

By: Representatives Busby, Felsher

To: Ways and Means

## HOUSE BILL NO. 563

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

(2) A direct wine shipper may not:

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

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



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

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

(a) Is otherwise entitled to receive a permit;

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

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

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

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

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

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



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

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

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

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

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

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



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



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

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





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

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

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

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

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



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

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

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



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

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

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

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



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

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

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

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

305 (a) Distilled spirits.....\$2.50 per gallon  
306 (b) Sparkling wine and champagne.....\$1.00 per gallon  
307 (c) Other wines, including  
308 native wines.....\$ .35 per gallon

309 (2) (a) In addition to the tax levied by subsection (1) of  
310 this section, and in addition to any other markup collected, the  
311 Alcoholic Beverage Control Division shall collect a markup of  
312 three percent (3%) on all alcoholic beverages, as defined in  
313 Section 67-1-5, Mississippi Code of 1972, which are sold by the



314 division. The proceeds of the markup shall be collected by the  
315 division from each purchaser at the time of purchase.

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

335 From and after July 1, 1987, the revenue derived from this  
336 three percent (3%) markup shall be deposited by the division in  
337 the State Treasury to the credit of the "Mental Health Programs  
338 Fund," a special fund which is hereby created in the State



Treasury and shall be used by the State Department of Mental Health for the service programs of the department. Any revenue in the "Alcoholism Treatment and Rehabilitation Fund" which is not encumbered at the end of Fiscal Year 1987 shall be deposited to the credit of the "Mental Health Programs Fund."

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

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

27-71-15. Except as otherwise provided in Section 67-9-1 for the transportation of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and in Sections 1



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

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

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

384 27-71-29. (1) All taxes levied by this article shall be  
385 paid to the Department of Revenue in cash or by personal check,  
386 cashier's check, bank exchange, post office money order or express  
387 money order and shall be deposited by the department in the State  
388 Treasury on the same day collected, but no remittances other than



cash shall be a final discharge of liability for the tax herein imposed and levied unless and until it has been paid in cash to the department.

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





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

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

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

67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department,



except as authorized in subsections (4), (9) and (12) of this section and Sections 1 through 9 of this act. The department may establish warehouses, and the department may purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this article.

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

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

(4) The department may promulgate rules and regulations which authorize on-premises retailers to purchase limited amounts of alcoholic beverages from package retailers and for package



464 retailers to purchase limited amounts of alcoholic beverages from  
465 other package retailers. The department shall develop and provide  
466 forms to be completed by the on-premises retailers and the package  
467 retailers verifying the transaction. The completed forms shall be  
468 forwarded to the department within a period of time prescribed by  
469 the department.

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

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

479 (7) The department may promulgate rules which authorize the  
480 manufacturer of an alcoholic beverage or wine to import, transport  
481 and furnish or give a sample of alcoholic beverages or wines to  
482 the holders of package retailer's permits, on-premises retailer's  
483 permits, native wine or native spirit retailer's permits and  
484 temporary retailer's permits who have not previously purchased the  
485 brand of that manufacturer from the department. For each holder  
486 of the designated permits, the manufacturer may furnish not more  
487 than five hundred (500) milliliters of any brand of alcoholic  
488 beverage and not more than three (3) liters of any brand of wine.



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

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

508           (10) The department may promulgate rules facilitating a  
509 retailer's on-site pickup of alcoholic beverages sold by the  
510 department or as authorized by the department, including, but not  
511 limited to, native wines and native spirits, so that those  
512 alcoholic beverages may be delivered to the retailer at the



513 manufacturer's location instead of via shipment from the  
514 department's warehouse.

