether inside or outside of a  
723 municipality, the department, in its discretion, may issue  
724 on-premises retailer's permits to such establishments as it deems  
725 proper. An on-premises retailer's permit when issued to a common  
726 carrier shall authorize the sale and serving of alcoholic  
727 beverages aboard any licensed vehicle while moving through any  
728 county of the state; however, the sale of such alcoholic beverages  
729 shall not be permitted while such vehicle is stopped in a county  
730 that has not legalized such sales. If an on-premises retailer's  
731 permit is applied for by a common carrier operating solely in the  
732 water, such common carrier must, along with all other  
733 qualifications for a permit, (i) be certified to carry at least  
734 one hundred fifty (150) passengers and/or provide overnight  
735 accommodations for at least fifty (50) passengers and (ii) operate  
736 primarily in the waters within the State of Mississippi which lie  
737 adjacent to the State of Mississippi south of the three (3) most  
738 southern counties in the State of Mississippi and/or on the  
739 Mississippi River or navigable waters within any county bordering  
740 on the Mississippi River.



741           (d) **Solicitor's permit.** A solicitor's permit shall  
742 authorize the holder thereof to act as salesman for a manufacturer  
743 or wholesaler holding a proper permit, to solicit on behalf of his  
744 employer orders for alcoholic beverages, and to otherwise promote  
745 his employer's products in a legitimate manner. Such a permit  
746 shall authorize the representation of and employment by one (1)  
747 principal only. However, the permittee may also, in the  
748 discretion of the department, be issued additional permits to  
749 represent other principals. No such permittee shall buy or sell  
750 alcoholic beverages for his own account, and no such beverage  
751 shall be brought into this state in pursuance of the exercise of  
752 such permit otherwise than through a permit issued to a wholesaler  
753 or manufacturer in the state.

754           (e) **Native wine retailer's permit.** Except as otherwise  
755 provided in subsection (5) of this section, a native wine  
756 retailer's permit shall be issued only to a holder of a Class 3  
757 manufacturer's permit, and shall authorize the holder thereof to  
758 make retail sales of native wines to consumers for on-premises  
759 consumption or to consumers in originally sealed and unopened  
760 containers at an establishment located on the premises of or in  
761 the immediate vicinity of a native winery. When selling to  
762 consumers for on-premises consumption, a holder of a native wine  
763 retailer's permit may add to the native wine alcoholic beverages  
764 not produced on the premises, so long as the total volume of  
765 foreign beverage components does not exceed twenty percent (20%)



766 of the mixed beverage. Hours of sale shall be the same as those  
767 authorized for on-premises permittees in the city or county in  
768 which the native wine retailer is located.

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

774 Temporary retailer's permits shall be of the following  
775 classes:

776 Class 1. A temporary one-day permit may be issued to bona  
777 fide nonprofit civic or charitable organizations authorizing the  
778 sale of alcoholic beverages, including native wine and native  
779 spirit, for consumption on the premises described in the temporary  
780 permit only. Class 1 permits may be issued only to applicants  
781 demonstrating to the department, by a statement signed under  
782 penalty of perjury submitted ten (10) days prior to the proposed  
783 date or such other time as the department may determine, that they  
784 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
785 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
786 Class 1 permittees shall obtain all alcoholic beverages from  
787 package retailers located in the county in which the temporary  
788 permit is issued. Alcoholic beverages remaining in stock upon  
789 expiration of the temporary permit may be returned by the  
790 permittee to the package retailer for a refund of the purchase





791 price upon consent of the package retailer or may be kept by the  
792 permittee exclusively for personal use and consumption, subject to  
793 all laws pertaining to the illegal sale and possession of  
794 alcoholic beverages. The department, following review of the  
795 statement provided by the applicant and the requirements of the  
796 applicable statutes and regulations, may issue the permit.

797       Class 2. A temporary permit, not to exceed seventy (70)  
798 days, may be issued to prospective permittees seeking to transfer  
799 a permit authorized in paragraph (b) or (c) of this subsection. A  
800 Class 2 permit may be issued only to applicants demonstrating to  
801 the department, by a statement signed under the penalty of  
802 perjury, that they meet the qualifications of Sections 67-1-5(1),  
803 (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55,  
804 67-1-57 and 67-1-59. The department, following a preliminary  
805 review of the statement provided by the applicant and the  
806 requirements of the applicable statutes and regulations, may issue  
807 the permit.

808       Class 2 temporary permittees must purchase their alcoholic  
809 beverages directly from the department or, with approval of the  
810 department, purchase the remaining stock of the previous  
811 permittee. If the proposed applicant of a Class 1 or Class 2  
812 temporary permit falsifies information contained in the  
813 application or statement, the applicant shall never again be  
814 eligible for a retail alcohol beverage permit and shall be subject  
815 to prosecution for perjury.



816           Class 3. A temporary one-day permit may be issued to a  
817 retail establishment authorizing the complimentary distribution of  
818 wine, including native wine, to patrons of the retail  
819 establishment at an open house or promotional event, for  
820 consumption only on the premises described in the temporary  
821 permit. A Class 3 permit may be issued only to an applicant  
822 demonstrating to the department, by a statement signed under  
823 penalty of perjury submitted ten (10) days before the proposed  
824 date or such other time as the department may determine, that it  
825 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
826 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
827 A Class 3 permit holder shall obtain all alcoholic beverages from  
828 the holder(s) of a package retailer's permit located in the county  
829 in which the temporary permit is issued. Wine remaining in stock  
830 upon expiration of the temporary permit may be returned by the  
831 Class 3 temporary permit holder to the package retailer for a  
832 refund of the purchase price, with consent of the package  
833 retailer, or may be kept by the Class 3 temporary permit holder  
834 exclusively for personal use and consumption, subject to all laws  
835 pertaining to the illegal sale and possession of alcoholic  
836 beverages. The department, following review of the statement  
837 provided by the applicant and the requirements of the applicable  
838 statutes and regulations, may issue the permit. No retailer may  
839 receive more than twelve (12) Class 3 temporary permits in a  
840 calendar year. A Class 3 temporary permit shall not be issued to



841 a retail establishment that either holds a merchant permit issued  
842 under paragraph (1) of this subsection, or holds a permit issued  
843 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
844 the holder to engage in the business of a retailer of light wine  
845 or beer.

