

By: Representatives Burnett, Hulum

To: Gaming; Ways and Means

HOUSE BILL NO. 707

1 AN ACT TO AMEND SECTIONS 27-115-55 AND 67-1-51, MISSISSIPPI
2 CODE OF 1972, TO CLARIFY THAT A RETAIL LIQUOR STORE SHALL BE
3 ELIGIBLE TO APPLY TO BECOME A LOTTERY RETAILER; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** Section 27-115-55, Mississippi Code of 1972, is
7 amended as follows:

8 27-115-55. (1) The Legislature hereby recognizes that to
9 conduct a successful lottery, the corporation must develop and
10 maintain a statewide network of lottery retailers that will serve
11 the public convenience and promote the sale of tickets, while
12 ensuring the integrity of the lottery operations, games and
13 activities.

14 (2) To govern the selection of lottery retailers, the board
15 shall, by administrative rules and regulations, develop a list of
16 objective criteria upon which the selection of lottery retailers
17 shall be based. In developing these criteria, the board shall
18 consider such factors as the applicant's financial responsibility,
19 location and security of the applicant's place of business or



20 activity, integrity, and reputation; however, the board shall not
21 consider political affiliation, activities or monetary
22 contributions to political organizations or candidates for any
23 public office. The criteria shall include, but not be limited to,
24 the following:

25 (a) The applicant shall be current in payment of all
26 taxes, interest and penalties owed to any taxing political
27 subdivision where the lottery retailer will sell lottery tickets.

28 (b) The applicant shall be current in filing all
29 applicable tax returns and in payment of all taxes, interest and
30 penalties owed to the State of Mississippi, excluding items under
31 formal appeal pursuant to applicable statutes, before a license is
32 issued and before each renewal.

33 (c) No person shall be selected as a lottery retailer
34 for the sale of lottery tickets who:

35 (i) Has been convicted of a criminal offense
36 related to the security or integrity of the lottery in this or any
37 other jurisdiction.

38 (ii) Has been convicted of any illegal gambling
39 activity, false statements, false swearing or perjury in this or
40 any other jurisdiction, or convicted of a felony.

41 (iii) Has been found to have violated the
42 provisions of this chapter or any administrative rules and
43 regulations adopted under this chapter, unless either ten (10)



44 years have passed since the violation, or the president and the
45 board find the violation both minor and unintentional in nature.

46 (iv) Is a vendor or an employee or agent of any
47 vendor doing business with the corporation.

48 (v) Resides in the same household as an officer or
49 board member of the corporation.

50 (vi) Has made a statement of material fact to the
51 corporation, knowing such statement to be false.

52 (d) A retail liquor store shall be eligible to apply to
53 become a lottery retailer.

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

56 67-1-51. (1) Permits which may be issued by the department
57 shall be as follows:

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

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

65 Class 1. Distiller's and/or rectifier's permit, which shall
66 authorize the holder thereof to operate a distillery for the
67 production of distilled spirits by distillation or redistillation
68 and/or to operate a rectifying plant for the purifying, refining,



69 mixing, blending, flavoring or reducing in proof of distilled
70 spirits and alcohol.

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

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

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

80 (b) **Package retailer's permit.** Except as otherwise
81 provided in this paragraph and Section 67-1-52, a package
82 retailer's permit shall authorize the holder thereof to operate a
83 store exclusively for the sale at retail in original sealed and
84 unopened packages of alcoholic beverages, including native wines
85 and native spirits, not to be consumed on the premises where sold.
86 Alcoholic beverages shall not be sold by any retailer in any
87 package or container containing less than fifty (50) milliliters
88 by liquid measure. A package retailer's permit, with prior
89 approval from the department, shall authorize the holder thereof
90 to sample new product furnished by a manufacturer's representative
91 or his employees at the permitted place of business so long as the
92 sampling otherwise complies with this article and applicable
93 department regulations. Such samples may not be provided to



94 customers at the permitted place of business. In addition to the
95 sale at retail of packages of alcoholic beverages, the holder of a
96 package retailer's permit is authorized to sell at retail
97 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
98 other beverages commonly used to mix with alcoholic beverages, and
99 lottery tickets sold in accordance with the Alyce G. Clarke
100 Mississippi Lottery Law. Nonalcoholic beverages sold by the
101 holder of a package retailer's permit shall not be consumed on the
102 premises where sold.