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

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

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

536       (b) The purchaser of wine that is to be shipped to a  
537 package retailer's store shall be required to get the prior



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

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



562 Public Records Act process in the same manner as other state  
563 alcohol filings.

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

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

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



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

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

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

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

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





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

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

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

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

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

Manufacturer's permits shall be of the following classes:



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

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

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

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

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



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



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



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

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



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

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

754           Temporary retailer's permits shall be of the following  
755 classes:

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



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

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



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

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

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





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

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



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



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

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

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

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



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

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

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

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



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

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



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

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



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

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



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

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





1008 by this paragraph from the department's liquor distribution  
1009 warehouse; however, if the holder does not purchase the alcoholic  
1010 beverages from the department's liquor distribution warehouse, the  
1011 holder shall pay to the department all taxes, fees and surcharges  
1012 on the alcoholic beverages that are imposed upon the sale of  
1013 alcoholic beverages shipped by the department or its warehouse  
1014 operator. In addition to alcoholic beverages, the holder of a  
1015 distillery retailer's permit may sell at retail promotional  
1016 products from the same retail location, including shirts, hats,  
1017 glasses, and other promotional products customarily sold by  
1018 alcoholic beverage manufacturers.

1019 (r) **Festival Wine Permit.** Any wine manufacturer or  
1020 native wine producer permitted by Mississippi or any other state  
1021 is eligible to obtain a Festival Wine Permit. This permit  
1022 authorizes the entity to transport product manufactured by it to  
1023 festivals held within the State of Mississippi and sell sealed,  
1024 unopened bottles to festival participants. The holder of this  
1025 permit may provide samples at no charge to participants.

1026 "Festival" means any event at which three (3) or more vendors are  
1027 present at a location for the sale or distribution of goods. The  
1028 holder of a Festival Wine Permit is not required to purchase the  
1029 alcoholic beverages authorized to be sold by this paragraph from  
1030 the department's liquor distribution warehouse. However, if the  
1031 holder does not purchase the alcoholic beverages from the  
1032 department's liquor distribution warehouse, the holder of this



1033 permit shall pay to the department all taxes, fees and surcharges  
1034 on the alcoholic beverages sold at such festivals that are imposed  
1035 upon the sale of alcoholic beverages shipped by the Alcoholic  
1036 Beverage Control Division of the Department of Revenue.  
1037 Additionally, the entity shall file all applicable reports and  
1038 returns as prescribed by the department. This permit is issued  
1039 per festival and provides authority to sell for two (2)  
1040 consecutive days during the hours authorized for on-premises  
1041 permittees' sales in that county or city. The holder of the  
1042 permit shall be required to maintain all requirements set by Local  
1043 Option Law for the service and sale of alcoholic beverages. This  
1044 permit may be issued to entities participating in festivals at  
1045 which a Class 1 temporary permit is in effect.

1046       This paragraph (r) shall stand repealed from and after July  
1047 1, 2023.

1048       (s) **Charter vessel operator's permit.** Subject to the  
1049 provisions of this paragraph (s), a charter vessel operator's  
1050 permit shall authorize the holder thereof and its employees to  
1051 sell and serve alcoholic beverages to passengers of the permit  
1052 holder during public tours, historical tours, ecological tours and  
1053 sunset cruises provided by the permit holder. The permit shall  
1054 authorize the holder to only sell alcoholic beverages, including  
1055 native wines, to passengers of the charter vessel operator during  
1056 public tours, historical tours, ecological tours and sunset  
1057 cruises provided by the permit holder aboard the charter vessel



1058 operator for consumption during such tours and cruises on the  
1059 premises of the charter vessel operator described in the permit.  
1060 For the purposes of this paragraph (s), "charter vessel operator"  
1061 means a common carrier that (i) is certified to carry at least  
1062 forty-nine (49) passengers, (ii) operates only in the waters  
1063 within the State of Mississippi, which lie south of Interstate 10  
1064 in the three (3) most southern counties in the State of  
1065 Mississippi, and lie adjacent to the State of Mississippi south of  
1066 the three (3) most southern counties in the State of Mississippi,  
1067 extending not further than one (1) mile south of such counties,  
1068 and (iii) provides vessel services for tours and cruises in such  
1069 waters as provided in this paragraph (s).