846 (g) **Caterer's permit.** A caterer's permit shall permit  
847 the purchase of alcoholic beverages by a person engaging in  
848 business as a caterer and the resale of alcoholic beverages by  
849 such person in conjunction with such catering business. No person  
850 shall qualify as a caterer unless forty percent (40%) or more of  
851 the revenue derived from such catering business shall be from the  
852 serving of prepared food and not from the sale of alcoholic  
853 beverages and unless such person has obtained a permit for such  
854 business from the Department of Health. A caterer's permit shall  
855 not authorize the sale of alcoholic beverages on the premises of  
856 the person engaging in business as a caterer; however, the holder  
857 of an on-premises retailer's permit may hold a caterer's permit.  
858 When the holder of an on-premises retailer's permit or an  
859 affiliated entity of the holder also holds a caterer's permit, the  
860 caterer's permit shall not authorize the service of alcoholic  
861 beverages on a consistent, recurring basis at a separate, fixed  
862 location owned or operated by the caterer, on-premises retailer or  
863 affiliated entity and an on-premises retailer's permit shall be  
864 required for the separate location. All sales of alcoholic  
865 beverages by holders of a caterer's permit shall be made at the



866 location being catered by the caterer, and, except as otherwise  
867 provided in subsection (5) of this section, such sales may be made  
868 only for consumption at the catered location. The location being  
869 catered may be anywhere within a county or judicial district that  
870 has voted to come out from under the dry laws or in which the sale  
871 and distribution of alcoholic beverages is otherwise authorized by  
872 law. Such sales shall be made pursuant to any other conditions  
873 and restrictions which apply to sales made by on-premises retail  
874 permittees. The holder of a caterer's permit or his employees  
875 shall remain at the catered location as long as alcoholic  
876 beverages are being sold pursuant to the permit issued under this  
877 paragraph (g), and the permittee shall have at the location the  
878 identification card issued by the Alcoholic Beverage Control  
879 Division of the department. No unsold alcoholic beverages may be  
880 left at the catered location by the permittee upon the conclusion  
881 of his business at that location. Appropriate law enforcement  
882 officers and Alcoholic Beverage Control Division personnel may  
883 enter a catered location on private property in order to enforce  
884 laws governing the sale or serving of alcoholic beverages.

885 (h) **Research permit.** A research permit shall authorize  
886 the holder thereof to operate a research facility for the  
887 professional research of alcoholic beverages. Such permit shall  
888 authorize the holder of the permit to import and purchase limited  
889 amounts of alcoholic beverages from the department or from



890 importers, wineries and distillers of alcoholic beverages for  
891 professional research.

892           (i) **Alcohol processing permit.** An alcohol processing  
893 permit shall authorize the holder thereof to purchase, transport  
894 and possess alcoholic beverages for the exclusive use in cooking,  
895 processing or manufacturing products which contain alcoholic  
896 beverages as an integral ingredient. An alcohol processing permit  
897 shall not authorize the sale of alcoholic beverages on the  
898 premises of the person engaging in the business of cooking,  
899 processing or manufacturing products which contain alcoholic  
900 beverages. The amounts of alcoholic beverages allowed under an  
901 alcohol processing permit shall be set by the department.

902           (j) **Hospitality cart permit.** A hospitality cart permit  
903 shall authorize the sale of alcoholic beverages from a mobile cart  
904 on a golf course that is the holder of an on-premises retailer's  
905 permit. The alcoholic beverages sold from the cart must be  
906 consumed within the boundaries of the golf course.

907           (k) **Special service permit.** A special service permit  
908 shall authorize the holder to sell commercially sealed alcoholic  
909 beverages to the operator of a commercial or private aircraft for  
910 en route consumption only by passengers. A special service permit  
911 shall be issued only to a fixed-base operator who contracts with  
912 an airport facility to provide fueling and other associated  
913 services to commercial and private aircraft.



914           (1) **Merchant permit.** Except as otherwise provided in  
915 subsection (5) of this section, a merchant permit shall be issued  
916 only to the owner of a spa facility, an art studio or gallery, or  
917 a cooking school, and shall authorize the holder to serve  
918 complimentary by the glass wine only, including native wine, at  
919 the holder's spa facility, art studio or gallery, or cooking  
920 school. A merchant permit holder shall obtain all wine from the  
921 holder of a package retailer's permit.

922           (m) **Temporary alcoholic beverages charitable auction**  
923 **permit.** A temporary permit, not to exceed five (5) days, may be  
924 issued to a qualifying charitable nonprofit organization that is  
925 exempt from taxation under Section 501(c)(3) or (4) of the  
926 Internal Revenue Code of 1986. The permit shall authorize the  
927 holder to sell alcoholic beverages for the limited purpose of  
928 raising funds for the organization during a live or silent auction  
929 that is conducted by the organization and that meets the following  
930 requirements: (i) the auction is conducted in an area of the  
931 state where the sale of alcoholic beverages is authorized; (ii) if  
932 the auction is conducted on the premises of an on-premises  
933 retailer's permit holder, then the alcoholic beverages to be  
934 auctioned must be stored separately from the alcoholic beverages  
935 sold, stored or served on the premises, must be removed from the  
936 premises immediately following the auction, and may not be  
937 consumed on the premises; (iii) the permit holder may not conduct  
938 more than two (2) auctions during a calendar year; (iv) the permit



939 holder may not pay a commission or promotional fee to any person  
940 to arrange or conduct the auction.

941           (n) **Event venue retailer's permit.** An event venue  
942 retailer's permit shall authorize the holder thereof to purchase  
943 and resell alcoholic beverages, including native wines and native  
944 spirits, for consumption on the premises during legal hours during  
945 events held on the licensed premises if food is being served at  
946 the event by a caterer who is not affiliated with or related to  
947 the permittee. The caterer must serve at least three (3) entrees.  
948 The permit may only be issued for venues that can accommodate two  
949 hundred (200) persons or more. The number of persons a venue may  
950 accommodate shall be determined by the local fire department and  
951 such determination shall be provided in writing and submitted  
952 along with all other documents required to be provided for an  
953 on-premises retailer's permit. The permittee must derive the  
954 majority of its revenue from event-related fees, including, but  
955 not limited to, admission fees or ticket sales for live  
956 entertainment in the building. "Event-related fees" do not  
957 include alcohol, beer or light wine sales or any fee which may be  
958 construed to cover the cost of alcohol, beer or light wine. This  
959 determination shall be made on a per event basis. An event may  
960 not last longer than two (2) consecutive days per week.