103 (c) **On-premises retailer's permit.** Except as otherwise
104 provided in subsection (5) of this section, an on-premises
105 retailer's permit shall authorize the sale of alcoholic beverages,
106 including native wines and native spirits, for consumption on the
107 licensed premises only; however, a patron of the permit holder may
108 remove one (1) bottle of wine from the licensed premises if: (i)
109 the patron consumed a portion of the bottle of wine in the course
110 of consuming a meal purchased on the licensed premises; (ii) the
111 permit holder securely reseals the bottle; (iii) the bottle is
112 placed in a bag that is secured in a manner so that it will be
113 visibly apparent if the bag is opened; and (iv) a dated receipt
114 for the wine and the meal is available. Additionally, as part of
115 a carryout order, a permit holder may sell one (1) bottle of wine
116 to be removed from the licensed premises for every two (2) entrees
117 ordered. Such a permit shall be issued only to qualified hotels,
118 restaurants and clubs, small craft breweries, microbreweries, and



119 to common carriers with adequate facilities for serving
120 passengers. In resort areas, whether inside or outside of a
121 municipality, the department, in its discretion, may issue
122 on-premises retailer's permits to such establishments as it deems
123 proper. An on-premises retailer's permit when issued to a common
124 carrier shall authorize the sale and serving of alcoholic
125 beverages aboard any licensed vehicle while moving through any
126 county of the state; however, the sale of such alcoholic beverages
127 shall not be permitted while such vehicle is stopped in a county
128 that has not legalized such sales. If an on-premises retailer's
129 permit is applied for by a common carrier operating solely in the
130 water, such common carrier must, along with all other
131 qualifications for a permit, (i) be certified to carry at least
132 one hundred fifty (150) passengers and/or provide overnight
133 accommodations for at least fifty (50) passengers and (ii) operate
134 primarily in the waters within the State of Mississippi which lie
135 adjacent to the State of Mississippi south of the three (3) most
136 southern counties in the State of Mississippi and/or on the
137 Mississippi River or navigable waters within any county bordering
138 on the Mississippi River.

139 (d) **Solicitor's permit.** A solicitor's permit shall
140 authorize the holder thereof to act as salesman for a manufacturer
141 or wholesaler holding a proper permit, to solicit on behalf of his
142 employer orders for alcoholic beverages, and to otherwise promote
143 his employer's products in a legitimate manner. Such a permit



144 shall authorize the representation of and employment by one (1)
145 principal only. However, the permittee may also, in the
146 discretion of the department, be issued additional permits to
147 represent other principals. No such permittee shall buy or sell
148 alcoholic beverages for his own account, and no such beverage
149 shall be brought into this state in pursuance of the exercise of
150 such permit otherwise than through a permit issued to a wholesaler
151 or manufacturer in the state.

152 (e) **Native wine retailer's permit.** Except as otherwise
153 provided in subsection (5) of this section, a native wine
154 retailer's permit shall be issued only to a holder of a Class 3
155 manufacturer's permit, and shall authorize the holder thereof to
156 make retail sales of native wines to consumers for on-premises
157 consumption or to consumers in originally sealed and unopened
158 containers at an establishment located on the premises of or in
159 the immediate vicinity of a native winery. When selling to
160 consumers for on-premises consumption, a holder of a native wine
161 retailer's permit may add to the native wine alcoholic beverages
162 not produced on the premises, so long as the total volume of
163 foreign beverage components does not exceed twenty percent (20%)
164 of the mixed beverage. Hours of sale shall be the same as those
165 authorized for on-premises permittees in the city or county in
166 which the native wine retailer is located.

167 (f) **Temporary retailer's permit.** Except as otherwise
168 provided in subsection (5) of this section, a temporary retailer's



169 permit shall permit the purchase and resale of alcoholic
170 beverages, including native wines and native spirits, during legal
171 hours on the premises described in the temporary permit only.