1070           (t) **Native spirit retailer's permit.** Except as  
1071 otherwise provided in subsection (5) of this section, a native  
1072 spirit retailer's permit shall be issued only to a holder of a  
1073 Class 4 manufacturer's permit, and shall authorize the holder  
1074 thereof to make retail sales of native spirits to consumers for  
1075 on-premises consumption or to consumers in originally sealed and  
1076 unopened containers at an establishment located on the premises of  
1077 or in the immediate vicinity of a native distillery. When selling  
1078 to consumers for on-premises consumption, a holder of a native  
1079 spirit retailer's permit may add to the native spirit alcoholic  
1080 beverages not produced on the premises, so long as the total  
1081 volume of foreign beverage components does not exceed twenty  
1082 percent (20%) of the mixed beverage. Hours of sale shall be the



1083 same as those authorized for on-premises permittees in the city or  
1084 county in which the native spirit retailer is located.

1085           (u) **Delivery service permit.** Any individual, limited  
1086 liability company, corporation or partnership registered to do  
1087 business in this state is eligible to obtain a delivery service  
1088 permit. Subject to the provisions of Section 67-1-51.1, this  
1089 permit authorizes the permittee, or its employee or an independent  
1090 contractor acting on its behalf, to deliver alcoholic beverages,  
1091 beer, light wine and light spirit product from a licensed retailer  
1092 to a person in this state who is at least twenty-one (21) years of  
1093 age for the individual's use and not for resale. This permit does  
1094 not authorize the delivery of alcoholic beverages, beer, light  
1095 wine or light spirit product to the premises of a location with a  
1096 permit for the manufacture, distribution or retail sale of  
1097 alcoholic beverages, beer, light wine or light spirit product.  
1098 The holder of a package retailer's permit or an on-premises  
1099 retailer's permit under Section 67-1-51 or of a beer, light wine  
1100 and light spirit product permit under Section 67-3-19 is  
1101 authorized to apply for a delivery service permit as a privilege  
1102 separate from its existing retail permit.

1103           (v) **Food truck permit.** A food truck permit shall  
1104 authorize the holder of an on-premises retailer's permit to use a  
1105 food truck to sell alcoholic beverages off its premises to guests  
1106 who must consume the beverages in open containers. For the  
1107 purposes of this paragraph (v), "food truck" means a fully encased



1108 food service establishment on a motor vehicle or on a trailer that  
1109 a motor vehicle pulls to transport, and from which a vendor,  
1110 standing within the frame of the establishment, prepares, cooks,  
1111 sells and serves food for immediate human consumption. The term  
1112 "food truck" does not include a food cart that is not motorized.  
1113 Food trucks shall maintain such distance requirements from  
1114 schools, churches, kindergartens and funeral homes as are required  
1115 for on-premises retailer's permittees under this article, and all  
1116 sales must be made within a valid leisure and recreation district  
1117 established under Section 67-1-101. Food trucks cannot sell or  
1118 serve alcoholic beverages unless also offering food prepared and  
1119 cooked within the food truck, and permittees must maintain a  
1120 twenty-five percent (25%) food sale revenue requirement based on  
1121 the food sold from the food truck alone. The hours allowed for  
1122 sale shall be the same as those for on-premises retailer's  
1123 permittees in the location. This permit will not be required for  
1124 the holder of a caterer's permit issued under this article to  
1125 cater an event as allowed by law. Permittees must provide notice  
1126 of not less than forty-eight (48) hours to the department of each  
1127 location at which alcoholic beverages will be sold.

1128           (w) **Direct wine shipper's permit.** A direct wine  
1129 shipper's permit shall authorize the holder to sell and ship a  
1130 limited amount of wine directly to residents in this state in  
1131 accordance with the provisions of Sections 1 through 9 of this  
1132 act, without being required to transact the sale and shipment of



1133 those wines through the Alcoholic Beverage Control Division of the  
1134 department.

1135       (2) Except as otherwise provided in subsection (4) of this  
1136 section, retail permittees may hold more than one (1) retail  
1137 permit, at the discretion of the department.

