

By: Representative Busby

To: Ways and Means

## HOUSE BILL NO. 902

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  
12 BEVERAGE OTHER THAN WINE; TO LIMIT THE AMOUNT OF WINE THAT A  
13 HOLDER OF A DIRECT WINE SHIPPER'S PERMIT MAY SELL OR SHIP TO AN  
14 INDIVIDUAL EACH YEAR; TO PROVIDE FOR THE ANNUAL RENEWAL OF DIRECT  
15 WINE SHIPPER'S PERMITS; TO PROVIDE THAT PERSONS PURCHASING OR  
16 RECEIVING A DIRECT SHIPMENT OF WINE FROM A DIRECT WINE SHIPPER  
17 MUST BE AT LEAST TWENTY-ONE YEARS OF AGE; TO PROVIDE THAT PERSONS  
18 RECEIVING A DIRECT SHIPMENT OF WINE FROM A DIRECT WINE SHIPPER  
19 SHALL USE THE WINE FOR PERSONAL CONSUMPTION ONLY AND MAY NOT  
20 RESELL IT; TO AUTHORIZE THE COMMISSIONER OF REVENUE TO ADOPT ANY  
21 RULES OR REGULATIONS AS NECESSARY TO CARRY OUT THIS ACT; TO  
22 PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS  
23 27-71-5, 27-71-7, 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972,  
24 TO 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 AND TO INCREASE THE NUMBER OF  
33 PACKAGE RETAILER'S PERMITS THAT MAY BE OWNED BY A PERSON OR IN  
34 WHICH A PERSON MAY HAVE A CONTROLLING INTEREST FROM ONE TO THREE;



35 TO PROVIDE THAT A HOLDER OF A PACKAGE RETAILER'S PERMIT MAY SELL  
36 AT RETAIL THROUGH THE INTERNET AND SHIP WINE IN ORIGINAL SEALED  
37 AND UNOPENED PACKAGES TO RESIDENTS IN THIS STATE; TO PROVIDE THAT  
38 A HOLDER OF A PACKAGE RETAILER'S PERMIT MAKING SALES OF WINE  
39 THROUGH THE INTERNET MAY NOT SELL OR SHIP ANY ALCOHOLIC BEVERAGE  
40 OTHER THAN WINE OR SHIP WINE TO AN ADDRESS IN A COUNTY THAT HAS  
41 NOT VOTED IN FAVOR OF COMING OUT FROM UNDER THE DRY LAW; TO AMEND  
42 SECTION 67-1-83, MISSISSIPPI CODE OF 1972, TO DELETE THE  
43 PROHIBITION AGAINST HOLDERS OF PACKAGE RETAILER'S PERMITS FROM  
44 SELLING ALCOHOLIC BEVERAGES ON SUNDAY; TO BRING FORWARD SECTION  
45 67-1-67, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE TRANSFER  
46 OF PERMITS UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW,  
47 FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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



66       **SECTION 2.** A person must hold a permit as a direct wine  
67 shipper issued by the department before the person may engage in  
68 selling and shipping wine directly to a resident in this state. A  
69 direct wine shipper may sell and ship wine directly to residents  
70 in this state without being required to transact the sale and  
71 shipment through the Alcoholic Beverage Control Division of the  
72 department.

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

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

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

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

80           (a) Submit to the department a completed application on  
81 a form provided by the department, containing all information that  
82 is required by the department;

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

87           (c) Pay to the department the tax prescribed in Section  
88 27-71-5.

89       (2) After a person complies with the provisions of  
90 subsection (1) of this section, the department may conduct any



91 investigation as it considers necessary regarding the issuance of  
92 a permit, and the department shall issue a permit to the applicant  
93 if the requirements of Sections 1 through 9 of this act are met.

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

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

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

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

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

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

111 (2) A direct wine shipper may not:

112 (a) Sell or ship any light wine, light spirit products  
113 or beer that is regulated under Section 67-3-1 et seq. or any  
114 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:



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



189           (k) Solicitor's permit, regardless of any other  
190 provision of law, solicitor's permits shall be issued only in the  
191 discretion of the department.....\$ 100.00

192           (l) Filing fee for each application except for an  
193 employee identification card.....\$ 25.00

194           (m) Temporary permit, Class 1, each.....\$ 10.00

195           (n) Temporary permit, Class 2, each.....\$ 50.00

196           (o) (i) Caterer's permit.....\$ 600.00

197               (ii) Caterer's permit for holders of on-premises  
198 retailer's permit.....\$ 150.00

199           (p) Research permit.....\$ 100.00

200           (q) Temporary permit, Class 3 (wine only).....\$ 10.00

201           (r) Special service permit.....\$ 225.00

202           (s) Merchant permit.....\$ 225.00

203           (t) Temporary alcoholic beverages charitable auction  
204 permit.....\$ 10.00

205           (u) Event venue retailer's permit.....\$ 225.00

206           (v) Temporary theatre permit, each.....\$ 10.00

207           (w) Charter ship operator's permit.....\$ 100.00

208           (x) Distillery retailer's permit.....\$ 450.00

209           (y) Festival wine permit.....\$ 10.00

210           (z) Charter vessel operator's permit.....\$ 100.00

211           (aa) Native spirit retailer's permit.....\$ 50.00

212           (bb) Delivery service permit.....\$ 500.00

213           (cc) Food truck permit.....\$ 100.00





214                    (dd) Direct wine shipper's permit .....\$ 100.00

215            In addition to the filing fee imposed by paragraph (l) of  
216 this subsection, a fee to be determined by the Department of  
217 Revenue may be charged to defray costs incurred to process  
218 applications. The additional fees shall be paid into the State  
219 Treasury to the credit of a special fund account, which is hereby  
220 created, and expenditures therefrom shall be made only to defray  
221 the costs incurred by the Department of Revenue in processing  
222 alcoholic beverage applications. Any unencumbered balance  
223 remaining in the special fund account on June 30 of any fiscal  
224 year shall lapse into the State General Fund.