961           (o) **Temporary theatre permit.** A temporary theatre  
962 permit, not to exceed five (5) days, may be issued to a charitable  
963 nonprofit organization that is exempt from taxation under Section



964 501(c) (3) or (4) of the Internal Revenue Code and owns or operates  
965 a theatre facility that features plays and other theatrical  
966 performances and productions. Except as otherwise provided in  
967 subsection (5) of this section, the permit shall authorize the  
968 holder to sell alcoholic beverages, including native wines and  
969 native spirits, to patrons of the theatre during performances and  
970 productions at the theatre facility for consumption during such  
971 performances and productions on the premises of the facility  
972 described in the permit. A temporary theatre permit holder shall  
973 obtain all alcoholic beverages from package retailers located in  
974 the county in which the permit is issued. Alcoholic beverages  
975 remaining in stock upon expiration of the temporary theatre permit  
976 may be returned by the permittee to the package retailer for a  
977 refund of the purchase price upon consent of the package retailer  
978 or may be kept by the permittee exclusively for personal use and  
979 consumption, subject to all laws pertaining to the illegal sale  
980 and possession of alcoholic beverages.

981 (p) **Charter ship operator's permit.** Subject to the  
982 provisions of this paragraph (p), a charter ship operator's permit  
983 shall authorize the holder thereof and its employees to serve,  
984 monitor, store and otherwise control the serving and availability  
985 of alcoholic beverages to customers of the permit holder during  
986 private charters under contract provided by the permit holder. A  
987 charter ship operator's permit shall authorize such action by the  
988 permit holder and its employees only as to alcoholic beverages





989 brought onto the permit holder's ship by customers of the permit  
990 holder as part of such a private charter. All such alcoholic  
991 beverages must be removed from the charter ship at the conclusion  
992 of each private charter. A charter ship operator's permit shall  
993 not authorize the permit holder to sell, charge for or otherwise  
994 supply alcoholic beverages to customers, except as authorized in  
995 this paragraph (p). For the purposes of this paragraph (p),  
996 "charter ship operator" means a common carrier that (i) is  
997 certified to carry at least one hundred fifty (150) passengers  
998 and/or provide overnight accommodations for at least fifty (50)  
999 passengers, (ii) operates only in the waters within the State of  
1000 Mississippi, which lie adjacent to the State of Mississippi south  
1001 of the three (3) most southern counties in the State of  
1002 Mississippi, and (iii) provides charters under contract for tours  
1003 and trips in such waters.

1004 (q) **Distillery retailer's permit.** The holder of a  
1005 Class 1 manufacturer's permit may obtain a distillery retailer's  
1006 permit. A distillery retailer's permit shall authorize the holder  
1007 thereof to sell at retail alcoholic beverages to consumers for  
1008 on-premises consumption, or to consumers by the sealed and  
1009 unopened bottle from a retail location at the distillery for  
1010 off-premises consumption. The holder may only sell product  
1011 manufactured by the manufacturer at the distillery described in  
1012 the permit. However, when selling to consumers for on-premises  
1013 consumption, a holder of a distillery retailer's permit may add



1014 other beverages, alcoholic or not, so long as the total volume of  
1015 other beverage components containing alcohol does not exceed  
1016 twenty percent (20%). Hours of sale shall be the same as those  
1017 authorized for on-premises permittees in the city or county in  
1018 which the distillery retailer is located.

1019         The holder shall not sell at retail more than ten percent  
1020 (10%) of the alcoholic beverages produced annually at its  
1021 distillery. The holder shall not make retail sales of more than  
1022 two and twenty-five one-hundredths (2.25) liters, in the  
1023 aggregate, of the alcoholic beverages produced at its distillery  
1024 to any one (1) individual for consumption off the premises of the  
1025 distillery within a twenty-four-hour period. The hours of sale  
1026 shall be the same as those hours for package retailers under this  
1027 article. The holder of a distillery retailer's permit is not  
1028 required to purchase the alcoholic beverages authorized to be sold  
1029 by this paragraph from the department's liquor distribution  
1030 warehouse; however, if the holder does not purchase the alcoholic  
1031 beverages from the department's liquor distribution warehouse, the  
1032 holder shall pay to the department all taxes, fees and surcharges  
1033 on the alcoholic beverages that are imposed upon the sale of  
1034 alcoholic beverages shipped by the department or its warehouse  
1035 operator. In addition to alcoholic beverages, the holder of a  
1036 distillery retailer's permit may sell at retail promotional  
1037 products from the same retail location, including shirts, hats,



1038 glasses, and other promotional products customarily sold by  
1039 alcoholic beverage manufacturers.

1040 (r) **Festival Wine Permit.** Any wine manufacturer or  
1041 native wine producer permitted by Mississippi or any other state  
1042 is eligible to obtain a Festival Wine Permit. This permit  
1043 authorizes the entity to transport product manufactured by it to  
1044 festivals held within the State of Mississippi and sell sealed,  
1045 unopened bottles to festival participants. The holder of this  
1046 permit may provide samples at no charge to participants.  
1047 "Festival" means any event at which three (3) or more vendors are  
1048 present at a location for the sale or distribution of goods. The  
1049 holder of a Festival Wine Permit is not required to purchase the  
1050 alcoholic beverages authorized to be sold by this paragraph from  
1051 the department's liquor distribution warehouse. However, if the  
1052 holder does not purchase the alcoholic beverages from the  
1053 department's liquor distribution warehouse, the holder of this  
1054 permit shall pay to the department all taxes, fees and surcharges  
1055 on the alcoholic beverages sold at such festivals that are imposed  
1056 upon the sale of alcoholic beverages shipped by the Alcoholic  
1057 Beverage Control Division of the Department of Revenue.  
1058 Additionally, the entity shall file all applicable reports and  
1059 returns as prescribed by the department. This permit is issued  
1060 per festival and provides authority to sell for two (2)  
1061 consecutive days during the hours authorized for on-premises  
1062 permittees' sales in that county or city. The holder of the



1063 permit shall be required to maintain all requirements set by Local  
1064 Option Law for the service and sale of alcoholic beverages. This  
1065 permit may be issued to entities participating in festivals at  
1066 which a Class 1 temporary permit is in effect.

1067 This paragraph (r) shall stand repealed from and after July  
1068 1, 2023.

1069 (s) **Charter vessel operator's permit.** Subject to the  
1070 provisions of this paragraph (s), a charter vessel operator's  
1071 permit shall authorize the holder thereof and its employees to  
1072 sell and serve alcoholic beverages to passengers of the permit  
1073 holder during public tours, historical tours, ecological tours and  
1074 sunset cruises provided by the permit holder. The permit shall  
1075 authorize the holder to only sell alcoholic beverages, including  
1076 native wines, to passengers of the charter vessel operator during  
1077 public tours, historical tours, ecological tours and sunset  
1078 cruises provided by the permit holder aboard the charter vessel  
1079 operator for consumption during such tours and cruises on the  
1080 premises of the charter vessel operator described in the permit.  
1081 For the purposes of this paragraph (s), "charter vessel operator"  
1082 means a common carrier that (i) is certified to carry at least  
1083 forty-nine (49) passengers, (ii) operates only in the waters  
1084 within the State of Mississippi, which lie south of Interstate 10  
1085 in the three (3) most southern counties in the State of  
1086 Mississippi, and lie adjacent to the State of Mississippi south of  
1087 the three (3) most southern counties in the State of Mississippi,



1088 extending not further than one (1) mile south of such counties,  
1089 and (iii) provides vessel services for tours and cruises in such  
1090 waters as provided in this paragraph (s).