1138       (3) (a) Except as otherwise provided in this subsection, no  
1139 authority shall be granted to any person to manufacture, sell or  
1140 store for sale any intoxicating liquor as specified in this  
1141 article within four hundred (400) feet of any church, school,  
1142 kindergarten or funeral home. However, within an area zoned  
1143 commercial or business, such minimum distance shall be not less  
1144 than one hundred (100) feet.

1145       (b) A church or funeral home may waive the distance  
1146 restrictions imposed in this subsection in favor of allowing  
1147 issuance by the department of a permit, pursuant to subsection (1)  
1148 of this section, to authorize activity relating to the  
1149 manufacturing, sale or storage of alcoholic beverages which would  
1150 otherwise be prohibited under the minimum distance criterion.  
1151 Such waiver shall be in written form from the owner, the governing  
1152 body, or the appropriate officer of the church or funeral home  
1153 having the authority to execute such a waiver, and the waiver  
1154 shall be filed with and verified by the department before becoming  
1155 effective.

1156       (c) The distance restrictions imposed in this  
1157 subsection shall not apply to the sale or storage of alcoholic



1158 beverages at a bed and breakfast inn listed in the National  
1159 Register of Historic Places or to the sale or storage of alcoholic  
1160 beverages in a historic district that is listed in the National  
1161 Register of Historic Places, is a qualified resort area and is  
1162 located in a municipality having a population greater than one  
1163 hundred thousand (100,000) according to the latest federal  
1164 decennial census.

1165 (d) The distance restrictions imposed in this  
1166 subsection shall not apply to the sale or storage of alcoholic  
1167 beverages at a qualified resort area as defined in Section  
1168 67-1-5(o)(iii)32.

1169 (e) The distance restrictions imposed in this  
1170 subsection shall not apply to the sale or storage of alcoholic  
1171 beverages at a licensed premises in a building formerly owned by a  
1172 municipality and formerly leased by the municipality to a  
1173 municipal school district and used by the municipal school  
1174 district as a district bus shop facility.

1175 (f) The distance restrictions imposed in this  
1176 subsection shall not apply to the sale or storage of alcoholic  
1177 beverages at a licensed premises in a building consisting of at  
1178 least five thousand (5,000) square feet and located approximately  
1179 six hundred (600) feet from the intersection of Mississippi  
1180 Highway 15 and Mississippi Highway 4.

1181 (g) The distance restrictions imposed in this  
1182 subsection shall not apply to the sale or storage of alcoholic



1183 beverages at a licensed premises in a building located at or near  
1184 the intersection of Ward and Tate Streets and adjacent properties  
1185 in the City of Senatobia, Mississippi.

1186 (h) The distance restrictions imposed in this  
1187 subsection shall not apply to the sale or storage of alcoholic  
1188 beverages at a theatre facility that features plays and other  
1189 theatrical performances and productions and (i) is capable of  
1190 seating more than seven hundred fifty (750) people, (ii) is owned  
1191 by a municipality which has a population greater than ten thousand  
1192 (10,000) according to the latest federal decennial census, (iii)  
1193 was constructed prior to 1930, (iv) is on the National Register of  
1194 Historic Places, and (v) is located in a historic district.

1195 (4) No person, either individually or as a member of a firm,  
1196 partnership, limited liability company or association, or as a  
1197 stockholder, officer or director in a corporation, shall own or  
1198 control any interest in more than one (1) package retailer's  
1199 permit, nor shall such person's spouse, if living in the same  
1200 household of such person, any relative of such person, if living  
1201 in the same household of such person, or any other person living  
1202 in the same household with such person own any interest in any  
1203 other package retailer's permit.