172 Temporary retailer's permits shall be of the following
173 classes:

174 Class 1. A temporary one-day permit may be issued to bona
175 fide nonprofit civic or charitable organizations authorizing the
176 sale of alcoholic beverages, including native wine and native
177 spirit, for consumption on the premises described in the temporary
178 permit only. Class 1 permits may be issued only to applicants
179 demonstrating to the department, by a statement signed under
180 penalty of perjury submitted ten (10) days prior to the proposed
181 date or such other time as the department may determine, that they
182 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
183 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
184 Class 1 permittees shall obtain all alcoholic beverages from
185 package retailers located in the county in which the temporary
186 permit is issued. Alcoholic beverages remaining in stock upon
187 expiration of the temporary permit may be returned by the
188 permittee to the package retailer for a refund of the purchase
189 price upon consent of the package retailer or may be kept by the
190 permittee exclusively for personal use and consumption, subject to
191 all laws pertaining to the illegal sale and possession of
192 alcoholic beverages. The department, following review of the



193 statement provided by the applicant and the requirements of the
194 applicable statutes and regulations, may issue the permit.

195 Class 2. A temporary permit, not to exceed seventy (70)
196 days, may be issued to prospective permittees seeking to transfer
197 a permit authorized in paragraph (c) of this subsection. A Class
198 2 permit may be issued only to applicants demonstrating to the
199 department, by a statement signed under the penalty of perjury,
200 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
201 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
202 67-1-59. The department, following a preliminary review of the
203 statement provided by the applicant and the requirements of the
204 applicable statutes and regulations, may issue the permit.

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

213 Class 3. A temporary one-day permit may be issued to a
214 retail establishment authorizing the complimentary distribution of
215 wine, including native wine, to patrons of the retail
216 establishment at an open house or promotional event, for
217 consumption only on the premises described in the temporary



218 permit. A Class 3 permit may be issued only to an applicant
219 demonstrating to the department, by a statement signed under
220 penalty of perjury submitted ten (10) days before the proposed
221 date or such other time as the department may determine, that it
222 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
223 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
224 A Class 3 permit holder shall obtain all alcoholic beverages from
225 the holder(s) of a package retailer's permit located in the county
226 in which the temporary permit is issued. Wine remaining in stock
227 upon expiration of the temporary permit may be returned by the
228 Class 3 temporary permit holder to the package retailer for a
229 refund of the purchase price, with consent of the package
230 retailer, or may be kept by the Class 3 temporary permit holder
231 exclusively for personal use and consumption, subject to all laws
232 pertaining to the illegal sale and possession of alcoholic
233 beverages. The department, following review of the statement
234 provided by the applicant and the requirements of the applicable
235 statutes and regulations, may issue the permit. No retailer may
236 receive more than twelve (12) Class 3 temporary permits in a
237 calendar year. A Class 3 temporary permit shall not be issued to
238 a retail establishment that either holds a merchant permit issued
239 under paragraph (1) of this subsection, or holds a permit issued
240 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
241 the holder to engage in the business of a retailer of light wine
242 or beer.



243 (g) **Caterer's permit.** A caterer's permit shall permit
244 the purchase of alcoholic beverages by a person engaging in
245 business as a caterer and the resale of alcoholic beverages by
246 such person in conjunction with such catering business. No person
247 shall qualify as a caterer unless forty percent (40%) or more of
248 the revenue derived from such catering business shall be from the
249 serving of prepared food and not from the sale of alcoholic
250 beverages and unless such person has obtained a permit for such
251 business from the Department of Health. A caterer's permit shall
252 not authorize the sale of alcoholic beverages on the premises of
253 the person engaging in business as a caterer; however, the holder
254 of an on-premises retailer's permit may hold a caterer's permit.
255 When the holder of an on-premises retailer's permit or an
256 affiliated entity of the holder also holds a caterer's permit, the
257 caterer's permit shall not authorize the service of alcoholic
258 beverages on a consistent, recurring basis at a separate, fixed
259 location owned or operated by the caterer, on-premises retailer or
260 affiliated entity and an on-premises retailer's permit shall be
261 required for the separate location. All sales of alcoholic
262 beverages by holders of a caterer's permit shall be made at the
263 location being catered by the caterer, and, except as otherwise
264 provided in subsection (5) of this section, such sales may be made
265 only for consumption at the catered location. The location being
266 catered may be anywhere within a county or judicial district that
267 has voted to come out from under the dry laws or in which the sale



268 and distribution of alcoholic beverages is otherwise authorized by
269 law. Such sales shall be made pursuant to any other conditions
270 and restrictions which apply to sales made by on-premises retail
271 permittees. The holder of a caterer's permit or his employees
272 shall remain at the catered location as long as alcoholic
273 beverages are being sold pursuant to the permit issued under this
274 paragraph (g), and the permittee shall have at the location the
275 identification card issued by the Alcoholic Beverage Control
276 Division of the department. No unsold alcoholic beverages may be
277 left at the catered location by the permittee upon the conclusion
278 of his business at that location. Appropriate law enforcement
279 officers and Alcoholic Beverage Control Division personnel may
280 enter a catered location on private property in order to enforce
281 laws governing the sale or serving of alcoholic beverages.