1091           (t) **Native spirit retailer's permit.** Except as  
1092 otherwise provided in subsection (5) of this section, a native  
1093 spirit retailer's permit shall be issued only to a holder of a  
1094 Class 4 manufacturer's permit, and shall authorize the holder  
1095 thereof to make retail sales of native spirits to consumers for  
1096 on-premises consumption or to consumers in originally sealed and  
1097 unopened containers at an establishment located on the premises of  
1098 or in the immediate vicinity of a native distillery. When selling  
1099 to consumers for on-premises consumption, a holder of a native  
1100 spirit retailer's permit may add to the native spirit alcoholic  
1101 beverages not produced on the premises, so long as the total  
1102 volume of foreign beverage components does not exceed twenty  
1103 percent (20%) of the mixed beverage. Hours of sale shall be the  
1104 same as those authorized for on-premises permittees in the city or  
1105 county in which the native spirit retailer is located.

1106           (u) **Delivery service permit.** Any individual, limited  
1107 liability company, corporation or partnership registered to do  
1108 business in this state is eligible to obtain a delivery service  
1109 permit. Subject to the provisions of Section 67-1-51.1, this  
1110 permit authorizes the permittee, or its employee or an independent  
1111 contractor acting on its behalf, to deliver alcoholic beverages,  
1112 beer, light wine and light spirit product from a licensed retailer



1113 to a person in this state who is at least twenty-one (21) years of  
1114 age for the individual's use and not for resale. This permit does  
1115 not authorize the delivery of alcoholic beverages, beer, light  
1116 wine or light spirit product to the premises of a location with a  
1117 permit for the manufacture, distribution or retail sale of  
1118 alcoholic beverages, beer, light wine or light spirit product.  
1119 The holder of a package retailer's permit or an on-premises  
1120 retailer's permit under Section 67-1-51 or of a beer, light wine  
1121 and light spirit product permit under Section 67-3-19 is  
1122 authorized to apply for a delivery service permit as a privilege  
1123 separate from its existing retail permit.

1124 (v) **Food truck permit.** A food truck permit shall  
1125 authorize the holder of an on-premises retailer's permit to use a  
1126 food truck to sell alcoholic beverages off its premises to guests  
1127 who must consume the beverages in open containers. For the  
1128 purposes of this paragraph (v), "food truck" means a fully encased  
1129 food service establishment on a motor vehicle or on a trailer that  
1130 a motor vehicle pulls to transport, and from which a vendor,  
1131 standing within the frame of the establishment, prepares, cooks,  
1132 sells and serves food for immediate human consumption. The term  
1133 "food truck" does not include a food cart that is not motorized.  
1134 Food trucks shall maintain such distance requirements from  
1135 schools, churches, kindergartens and funeral homes as are required  
1136 for on-premises retailer's permittees under this article, and all  
1137 sales must be made within a valid leisure and recreation district



1138 established under Section 67-1-101. Food trucks cannot sell or  
1139 serve alcoholic beverages unless also offering food prepared and  
1140 cooked within the food truck, and permittees must maintain a  
1141 twenty-five percent (25%) food sale revenue requirement based on  
1142 the food sold from the food truck alone. The hours allowed for  
1143 sale shall be the same as those for on-premises retailer's  
1144 permittees in the location. This permit will not be required for  
1145 the holder of a caterer's permit issued under this article to  
1146 cater an event as allowed by law. Permittees must provide notice  
1147 of not less than forty-eight (48) hours to the department of each  
1148 location at which alcoholic beverages will be sold.

1149 (w) Grocery store wine-only retailer's permit. Except  
1150 as otherwise provided in this paragraph (w), a grocery store  
1151 wine-only retailer's permit shall authorize the holder thereof to  
1152 sell wine at retail at a grocery store in original sealed and  
1153 unopened packages not to be consumed on the premises where sold.  
1154 Wine shall not be sold by any grocery store in any package or  
1155 container containing less than fifty (50) milliliters by liquid  
1156 measure. A grocery store wine-only retailer's permit, with prior  
1157 approval from the department, shall authorize the holder thereof  
1158 to sample the new product furnished by a manufacturer's  
1159 representative or his employees at the permitted place of business  
1160 so long as the sampling otherwise complies with this article and  
1161 applicable department regulations. Such samples may not be  
1162 provided to customers at the permitted place of business. Permits



1163 authorized under this paragraph (w) shall not be issued prior to  
1164 July 1, 2024, and shall not be issued to a grocery store that is  
1165 located within five hundred (500) feet of an establishment holding  
1166 a package retailer's permit prior to July 1, 2024.

1167 (2) Except as otherwise provided in subsection (4) of this  
1168 section, retail permittees may hold more than one (1) retail  
1169 permit, at the discretion of the department.

1170 (3) (a) Except as otherwise provided in this subsection, no  
1171 authority shall be granted to any person to manufacture, sell or  
1172 store for sale any intoxicating liquor as specified in this  
1173 article within four hundred (400) feet of any church, school,  
1174 kindergarten or funeral home. However, within an area zoned  
1175 commercial or business, such minimum distance shall be not less  
1176 than one hundred (100) feet.

1177 (b) A church or funeral home may waive the distance  
1178 restrictions imposed in this subsection in favor of allowing  
1179 issuance by the department of a permit, pursuant to subsection (1)  
1180 of this section, to authorize activity relating to the  
1181 manufacturing, sale or storage of alcoholic beverages which would  
1182 otherwise be prohibited under the minimum distance criterion.  
1183 Such waiver shall be in written form from the owner, the governing  
1184 body, or the appropriate officer of the church or funeral home  
1185 having the authority to execute such a waiver, and the waiver  
1186 shall be filed with and verified by the department before becoming  
1187 effective.





1188           (c) The distance restrictions imposed in this  
1189 subsection shall not apply to the sale or storage of alcoholic  
1190 beverages at a bed and breakfast inn listed in the National  
1191 Register of Historic Places or to the sale or storage of alcoholic  
1192 beverages in a historic district that is listed in the National  
1193 Register of Historic Places, is a qualified resort area and is  
1194 located in a municipality having a population greater than one  
1195 hundred thousand (100,000) according to the latest federal  
1196 decennial census.