1204 (5) (a) In addition to any other authority granted under  
1205 this section, the holder of a permit issued under subsection  
1206 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
1207 sell or otherwise provide alcoholic beverages and/or wine to a





1208 patron of the permit holder in the manner authorized in the permit  
1209 and the patron may remove an open glass, cup or other container of  
1210 the alcoholic beverage and/or wine from the licensed premises and  
1211 may possess and consume the alcoholic beverage or wine outside of  
1212 the licensed premises if: (i) the licensed premises is located  
1213 within a leisure and recreation district created under Section  
1214 67-1-101 and (ii) the patron remains within the boundaries of the  
1215 leisure and recreation district while in possession of the  
1216 alcoholic beverage or wine.

1217 (b) Nothing in this subsection shall be construed to  
1218 allow a person to bring any alcoholic beverages into a permitted  
1219 premises except to the extent otherwise authorized by this  
1220 article.

1221 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is  
1222 amended as follows:

1223 67-1-53. (1) Application for permits shall be in such form  
1224 and shall contain such information as shall be required by the  
1225 regulations of the \* \* \* department; however, no regulation of  
1226 the \* \* \* department shall require personal financial information  
1227 from any officer of a corporation applying for an on-premises  
1228 retailer's permit to sell alcoholic beverages unless such officer  
1229 owns ten percent (10%) or more of the stock of such corporation.

1230 (2) Every applicant for each type of permit authorized by  
1231 Section 67-1-51 shall give notice of such application by  
1232 publication for two (2) consecutive issues in a newspaper of



1233 general circulation published in the city or town in which  
1234 applicant's place of business is located. However, in instances  
1235 where no newspaper is published in the city or town, then the  
1236 notice shall be published in a newspaper of general circulation  
1237 published in the county where the applicant's business is located.  
1238 If no newspaper is published in the county, the notice shall be  
1239 published in a qualified newspaper which is published in the  
1240 closest neighboring county and circulated in the county of  
1241 applicant's residence. The notice shall be printed in ten-point  
1242 black face type and shall set forth the type of permit to be  
1243 applied for, the exact location of the place of business, the name  
1244 of the owner or owners thereof, and if operating under an assumed  
1245 name, the trade name together with the names of all owners, and if  
1246 a corporation, the names and titles of all officers. The cost of  
1247 such notice shall be borne by the applicant. The provisions of  
1248 this subsection (2) shall not apply to applicants for a direct  
1249 wine shipper's permit under Sections 1 through 9 of this act.

1250 (3) Each application or filing made under this section shall  
1251 include the social security number(s) of the applicant in  
1252 accordance with Section 93-11-64, Mississippi Code of 1972.

1253 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is  
1254 amended as follows:

1255 67-1-55. No permit of any type shall be issued by the \* \* \*  
1256 department until the applicant has first filed with the \* \* \*  
1257 department a sworn statement disclosing all persons who are



1258 financially involved in the operation of the business for which  
1259 the permit is sought. If an applicant is an individual, he will  
1260 swear that he owns one hundred percent (100%) of the business for  
1261 which he is seeking a permit. If the applicant is a partnership,  
1262 all partners and their addresses shall be disclosed and the extent  
1263 of their interest in the partnership shall be disclosed. If the  
1264 applicant is a corporation, the total stock in the corporation  
1265 shall be disclosed and each shareholder and his address and the  
1266 amount of stock in the corporation owned by him shall be  
1267 disclosed. If the applicant is a limited liability company, each  
1268 member and their addresses shall be disclosed and the extent of  
1269 their interest in the limited liability company shall be  
1270 disclosed. If the applicant is a trust, the trustee and all  
1271 beneficiaries and their addresses shall be disclosed. If the  
1272 applicant is a combination of any of the above, all information  
1273 required to be disclosed above shall be required.

1274 All the disclosures shall be in writing and kept on file at  
1275 the \* \* \* department and shall be available to the public.

1276 Every applicant must, when applying for a renewal of his  
1277 permit, disclose any change in the ownership of the business or  
1278 any change in the beneficiaries of the income from the business.