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

289 (i) **Alcohol processing permit.** An alcohol processing
290 permit shall authorize the holder thereof to purchase, transport
291 and possess alcoholic beverages for the exclusive use in cooking,
292 processing or manufacturing products which contain alcoholic



293 beverages as an integral ingredient. An alcohol processing permit
294 shall not authorize the sale of alcoholic beverages on the
295 premises of the person engaging in the business of cooking,
296 processing or manufacturing products which contain alcoholic
297 beverages. The amounts of alcoholic beverages allowed under an
298 alcohol processing permit shall be set by the department.

299 (j) **Hospitality cart permit.** A hospitality cart permit
300 shall authorize the sale of alcoholic beverages from a mobile cart
301 on a golf course that is the holder of an on-premises retailer's
302 permit. The alcoholic beverages sold from the cart must be
303 consumed within the boundaries of the golf course.

304 (k) **Special service permit.** A special service permit
305 shall authorize the holder to sell commercially sealed alcoholic
306 beverages to the operator of a commercial or private aircraft for
307 en route consumption only by passengers. A special service permit
308 shall be issued only to a fixed-base operator who contracts with
309 an airport facility to provide fueling and other associated
310 services to commercial and private aircraft.

311 (l) **Merchant permit.** Except as otherwise provided in
312 subsection (5) of this section, a merchant permit shall be issued
313 only to the owner of a spa facility, an art studio or gallery, or
314 a cooking school, and shall authorize the holder to serve
315 complimentary by the glass wine only, including native wine, at
316 the holder's spa facility, art studio or gallery, or cooking



317 school. A merchant permit holder shall obtain all wine from the
318 holder of a package retailer's permit.

319 (m) **Temporary alcoholic beverages charitable auction**
320 **permit.** A temporary permit, not to exceed five (5) days, may be
321 issued to a qualifying charitable nonprofit organization that is
322 exempt from taxation under Section 501(c)(3) or (4) of the
323 Internal Revenue Code of 1986. The permit shall authorize the
324 holder to sell alcoholic beverages for the limited purpose of
325 raising funds for the organization during a live or silent auction
326 that is conducted by the organization and that meets the following
327 requirements: (i) the auction is conducted in an area of the
328 state where the sale of alcoholic beverages is authorized; (ii) if
329 the auction is conducted on the premises of an on-premises
330 retailer's permit holder, then the alcoholic beverages to be
331 auctioned must be stored separately from the alcoholic beverages
332 sold, stored or served on the premises, must be removed from the
333 premises immediately following the auction, and may not be
334 consumed on the premises; (iii) the permit holder may not conduct
335 more than two (2) auctions during a calendar year; (iv) the permit
336 holder may not pay a commission or promotional fee to any person
337 to arrange or conduct the auction.

338 (n) **Event venue retailer's permit.** An event venue
339 retailer's permit shall authorize the holder thereof to purchase
340 and resell alcoholic beverages, including native wines and native
341 spirits, for consumption on the premises during legal hours during



342 events held on the licensed premises if food is being served at
343 the event by a caterer who is not affiliated with or related to
344 the permittee. The caterer must serve at least three (3) entrees.
345 The permit may only be issued for venues that can accommodate two
346 hundred (200) persons or more. The number of persons a venue may
347 accommodate shall be determined by the local fire department and
348 such determination shall be provided in writing and submitted
349 along with all other documents required to be provided for an
350 on-premises retailer's permit. The permittee must derive the
351 majority of its revenue from event-related fees, including, but
352 not limited to, admission fees or ticket sales for live
353 entertainment in the building. "Event-related fees" do not
354 include alcohol, beer or light wine sales or any fee which may be
355 construed to cover the cost of alcohol, beer or light wine. This
356 determination shall be made on a per event basis. An event may
357 not last longer than two (2) consecutive days per week.