1197           (d) The distance restrictions imposed in this  
1198 subsection shall not apply to the sale or storage of alcoholic  
1199 beverages at a qualified resort area as defined in Section  
1200 67-1-5(o)(iii)32.

1201           (e) The distance restrictions imposed in this  
1202 subsection shall not apply to the sale or storage of alcoholic  
1203 beverages at a licensed premises in a building formerly owned by a  
1204 municipality and formerly leased by the municipality to a  
1205 municipal school district and used by the municipal school  
1206 district as a district bus shop facility.

1207           (f) The distance restrictions imposed in this  
1208 subsection shall not apply to the sale or storage of alcoholic  
1209 beverages at a licensed premises in a building consisting of at  
1210 least five thousand (5,000) square feet and located approximately  
1211 six hundred (600) feet from the intersection of Mississippi  
1212 Highway 15 and Mississippi Highway 4.



1213 (g) The distance restrictions imposed in this  
1214 subsection shall not apply to the sale or storage of alcoholic  
1215 beverages at a licensed premises in a building located at or near  
1216 the intersection of Ward and Tate Streets and adjacent properties  
1217 in the City of Senatobia, Mississippi.

1218 (h) The distance restrictions imposed in this  
1219 subsection shall not apply to the sale or storage of alcoholic  
1220 beverages at a theatre facility that features plays and other  
1221 theatrical performances and productions and (i) is capable of  
1222 seating more than seven hundred fifty (750) people, (ii) is owned  
1223 by a municipality which has a population greater than ten thousand  
1224 (10,000) according to the latest federal decennial census, (iii)  
1225 was constructed prior to 1930, (iv) is on the National Register of  
1226 Historic Places, and (v) is located in a historic district.

1227 (4) No person, either individually or as a member of a firm,  
1228 partnership, limited liability company or association, or as a  
1229 stockholder, officer or director in a corporation, shall own or  
1230 control any interest in more than \* \* \* six (6) package retailer's  
1231 permits, nor shall such person's spouse, if living in the same  
1232 household of such person, any relative of such person, if living  
1233 in the same household of such person, or any other person living  
1234 in the same household with such person own any interest in any  
1235 other package retailer's permit which, when combined with the  
1236 number of package retailer's permits owned by the person or in



1237 which the person has a controlling interest, would total more than  
1238 six (6) package retailer's permits.

1239 (5) (a) In addition to any other authority granted under  
1240 this section, the holder of a permit issued under subsection  
1241 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
1242 sell or otherwise provide alcoholic beverages and/or wine to a  
1243 patron of the permit holder in the manner authorized in the permit  
1244 and the patron may remove an open glass, cup or other container of  
1245 the alcoholic beverage and/or wine from the licensed premises and  
1246 may possess and consume the alcoholic beverage or wine outside of  
1247 the licensed premises if: (i) the licensed premises is located  
1248 within a leisure and recreation district created under Section  
1249 67-1-101 and (ii) the patron remains within the boundaries of the  
1250 leisure and recreation district while in possession of the  
1251 alcoholic beverage or wine.

1252 (b) Nothing in this subsection shall be construed to  
1253 allow a person to bring any alcoholic beverages into a permitted  
1254 premises except to the extent otherwise authorized by this  
1255 article.

1256 **SECTION 3.** Section 27-71-5, Mississippi Code of 1972, is  
1257 amended as follows:

1258 27-71-5. (1) Upon each person approved for a permit under  
1259 the provisions of the Alcoholic Beverage Control Law and  
1260 amendments thereto, there is levied and imposed for each location  
1261 for the privilege of engaging and continuing in this state in the



1262 business authorized by such permit, an annual privilege license  
1263 tax in the amount provided in the following schedule:

1264 (a) Except as otherwise provided in this subsection  
1265 (1), manufacturer's permit, Class 1, distiller's and/or  
1266 rectifier's:

1267 (i) For a permittee with annual production of  
1268 five thousand (5,000) gallons or more.....\$4,500.00

1269 (ii) For a permittee with annual production under  
1270 five thousand (5,000) gallons.....\$2,800.00

1271 (b) Manufacturer's permit, Class 2, wine  
1272 manufacturer.....\$1,800.00

1273 (c) Manufacturer's permit, Class 3, native wine  
1274 manufacturer per ten thousand (10,000) gallons or part thereof  
1275 produced.....\$ 10.00

1276 (d) Manufacturer's permit, Class 4, native spirit  
1277 manufacturer per one thousand (1,000) gallons or part thereof  
1278 produced.....\$ 300.00

1279 (e) Native wine retailer's permit.....\$ 50.00

1280 (f) Package retailer's permit, each.....\$ 900.00

1281 (g) On-premises retailer's permit, except for clubs and  
1282 common carriers, each.....\$ 450.00

1283 (h) On-premises retailer's permit for wine of more than  
1284 five percent (5%) alcohol by weight, but not more than twenty-one  
1285 percent (21%) alcohol by weight, each.....\$ 225.00

1286 (i) On-premises retailer's permit for clubs...\$ 225.00



1287	(j)	On-premises retailer's permit for common carriers,	
1288		per car, plane, or other vehicle.....	\$ 120.00
1289	(k)	Solicitor's permit, regardless of any other	
1290		provision of law, solicitor's permits shall be issued only in the	
1291		discretion of the department.....	\$ 100.00
1292	(l)	Filing fee for each application except for an	
1293		employee identification card.....	\$ 25.00
1294	(m)	Temporary permit, Class 1, each.....	\$ 10.00
1295	(n)	Temporary permit, Class 2, each.....	\$ 50.00
1296	(o)	(i) Caterer's permit.....	\$ 600.00
1297		(ii) Caterer's permit for holders of on-premises	
1298		retailer's permit.....	\$ 150.00
1299	(p)	Research permit.....	\$ 100.00
1300	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
1301	(r)	Special service permit.....	\$ 225.00
1302	(s)	Merchant permit.....	\$ 225.00
1303	(t)	Temporary alcoholic beverages charitable auction	
1304		permit.....	\$ 10.00
1305	(u)	Event venue retailer's permit.....	\$ 225.00
1306	(v)	Temporary theatre permit, each.....	\$ 10.00
1307	(w)	Charter ship operator's permit.....	\$ 100.00
1308	(x)	Distillery retailer's permit.....	\$ 450.00
1309	(y)	Festival wine permit.....	\$ 10.00
1310	(z)	Charter vessel operator's permit.....	\$ 100.00
1311	(aa)	Native spirit retailer's permit.....	\$ 50.00



1312	(bb) Delivery service permit.....	\$ 500.00
1313	(cc) Food truck permit.....	\$ 100.00
1314	(dd) <u>Grocery store wine-only retailer's permit,</u>	
1315	<u>each location.....</u>	<u>\$ 900.00</u>

1316 In addition to the filing fee imposed by paragraph (l) of  
1317 this subsection, a fee to be determined by the Department of  
1318 Revenue may be charged to defray costs incurred to process  
1319 applications. The additional fees shall be paid into the State  
1320 Treasury to the credit of a special fund account, which is hereby  
1321 created, and expenditures therefrom shall be made only to defray  
1322 the costs incurred by the Department of Revenue in processing  
1323 alcoholic beverage applications. Any unencumbered balance  
1324 remaining in the special fund account on June 30 of any fiscal  
1325 year shall lapse into the State General Fund.