1279 Any person who willfully fails to fully disclose the  
1280 information required by this section, or who gives false  
1281 information, shall be guilty of a misdemeanor and, upon conviction  
1282 thereof, shall be fined a sum not to exceed Five Hundred Dollars



1283 (\$500.00) or imprisoned for not more than one (1) year, or both,  
1284 and the person or applicant shall never again be eligible for any  
1285 permit pertaining to alcoholic beverages.

1286 The provisions of this section shall not apply to applicants  
1287 for a direct wine shipper's permit under Sections 1 through 9 of  
1288 this act.

1289 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is  
1290 amended as follows:

1291 67-1-57. Before a permit is issued the department shall  
1292 satisfy itself:

1293 (a) That the applicant, if an individual, or if a  
1294 partnership, each of the members of the partnership, or if a  
1295 corporation, each of its principal officers and directors, or if a  
1296 limited liability company, each member of the limited liability  
1297 company, is of good moral character and, in addition, enjoys a  
1298 reputation of being a peaceable, law-abiding citizen of the  
1299 community in which he resides, and is generally fit for the trust  
1300 to be reposed in him, is not less than twenty-one (21) years of  
1301 age, and has not been convicted of a felony in any state or  
1302 federal court.

1303 (b) That, except in the case of an application for a  
1304 solicitor's permit, the applicant is the true and actual owner of  
1305 the business for which the permit is desired, and that he intends  
1306 to carry on the business authorized for himself and not as the  
1307 agent of any other person, and that he intends to superintend in



1308 person the management of the business or that he will designate a  
1309 manager to manage the business for him. Except for managers  
1310 employed by the holder of a direct wine shipper's permit, all  
1311 managers must be approved by the department prior to completing  
1312 any managerial tasks on behalf of the permittee and must possess  
1313 all of the qualifications required of a permittee; however, a  
1314 felony conviction, other than a crime of violence, does not  
1315 automatically disqualify a person from being approved as a manager  
1316 if the person was released from incarceration at least three (3)  
1317 years prior to application for approval as a manager. A felony  
1318 conviction, other than a crime of violence, may be considered by  
1319 the department in determining whether all other qualifications are  
1320 met.

1321 (c) That the applicant for a package retailer's permit,  
1322 if an individual, is a resident of the State of Mississippi. If  
1323 the applicant is a partnership, each member of the partnership  
1324 must be a resident of the state. If the applicant is a limited  
1325 liability company, each member of the limited liability company  
1326 must be a resident of the state. If the applicant is a  
1327 corporation, the designated manager of the corporation must be a  
1328 resident of the state.

1329 (d) That the place for which the permit is to be issued  
1330 is an appropriate one considering the character of the premises  
1331 and the surrounding neighborhood.



1332           (e) That the place for which the permit is to be issued  
1333 is within the corporate limits of an incorporated municipality or  
1334 qualified resort area or club which comes within the provisions of  
1335 this article.

1336           (f) That the applicant is not indebted to the state for  
1337 any taxes, fees or payment of penalties imposed by any law of the  
1338 State of Mississippi or by any rule or regulation of the \* \* \*  
1339 department.

1340           (g) That the applicant is not in the habit of using  
1341 alcoholic beverages to excess and is not physically or mentally  
1342 incapacitated, and that the applicant has the ability to read and  
1343 write the English language.

1344           (h) That the \* \* \* department does not believe and has  
1345 no reason to believe that the applicant will sell or knowingly  
1346 permit any agent, servant or employee to unlawfully sell liquor in  
1347 a dry area or in any other manner contrary to law.

1348           (i) That the applicant is not residentially domiciled  
1349 with any person whose permit or license has been cancelled for  
1350 cause within the twelve (12) months next preceding the date of the  
1351 present application for a permit.

1352           (j) That the \* \* \* department has not, in the exercise  
1353 of its discretion which is reserved and preserved to it, refused  
1354 to grant permits under the restrictions of this section, as well  
1355 as under any other pertinent provision of this article.