358 (o) **Temporary theatre permit.** A temporary theatre
359 permit, not to exceed five (5) days, may be issued to a charitable
360 nonprofit organization that is exempt from taxation under Section
361 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
362 a theatre facility that features plays and other theatrical
363 performances and productions. Except as otherwise provided in
364 subsection (5) of this section, the permit shall authorize the
365 holder to sell alcoholic beverages, including native wines and
366 native spirits, to patrons of the theatre during performances and



367 productions at the theatre facility for consumption during such
368 performances and productions on the premises of the facility
369 described in the permit. A temporary theatre permit holder shall
370 obtain all alcoholic beverages from package retailers located in
371 the county in which the permit is issued. Alcoholic beverages
372 remaining in stock upon expiration of the temporary theatre permit
373 may be returned by the permittee to the package retailer for a
374 refund of the purchase price upon consent of the package retailer
375 or may be kept by the permittee exclusively for personal use and
376 consumption, subject to all laws pertaining to the illegal sale
377 and possession of alcoholic beverages.

378 (p) **Charter ship operator's permit.** Subject to the
379 provisions of this paragraph (p), a charter ship operator's permit
380 shall authorize the holder thereof and its employees to serve,
381 monitor, store and otherwise control the serving and availability
382 of alcoholic beverages to customers of the permit holder during
383 private charters under contract provided by the permit holder. A
384 charter ship operator's permit shall authorize such action by the
385 permit holder and its employees only as to alcoholic beverages
386 brought onto the permit holder's ship by customers of the permit
387 holder as part of such a private charter. All such alcoholic
388 beverages must be removed from the charter ship at the conclusion
389 of each private charter. A charter ship operator's permit shall
390 not authorize the permit holder to sell, charge for or otherwise
391 supply alcoholic beverages to customers, except as authorized in



392 this paragraph (p). For the purposes of this paragraph (p),
393 "charter ship operator" means a common carrier that (i) is
394 certified to carry at least one hundred fifty (150) passengers
395 and/or provide overnight accommodations for at least fifty (50)
396 passengers, (ii) operates only in the waters within the State of
397 Mississippi, which lie adjacent to the State of Mississippi south
398 of the three (3) most southern counties in the State of
399 Mississippi, and (iii) provides charters under contract for tours
400 and trips in such waters.

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



416 The holder shall not sell at retail more than ten percent
417 (10%) of the alcoholic beverages produced annually at its
418 distillery. The holder shall not make retail sales of more than
419 two and twenty-five one-hundredths (2.25) liters, in the
420 aggregate, of the alcoholic beverages produced at its distillery
421 to any one (1) individual for consumption off the premises of the
422 distillery within a twenty-four-hour period. The hours of sale
423 shall be the same as those hours for package retailers under this
424 article. The holder of a distillery retailer's permit is not
425 required to purchase the alcoholic beverages authorized to be sold
426 by this paragraph from the department's liquor distribution
427 warehouse; however, if the holder does not purchase the alcoholic
428 beverages from the department's liquor distribution warehouse, the
429 holder shall pay to the department all taxes, fees and surcharges
430 on the alcoholic beverages that are imposed upon the sale of
431 alcoholic beverages shipped by the department or its warehouse
432 operator. In addition to alcoholic beverages, the holder of a
433 distillery retailer's permit may sell at retail promotional
434 products from the same retail location, including shirts, hats,
435 glasses, and other promotional products customarily sold by
436 alcoholic beverage manufacturers.

437 (r) **Festival Wine Permit.** Any wine manufacturer or
438 native wine producer permitted by Mississippi or any other state
439 is eligible to obtain a Festival Wine Permit. This permit
440 authorizes the entity to transport product manufactured by it to



441 festivals held within the State of Mississippi and sell sealed,
442 unopened bottles to festival participants. The holder of this
443 permit may provide samples at no charge to participants.

444 "Festival" means any event at which three (3) or more vendors are
445 present at a location for the sale or distribution of goods. The
446 holder of a Festival Wine Permit is not required to purchase the
447 alcoholic beverages authorized to be sold by this paragraph from
448 the department's liquor distribution warehouse. However, if the
449 holder does not purchase the alcoholic beverages from the
450 department's liquor distribution warehouse, the holder of this
451 permit shall pay to the department all taxes, fees and surcharges
452 on the alcoholic beverages sold at such festivals that are imposed
453 upon the sale of alcoholic beverages shipped by the Alcoholic
454 Beverage Control Division of the Department of Revenue.