1326 All privilege taxes imposed by this section shall be paid in  
1327 advance of doing business. A new permittee whose privilege tax is  
1328 determined by production volume will pay the tax for the first  
1329 year in accordance with department regulations. The additional  
1330 privilege tax imposed for an on-premises retailer's permit based  
1331 upon purchases shall be due and payable on demand.

1332 Paragraph (y) of this subsection shall stand repealed from  
1333 and after July 1, 2023.

1334 (2) (a) There is imposed and shall be collected from each  
1335 permittee, except a common carrier, solicitor, a temporary  
1336 permittee or a delivery service permittee, by the department, an



1337 additional license tax equal to the amounts imposed under  
1338 subsection (1) of this section for the privilege of doing business  
1339 within any municipality or county in which the licensee is  
1340 located.

1341           (b) (i) In addition to the tax imposed in paragraph  
1342 (a) of this subsection, there is imposed and shall be collected by  
1343 the department from each permittee described in subsection (1)(g),  
1344 (h), (i), (n) and (u) of this section, an additional license tax  
1345 for the privilege of doing business within any municipality or  
1346 county in which the licensee is located in the amount of Two  
1347 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five  
1348 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars  
1349 (\$225.00) for each additional purchase of Five Thousand Dollars  
1350 (\$5,000.00), or fraction thereof.

1351           (ii) In addition to the tax imposed in paragraph  
1352 (a) of this subsection, there is imposed and shall be collected by  
1353 the department from each permittee described in subsection (1)(o)  
1354 and (s) of this section, an additional license tax for the  
1355 privilege of doing business within any municipality or county in  
1356 which the licensee is located in the amount of Two Hundred Fifty  
1357 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars  
1358 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each  
1359 additional purchase of Five Thousand Dollars (\$5,000.00), or  
1360 fraction thereof.



1361 (iii) Any person who has paid the additional  
1362 privilege license tax imposed by this paragraph, and whose permit  
1363 is renewed, may add any unused fraction of Five Thousand Dollars  
1364 (\$5,000.00) purchases to the first Five Thousand Dollars  
1365 (\$5,000.00) purchases authorized by the renewal permit, and no  
1366 additional license tax will be required until purchases exceed the  
1367 sum of the two (2) figures.

1368 (c) If the licensee is located within a municipality,  
1369 the department shall pay the amount of additional license tax  
1370 collected under this section to the municipality, and if outside a  
1371 municipality the department shall pay the additional license tax  
1372 to the county in which the licensee is located. Payments by the  
1373 department to the respective local government subdivisions shall  
1374 be made once each month for any collections during the preceding  
1375 month.

1376 (3) When an application for any permit, other than for  
1377 renewal of a permit, has been rejected by the department, such  
1378 decision shall be final. Appeal may be made in the manner  
1379 provided by Section 67-1-39. Another application from an  
1380 applicant who has been denied a permit shall not be reconsidered  
1381 within a twelve-month period.

1382 (4) The number of permits issued by the department shall not  
1383 be restricted or limited on a population basis; however, the  
1384 foregoing limitation shall not be construed to preclude the right





1385 of the department to refuse to issue a permit because of the  
1386 undesirability of the proposed location.

1387 (5) If any person shall engage or continue in any business  
1388 which is taxable under this section without having paid the tax as  
1389 provided in this section, the person shall be liable for the full  
1390 amount of the tax plus a penalty thereon equal to the amount  
1391 thereof, and, in addition, shall be punished by a fine of not more  
1392 than One Thousand Dollars (\$1,000.00), or by imprisonment in the  
1393 county jail for a term of not more than six (6) months, or by both  
1394 such fine and imprisonment, in the discretion of the court.

1395 (6) It shall be unlawful for any person to consume alcoholic  
1396 beverages on the premises of any hotel restaurant, restaurant,  
1397 club or the interior of any public place defined in Chapter 1,  
1398 Title 67, Mississippi Code of 1972, when the owner or manager  
1399 thereof displays in several conspicuous places inside the  
1400 establishment and at the entrances of establishment a sign  
1401 containing the following language: NO ALCOHOLIC BEVERAGES  
1402 ALLOWED.

1403 **SECTION 4.** Section 67-1-41, Mississippi Code of 1972, is  
1404 amended as follows:

1405 67-1-41. (1) The department is hereby created a wholesale  
1406 distributor and seller of alcoholic beverages, not including malt  
1407 liquors, within the State of Mississippi. It is granted the right  
1408 to import and sell alcoholic beverages at wholesale within the  
1409 state, and no person who is granted the right to sell, distribute



1410 or receive alcoholic beverages at retail shall purchase any  
1411 alcoholic beverages from any source other than the department,  
1412 except as authorized in subsections (4), (9) and (12) of this  
1413 section. The department may establish warehouses, and the  
1414 department may purchase alcoholic beverages in such quantities and  
1415 from such sources as it may deem desirable and sell the alcoholic  
1416 beverages to authorized permittees within the state including, at  
1417 the discretion of the department, any retail distributors  
1418 operating within any military post or qualified resort areas  
1419 within the boundaries of the state, keeping a correct and accurate  
1420 record of all such transactions and exercising such control over  
1421 the distribution of alcoholic beverages as seem right and proper  
1422 in keeping with the provisions or purposes of this article.

1423 (2) No person for the purpose of sale shall manufacture,  
1424 distill, brew, sell, possess, export, transport, distribute,  
1425 warehouse, store, solicit, take orders for, bottle, rectify,  
1426 blend, treat, mix or process any alcoholic beverage except in  
1427 accordance with authority granted under this article, or as  
1428 otherwise provided by law for native wines or native spirits.

1429 (3) No alcoholic beverage intended for sale or resale shall  
1430 be imported, shipped or brought into this state for delivery to  
1431 any person other than as provided in this article, or as otherwise  
1432 provided by law for native wines or native spirits.