1356           (k) That there are not sufficient legal reasons to deny  
1357 a permit on the ground that the premises for which the permit is  
1358 sought has previously been operated, used or frequented for any  
1359 purpose or in any manner that is lewd, immoral or offensive to  
1360 public decency. In the granting or withholding of any permit to  
1361 sell alcoholic beverages at retail, the \* \* \* department in  
1362 forming its conclusions may give consideration to any  
1363 recommendations made in writing by the district or county attorney  
1364 or county, circuit or chancery judge of the county, or the sheriff  
1365 of the county, or the mayor or chief of police of an incorporated  
1366 city or town wherein the applicant proposes to conduct his  
1367 business and to any recommendations made by representatives of  
1368 the \* \* \* department.

1369           (l) That the applicant and the applicant's key  
1370 employees, as determined by the \* \* \* department, do not have a  
1371 disqualifying criminal record. In order to obtain a criminal  
1372 record history check, the applicant shall submit to the commission  
1373 a set of fingerprints from any local law enforcement agency for  
1374 each person for whom the records check is required. The \* \* \*  
1375 department shall forward the fingerprints to the Mississippi  
1376 Department of Public Safety. If no disqualifying record is  
1377 identified at the state level, the Department of Public Safety  
1378 shall forward the fingerprints to the Federal Bureau of  
1379 Investigation for a national criminal history record check. Costs  
1380 for processing the set or sets of fingerprints shall be borne by



1381 the applicant. The department may waive the fingerprint  
1382 requirement in the case of an applicant for a direct wine  
1383 shipper's permit. The \* \* \* department shall not deny employment  
1384 to an employee of the applicant prior to the identification of a  
1385 disqualifying record or other disqualifying information.

1386 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is  
1387 amended as follows:

1388 67-1-73. (1) Except as otherwise provided in subsection (3)  
1389 of this section, every manufacturer, including native wine or  
1390 native spirit producers, within or without the state, and every  
1391 other shipper of alcoholic beverages who sells any alcoholic  
1392 beverage, including native wine or native spirit, within the  
1393 state, shall, at the time of making such sale, file with the  
1394 department a copy of the invoice of such sale showing in detail  
1395 the kind of alcoholic beverage sold, the quantities of each, the  
1396 size of the container and the weight of the contents, the  
1397 alcoholic content, and the name and address of the person to whom  
1398 sold.

1399 (2) Except as otherwise provided in subsection (3) of this  
1400 section, every person transporting alcoholic beverages, including  
1401 native wine or native spirit, within this state to a point within  
1402 this state, whether such transportation originates within or  
1403 without this state, shall, within five (5) days after delivery of  
1404 such shipment, furnish the department a copy of the bill of lading  
1405 or receipt, showing the name or consignor or consignee, date,





1406 place received, destination, and quantity of alcoholic beverages  
1407 delivered. Upon failure to comply with the provisions of this  
1408 section, such person shall be deemed guilty of a misdemeanor and,  
1409 upon conviction thereof, shall be fined in the sum of Fifty  
1410 Dollars (\$50.00) for each offense.

1411 (3) Information regarding the sales, shipment, delivery and  
1412 transportation of wine in this state by the holder of a direct  
1413 wine shipper's permit under Sections 1 through 9 of this act shall  
1414 be in such form and content as prescribed by the department.

1415 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is  
1416 amended as follows:

1417 97-31-47. It shall be unlawful for any transportation  
1418 company, or any agent, employee, or officer of such company, or  
1419 any other person, or corporation to transport into or deliver in  
1420 this state in any manner or by any means any spirituous, vinous,  
1421 malt, or other intoxicating liquors or drinks, or for any such  
1422 person, company, or corporation to transport any spirituous, malt,  
1423 vinous, or intoxicating liquors or drinks from one place within  
1424 this state to another place within the state, or from one (1)  
1425 point within this state to any point without the state, except in  
1426 cases where this chapter \* \* \*, Section 67-9-1, or Sections 1  
1427 through 9 of this act authorizes the transportation.