455 Additionally, the entity shall file all applicable reports and
456 returns as prescribed by the department. This permit is issued
457 per festival and provides authority to sell for two (2)
458 consecutive days during the hours authorized for on-premises
459 permittees' sales in that county or city. The holder of the
460 permit shall be required to maintain all requirements set by Local
461 Option Law for the service and sale of alcoholic beverages. This
462 permit may be issued to entities participating in festivals at
463 which a Class 1 temporary permit is in effect.

464 This paragraph (r) shall stand repealed from and after July
465 1, 2023.



466 (s) **Charter vessel operator's permit.** Subject to the
467 provisions of this paragraph (s), a charter vessel operator's
468 permit shall authorize the holder thereof and its employees to
469 sell and serve alcoholic beverages to passengers of the permit
470 holder during public tours, historical tours, ecological tours and
471 sunset cruises provided by the permit holder. The permit shall
472 authorize the holder to only sell alcoholic beverages, including
473 native wines, to passengers of the charter vessel operator during
474 public tours, historical tours, ecological tours and sunset
475 cruises provided by the permit holder aboard the charter vessel
476 operator for consumption during such tours and cruises on the
477 premises of the charter vessel operator described in the permit.
478 For the purposes of this paragraph (s), "charter vessel operator"
479 means a common carrier that (i) is certified to carry at least
480 forty-nine (49) passengers, (ii) operates only in the waters
481 within the State of Mississippi, which lie south of Interstate 10
482 in the three (3) most southern counties in the State of
483 Mississippi, and lie adjacent to the State of Mississippi south of
484 the three (3) most southern counties in the State of Mississippi,
485 extending not further than one (1) mile south of such counties,
486 and (iii) provides vessel services for tours and cruises in such
487 waters as provided in this paragraph (s).

488 (t) **Native spirit retailer's permit.** Except as
489 otherwise provided in subsection (5) of this section, a native
490 spirit retailer's permit shall be issued only to a holder of a



491 Class 4 manufacturer's permit, and shall authorize the holder
492 thereof to make retail sales of native spirits to consumers for
493 on-premises consumption or to consumers in originally sealed and
494 unopened containers at an establishment located on the premises of
495 or in the immediate vicinity of a native distillery. When selling
496 to consumers for on-premises consumption, a holder of a native
497 spirit retailer's permit may add to the native spirit alcoholic
498 beverages not produced on the premises, so long as the total
499 volume of foreign beverage components does not exceed twenty
500 percent (20%) of the mixed beverage. Hours of sale shall be the
501 same as those authorized for on-premises permittees in the city or
502 county in which the native spirit retailer is located.

503 (u) **Delivery service permit.** Any individual, limited
504 liability company, corporation or partnership registered to do
505 business in this state is eligible to obtain a delivery service
506 permit. Subject to the provisions of Section 67-1-51.1, this
507 permit authorizes the permittee, or its employee or an independent
508 contractor acting on its behalf, to deliver alcoholic beverages,
509 beer, light wine and light spirit product from a licensed retailer
510 to a person in this state who is at least twenty-one (21) years of
511 age for the individual's use and not for resale. This permit does
512 not authorize the delivery of alcoholic beverages, beer, light
513 wine or light spirit product to the premises of a location with a
514 permit for the manufacture, distribution or retail sale of
515 alcoholic beverages, beer, light wine or light spirit product.



516 The holder of a package retailer's permit or an on-premises
517 retailer's permit under Section 67-1-51 or of a beer, light wine
518 and light spirit product permit under Section 67-3-19 is
519 authorized to apply for a delivery service permit as a privilege
520 separate from its existing retail permit.

521 (v) **Food truck permit.** A food truck permit shall
522 authorize the holder of an on-premises retailer's permit to use a
523 food truck to sell alcoholic beverages off its premises to guests
524 who must consume the beverages in open containers. For the
525 purposes of this paragraph (v), "food truck" means a fully encased
526 food service establishment on a motor vehicle or on a trailer that
527 a motor vehicle pulls to transport, and from which a vendor,
528 standing within the frame of the establishment, prepares, cooks,
529 sells and serves food for immediate human consumption. The term
530 "food truck" does not include a food cart that is not motorized.
531 Food trucks shall maintain such distance requirements from
532 schools, churches, kindergartens and funeral homes as are required
533 for on-premises retailer's permittees under this article, and all
534 sales must be made within a valid leisure and recreation district
535 established under Section 67-1-101. Food trucks cannot sell or
536 serve alcoholic beverages unless also offering food prepared and
537 cooked within the food truck, and permittees must maintain a
538 twenty-five percent (25%) food sale revenue requirement based on
539 the food sold from the food truck alone. The hours allowed for
540 sale shall be the same as those for on-premises retailer's