1433 (4) The department may promulgate rules and regulations  
1434 which authorize on-premises retailers to purchase limited amounts



1435 of alcoholic beverages from package retailers and for package  
1436 retailers to purchase limited amounts of alcoholic beverages from  
1437 other package retailers. The department shall develop and provide  
1438 forms to be completed by the on-premises retailers and the package  
1439 retailers verifying the transaction. The completed forms shall be  
1440 forwarded to the department within a period of time prescribed by  
1441 the department.

1442 (5) The department may promulgate rules which authorize the  
1443 holder of a package retailer's permit or grocery store wine-only  
1444 retailer's permit to permit individual retail purchasers of  
1445 packages of alcoholic beverages to return, for exchange, credit or  
1446 refund, limited amounts of original sealed and unopened packages  
1447 of alcoholic beverages purchased by the individual from the  
1448 package retailer or grocery store.

1449 (6) The department shall maintain all forms to be completed  
1450 by applicants necessary for licensure by the department at all  
1451 district offices of the department.

1452 (7) The department may promulgate rules which authorize the  
1453 manufacturer of an alcoholic beverage or wine to import, transport  
1454 and furnish or give a sample of alcoholic beverages or wines to  
1455 the holders of package retailer's permits, on-premises retailer's  
1456 permits, native wine or native spirit retailer's permits \* \* \*,  
1457 temporary retailer's permits and grocery store wine-only  
1458 retailer's permits who have not previously purchased the brand of  
1459 that manufacturer from the department. For each holder of the



1460 designated permits, the manufacturer may furnish not more than  
1461 five hundred (500) milliliters of any brand of alcoholic beverage  
1462 and not more than three (3) liters of any brand of wine.

1463 (8) The department may promulgate rules disallowing open  
1464 product sampling of alcoholic beverages or wines by the holders of  
1465 package retailer's permits and permitting open product sampling of  
1466 alcoholic beverages by the holders of on-premises retailer's  
1467 permits. Permitted sample products shall be plainly identified  
1468 "sample" and the actual sampling must occur in the presence of the  
1469 manufacturer's representatives during the legal operating hours of  
1470 on-premises retailers.

1471 (9) The department may promulgate rules and regulations that  
1472 authorize the holder of a research permit to import and purchase  
1473 limited amounts of alcoholic beverages from importers, wineries  
1474 and distillers of alcoholic beverages or from the department. The  
1475 department shall develop and provide forms to be completed by the  
1476 research permittee verifying each transaction. The completed  
1477 forms shall be forwarded to the department within a period of time  
1478 prescribed by the department. The records and inventory of  
1479 alcoholic beverages shall be open to inspection at any time by the  
1480 Director of the Alcoholic Beverage Control Division or any duly  
1481 authorized agent.

1482 (10) The department may promulgate rules facilitating a  
1483 retailer's on-site pickup of alcoholic beverages sold by the  
1484 department or as authorized by the department, including, but not



1485 limited to, native wines and native spirits, so that those  
1486 alcoholic beverages may be delivered to the retailer at the  
1487 manufacturer's location instead of via shipment from the  
1488 department's warehouse.

1489           (11) **[Through June 30, 2023]** This section shall not apply  
1490 to alcoholic beverages authorized to be sold by the holder of a  
1491 distillery retailer's permit or a festival wine permit.

1492           (11) **[From and after July 1, 2023]** This section shall not  
1493 apply to alcoholic beverages authorized to be sold by the holder  
1494 of a distillery retailer's permit.

1495           (12) (a) An individual resident of this state who is at  
1496 least twenty-one (21) years of age may purchase wine from a winery  
1497 and have the purchase shipped into this state so long as it is  
1498 shipped to a package retailer permittee in Mississippi; however,  
1499 the permittee shall pay to the department all taxes, fees and  
1500 surcharges on the wine that are imposed upon the sale of wine  
1501 shipped by the department or its warehouse operator. No credit  
1502 shall be provided to the permittee for any taxes paid to another  
1503 state as a result of the transaction. Package retailers may  
1504 charge a service fee for receiving and handling shipments from  
1505 wineries on behalf of the purchasers. The department shall  
1506 develop and provide forms to be completed by the package retailer  
1507 permittees verifying the transaction. The completed forms shall  
1508 be forwarded to the department within a period of time prescribed  
1509 by the department.



1510           (b) The purchaser of wine that is to be shipped to a  
1511 package retailer's store shall be required to get the prior  
1512 approval of the package retailer before any wine is shipped to the  
1513 package retailer. A purchaser is limited to no more than ten (10)  
1514 cases of wine per year to be shipped to a package retailer. A  
1515 package retailer shall notify a purchaser of wine within two (2)  
1516 days after receiving the shipment of wine. If the purchaser of  
1517 the wine does not pick up or take the wine from the package  
1518 retailer within thirty (30) days after being notified by the  
1519 package retailer, the package retailer may sell the wine as part  
1520 of his inventory.

1521           (c) Shipments of wine into this state under this  
1522 section shall be made by a duly licensed carrier. It shall be the  
1523 duty of every common or contract carrier, and of every firm or  
1524 corporation that shall bring, carry or transport wine from outside  
1525 the state for delivery inside the state to package retailer  
1526 permittees on behalf of consumers, to prepare and file with the  
1527 department, on a schedule as determined by the department, of  
1528 known wine shipments containing the name of the common or contract  
1529 carrier, firm or corporation making the report, the period of time  
1530 covered by said report, the name and permit number of the winery,  
1531 the name and permit number of the package retailer permittee  
1532 receiving such wine, the weight of the package delivered to each  
1533 package retailer permittee, a unique tracking number, and the date  
1534 of delivery. Reports received by the department shall be made



1535 available by the department to the public via the Mississippi  
1536 Public Records Act process in the same manner as other state  
1537 alcohol filings.

1538       Upon the department's request, any records supporting the  
1539 report shall be made available to the department within a  
1540 reasonable time after the department makes a written request for  
1541 such records. Any records containing information relating to such  
1542 reports shall be kept and preserved for a period of two (2) years,  
1543 unless their destruction sooner is authorized, in writing, by the  
1544 department, and shall be open and available to inspection by the  
1545 department upon the department's written request. Reports shall  
1546 also be made available to any law enforcement or regulatory body  
1547 in the state in which the railroad company, express company,  
1548 common or contract carrier making the report resides or does  
1549 business.

1550       Any common or contract carrier that willfully fails to make  
1551 reports, as provided by this section or any of the rules and  
1552 regulations of the department for the administration and  
1553 enforcement of this section, is subject to a notification of  
1554 violation. In the case of a continuing failure to make reports,  
1555 the common or contract carrier is subject to possible license  
1556 suspension and revocation at the department's discretion.