1428 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is  
1429 amended as follows:



1430           97-31-49. Except as otherwise provided in Sections 1 through  
1431 9 of this act, it shall be unlawful for any person, firm or  
1432 corporation in this state, in person, by letter, circular, or  
1433 other printed or written matter, or in any other manner, to  
1434 solicit or take order in this state for any liquors, bitters or  
1435 drinks prohibited by the laws of this state to be sold, bartered,  
1436 or otherwise disposed of. The inhibition of this section shall  
1437 apply to such liquors, bitters and drinks, whether the parties  
1438 intend that the same shall be shipped into this state from outside  
1439 of the state, or from one (1) point in this state to another point  
1440 in this state. If such order be in writing, parol evidence  
1441 thereof is admissible without producing or accounting for the  
1442 absence of the original; and the taking or soliciting of such  
1443 orders is within the inhibition of this section, although the  
1444 orders are subject to approval by some other person, and no part  
1445 of the price is paid, nor any part of the goods is delivered when  
1446 the order is taken.

1447           **SECTION 23.** Section 67-1-83, Mississippi Code of 1972, is  
1448 amended as follows:

1449           67-1-83. (1) It shall be unlawful for any permittee or any  
1450 employee or agent thereof to sell or furnish any alcoholic  
1451 beverage to any person who is visibly intoxicated, or to any  
1452 person who is known to habitually drink alcoholic beverages to  
1453 excess, or to any person who is known to be an habitual user of  
1454 narcotics or other habit-forming drugs. It shall also be unlawful



1455 for the holder of any package retailer's permit to sell any  
1456 alcoholic beverages except by delivery in person to the purchaser  
1457 at the place of business of the permittee, unless the holder of a  
1458 package retailer's permit also holds a delivery service permit or  
1459 uses a delivery service permittee to effect delivery.

1460 (2) It shall be unlawful for any permittee or any employee  
1461 or agent thereof to sell or furnish any alcoholic beverage to any  
1462 person to whom the department has, after investigation, decided to  
1463 prohibit the sale of those beverages because of an appeal to the  
1464 department so to do by the husband, wife, father, mother, brother,  
1465 sister, child, or employer of the person. The interdiction in  
1466 those cases shall last until removed by the department, but no  
1467 person shall be held to have violated this subsection unless he  
1468 has been informed by the department, by registered letter, that it  
1469 is forbidden to sell to that individual or unless that fact is  
1470 otherwise known to the permittee or its employee or agent.

1471 (3) It shall be unlawful for any holder of a package  
1472 retailer's permit, or any employee or agent thereof, engaged  
1473 solely in the business of package retail sales under this article  
1474 to sell or furnish any alcoholic beverage before 10:00 a.m. and  
1475 after 10:00 p.m. or to sell alcoholic beverages on Sunday and  
1476 Christmas Day.

1477 (4) Any person who violates any of the provisions of this  
1478 section shall be guilty of a misdemeanor and, upon conviction,  
1479 shall be punished by a fine of not more than Five Hundred Dollars



1480 (\$500.00) or by imprisonment in the county jail for a term of not  
1481 more than six (6) months, or by both that fine and imprisonment,  
1482 in the discretion of the court. In addition to any other  
1483 penalties prescribed by law, the commission may immediately revoke  
1484 the permit of any permittee who violates the provisions of this  
1485 section.

1486 **SECTION 24.** Section 67-1-67, Mississippi Code of 1972, is  
1487 brought forward as follows:

1488 67-1-67. No permit shall be transferred by the permittee to  
1489 any other person or any other place except with the written  
1490 consent of the commission upon a regular application therefor in  
1491 writing and upon consideration thereof as provided in this article  
1492 for an original application for a permit. The commission shall  
1493 not approve the transfer of the permit of any person against whom  
1494 there is pending in the courts or before the commission any charge  
1495 of keeping a disorderly house, or of violating this article or the  
1496 laws against gambling in this state or against whom there is  
1497 pending any proceedings for the revocation, suspension or  
1498 cancellation of the permit.

1499 **SECTION 25.** This act shall take effect and be in force from  
1500 and after July 1, 2023.