541 permittees in the location. This permit will not be required for
542 the holder of a caterer's permit issued under this article to
543 cater an event as allowed by law. Permittees must provide notice
544 of not less than forty-eight (48) hours to the department of each
545 location at which alcoholic beverages will be sold.

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

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

556 (b) A church or funeral home may waive the distance
557 restrictions imposed in this subsection in favor of allowing
558 issuance by the department of a permit, pursuant to subsection (1)
559 of this section, to authorize activity relating to the
560 manufacturing, sale or storage of alcoholic beverages which would
561 otherwise be prohibited under the minimum distance criterion.
562 Such waiver shall be in written form from the owner, the governing
563 body, or the appropriate officer of the church or funeral home
564 having the authority to execute such a waiver, and the waiver



565 shall be filed with and verified by the department before becoming
566 effective.

567 (c) The distance restrictions imposed in this
568 subsection shall not apply to the sale or storage of alcoholic
569 beverages at a bed and breakfast inn listed in the National
570 Register of Historic Places or to the sale or storage of alcoholic
571 beverages in a historic district that is listed in the National
572 Register of Historic Places, is a qualified resort area and is
573 located in a municipality having a population greater than one
574 hundred thousand (100,000) according to the latest federal
575 decennial census.

576 (d) The distance restrictions imposed in this
577 subsection shall not apply to the sale or storage of alcoholic
578 beverages at a qualified resort area as defined in Section
579 67-1-5(o)(iii)32.

580 (e) The distance restrictions imposed in this
581 subsection shall not apply to the sale or storage of alcoholic
582 beverages at a licensed premises in a building formerly owned by a
583 municipality and formerly leased by the municipality to a
584 municipal school district and used by the municipal school
585 district as a district bus shop facility.

586 (f) The distance restrictions imposed in this
587 subsection shall not apply to the sale or storage of alcoholic
588 beverages at a licensed premises in a building consisting of at
589 least five thousand (5,000) square feet and located approximately



590 six hundred (600) feet from the intersection of Mississippi
591 Highway 15 and Mississippi Highway 4.

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

597 (h) The distance restrictions imposed in this
598 subsection shall not apply to the sale or storage of alcoholic
599 beverages at a theatre facility that features plays and other
600 theatrical performances and productions and (i) is capable of
601 seating more than seven hundred fifty (750) people, (ii) is owned
602 by a municipality which has a population greater than ten thousand
603 (10,000) according to the latest federal decennial census, (iii)
604 was constructed prior to 1930, (iv) is on the National Register of
605 Historic Places, and (v) is located in a historic district.

606 (4) No person, either individually or as a member of a firm,
607 partnership, limited liability company or association, or as a
608 stockholder, officer or director in a corporation, shall own or
609 control any interest in more than one (1) package retailer's
610 permit, nor shall such person's spouse, if living in the same
611 household of such person, any relative of such person, if living
612 in the same household of such person, or any other person living
613 in the same household with such person own any interest in any
614 other package retailer's permit.



615 (5) (a) In addition to any other authority granted under
616 this section, the holder of a permit issued under subsection
617 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
618 sell or otherwise provide alcoholic beverages and/or wine to a
619 patron of the permit holder in the manner authorized in the permit
620 and the patron may remove an open glass, cup or other container of
621 the alcoholic beverage and/or wine from the licensed premises and
622 may possess and consume the alcoholic beverage or wine outside of
623 the licensed premises if: (i) the licensed premises is located
624 within a leisure and recreation district created under Section
625 67-1-101 and (ii) the patron remains within the boundaries of the
626 leisure and recreation district while in possession of the
627 alcoholic beverage or wine.

628 (b) Nothing in this subsection shall be construed to
629 allow a person to bring any alcoholic beverages into a permitted
630 premises except to the extent otherwise authorized by this
631 article.

632 **SECTION 3.** This act shall take effect and be in force from
633 and after its passage.