1557       (d) A winery that ships wine under this section shall  
1558 be deemed to have consented to the jurisdiction of the courts of  
1559 this state, of the department, of any other state agency regarding



1560 the enforcement of this section, and of any related law, rules or  
1561 regulations.

1562 (e) Any person who makes, participates in, transports,  
1563 imports or receives a shipment in violation of this section is  
1564 guilty of a misdemeanor and, upon conviction thereof, shall be  
1565 punished by a fine of One Thousand Dollars (\$1,000.00) or  
1566 imprisonment in the county jail for not more than six (6) months,  
1567 or both. Each shipment shall constitute a separate offense.

1568 (13) If any provision of this article, or its application to  
1569 any person or circumstance, is determined by a court to be invalid  
1570 or unconstitutional, the remaining provisions shall be construed  
1571 in accordance with the intent of the Legislature to further limit  
1572 rather than expand commerce in alcoholic beverages to protect the  
1573 health, safety, and welfare of the state's residents, and to  
1574 enhance strict regulatory control over taxation, distribution and  
1575 sale of alcoholic beverages through the three-tier regulatory  
1576 system imposed by this article upon all alcoholic beverages to  
1577 curb relationships and practices calculated to stimulate sales and  
1578 impair the state's policy favoring trade stability and the  
1579 promotion of temperance.

1580 **SECTION 5.** Section 67-1-75, Mississippi Code of 1972, is  
1581 amended as follows:

1582 67-1-75. If the holder of a package retailer's permit or a  
1583 grocery store wine-only retailer's permit, or any employee  
1584 thereof:





1585 (a) Shall sell, offer for sale or permit to be sold in,  
1586 on or about the premises covered by such permit any alcoholic  
1587 beverages except in the original sealed and unopened packages; or

1588 (b) Shall permit the drinking or consumption of any  
1589 alcoholic beverages in, on or about the premises covered by such  
1590 permit except as may be otherwise authorized by this \* \* \*  
1591 article; or

1592 (c) Shall sell, offer for sale or permit the sale in,  
1593 on or about the premises of alcoholic beverages in any package or  
1594 container containing less than fifty (50) milliliters by liquid  
1595 measure; then such person or employee shall be guilty of a  
1596 misdemeanor and, upon conviction, shall be punished by a fine of  
1597 not more than One Thousand Dollars (\$1,000.00) or by imprisonment  
1598 in the county jail for a term of not more than one (1) year, or by  
1599 both such fine and imprisonment, in the discretion of the court.  
1600 In addition, in the case of the commission of any of such offenses  
1601 by the holder of a permit, it shall be the duty of the \* \* \*  
1602 department forthwith to revoke the permit held by such person and  
1603 conviction of the criminal offense shall not be a condition  
1604 precedent to such revocation.

1605 **SECTION 6.** Section 67-1-83, Mississippi Code of 1972, is  
1606 amended as follows:

1607 67-1-83. (1) It shall be unlawful for any permittee or any  
1608 employee or agent thereof to sell or furnish any alcoholic  
1609 beverage to any person who is visibly intoxicated, or to any



1610 person who is known to habitually drink alcoholic beverages to  
1611 excess, or to any person who is known to be an habitual user of  
1612 narcotics or other habit-forming drugs. It shall also be unlawful  
1613 for the holder of any package retailer's permit or grocery store  
1614 wine-only retailer's permit to sell any alcoholic beverages except  
1615 by delivery in person to the purchaser at the place of business of  
1616 the permittee, unless the holder of a package retailer's permit  
1617 also holds a delivery service permit or uses a delivery service  
1618 permittee to effect delivery.

1619 (2) It shall be unlawful for any permittee or any employee  
1620 or agent thereof to sell or furnish any alcoholic beverage to any  
1621 person to whom the department has, after investigation, decided to  
1622 prohibit the sale of those beverages because of an appeal to the  
1623 department so to do by the husband, wife, father, mother, brother,  
1624 sister, child, or employer of the person. The interdiction in  
1625 those cases shall last until removed by the department, but no  
1626 person shall be held to have violated this subsection unless he  
1627 has been informed by the department, by registered letter, that it  
1628 is forbidden to sell to that individual or unless that fact is  
1629 otherwise known to the permittee or its employee or agent.

1630 (3) It shall be unlawful for any holder of a package  
1631 retailer's permit or a grocery store wine-only retailer's permit,  
1632 or any employee or agent thereof, \* \* \* to sell or furnish any  
1633 alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to  
1634 sell alcoholic beverages on Sunday and Christmas Day.



1635 (4) Any person who violates any of the provisions of this  
1636 section shall be guilty of a misdemeanor and, upon conviction,  
1637 shall be punished by a fine of not more than Five Hundred Dollars  
1638 (\$500.00) or by imprisonment in the county jail for a term of not  
1639 more than six (6) months, or by both that fine and imprisonment,  
1640 in the discretion of the court. In addition to any other  
1641 penalties prescribed by law, the \* \* \* department may immediately  
1642 revoke the permit of any permittee who violates the provisions of  
1643 this section.

1644 **SECTION 7.** Section 67-1-85, Mississippi Code of 1972, is  
1645 amended as follows:

1646 67-1-85. (1) The holder of a package retailer's permit or  
1647 grocery store wine-only retailer's permit may have signs, lighted  
1648 or otherwise, on the outside of the premises covered by his permit  
1649 which advertise, announce or advise of the sale of alcoholic  
1650 beverages in or on \* \* \* the premises. Wherever the sign is  
1651 located on the premises, the name of the business shall also  
1652 include the permit number thereof, preceded by the words "A.B.C.  
1653 Permit No."

1654 (2) It shall be lawful to advertise alcoholic beverages by  
1655 means of signs, billboards or displays on or along any road,  
1656 highway, street or building.

1657 (3) It shall be lawful for publishers, broadcasters and  
1658 other kinds, types or forms of public and private advertising  
1659 media to advertise alcoholic beverages; however, no alcoholic



1660 beverages may be advertised during, or within five (5) minutes  
1661 preceding or following, any television broadcast which consists  
1662 primarily of animated material intended for viewing by young  
1663 children.

1664 (4) Notwithstanding the provisions of this section to the  
1665 contrary, it shall be unlawful to advertise alcoholic beverages by  
1666 means of signs, billboards or displays in any municipality, county  
1667 or judicial district which has not voted pursuant to the  
1668 provisions of this \* \* \* article to legalize the sale of alcoholic  
1669 beverages.

1670 **SECTION 8.** This act shall take effect and be in force from  
1671 and after July 1, 2023.