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

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

233            (2) (a) There is imposed and shall be collected from each  
234 permittee, except a common carrier, solicitor, a temporary  
235 permittee, holder of a direct wine shipper's permit or a delivery  
236 service permittee, by the department, an additional license tax  
237 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



263 (\$5,000.00) purchases to the first Five Thousand Dollars  
264 (\$5,000.00) purchases authorized by the renewal permit, and no  
265 additional license tax will be required until purchases exceed the  
266 sum of the two (2) figures.

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

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

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

286 (5) If any person shall engage or continue in any business  
287 which is taxable under this section without having paid the tax as



288 provided in this section, the person shall be liable for the full  
289 amount of the tax plus a penalty thereon equal to the amount  
290 thereof, and, in addition, shall be punished by a fine of not more  
291 than One Thousand Dollars (\$1,000.00), or by imprisonment in the  
292 county jail for a term of not more than six (6) months, or by both  
293 such fine and imprisonment, in the discretion of the court.

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

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

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

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



(2) (a) In addition to the tax levied by subsection (1) of this section, and in addition to any other markup collected, the Alcoholic Beverage Control Division shall collect a markup of three percent (3%) on all alcoholic beverages, as defined in Section 67-1-5, Mississippi Code of 1972, which are sold by the division. The proceeds of the markup shall be collected by the division from each purchaser at the time of purchase.

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



to match all federal funds which may be available for alcoholism treatment and rehabilitation.

From and after July 1, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the credit of the "Mental Health Programs 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 through 9 of this act for the sale and shipment of wine by the holder of a direct wine shipper's permit, if transportation requires passage through a county which has not authorized the sale of alcoholic beverages, such transportation shall be by a sealed vehicle. Such seal shall remain unbroken until the vehicle shall reach the place of business operated by the permittee. The operator of any vehicle transporting alcoholic beverages shall have in his possession an invoice issued by the \* \* \* department at the time of the wholesale sale covering the merchandise transported by the vehicle. The \* \* \* department is authorized to issue regulations controlling the transportation of alcoholic beverages.

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



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

27-71-29. (1) All taxes levied by this article shall be paid to the Department of Revenue in cash or by personal check, cashier's check, bank exchange, post office money order or express money order and shall be deposited by the department in the State 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 retailers to purchase limited amounts of alcoholic beverages from other package retailers. The department shall develop and provide forms to be completed by the on-premises retailers and the package retailers verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.

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

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

(7) The department may promulgate rules which authorize the manufacturer of an alcoholic beverage or wine to import, transport and furnish or give a sample of alcoholic beverages or wines to



the holders of package retailer's permits, on-premises retailer's permits, native wine or native spirit retailer's permits and temporary retailer's permits who have not previously purchased the brand of that manufacturer from the department. For each holder of the designated permits, the manufacturer may furnish not more than five hundred (500) milliliters of any brand of alcoholic beverage and not more than three (3) liters of any brand of wine.

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

(9) The department may promulgate rules and regulations that authorize the holder of a research permit to import and purchase limited amounts of alcoholic beverages from importers, wineries and distillers of alcoholic beverages or from the department. The department shall develop and provide forms to be completed by the research permittee verifying each transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department. The records and inventory of alcoholic beverages shall be open to inspection at any time by the



Director of the Alcoholic Beverage Control Division or any duly authorized agent.

(10) The department may promulgate rules facilitating a retailer's on-site pickup of alcoholic beverages sold by the department or as authorized by the department, including, but not limited to, native wines and native spirits, so that those alcoholic beverages may be delivered to the retailer at the manufacturer's location instead of via shipment from the department's warehouse.

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

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

(12) (a) An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department or its warehouse operator. No credit shall be provided to the permittee for any taxes paid to another state as a result of the transaction. Package retailers may charge a service fee for receiving and handling shipments from



534 wineries on behalf of the purchasers. The department shall  
535 develop and provide forms to be completed by the package retailer  
536 permittees verifying the transaction. The completed forms shall  
537 be forwarded to the department within a period of time prescribed  
538 by the department.

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

550           (c) Shipments of wine into this state under this  
551 section shall be made by a duly licensed carrier. It shall be the  
552 duty of every common or contract carrier, and of every firm or  
553 corporation that shall bring, carry or transport wine from outside  
554 the state for delivery inside the state to package retailer  
555 permittees on behalf of consumers, to prepare and file with the  
556 department, on a schedule as determined by the department, of  
557 known wine shipments containing the name of the common or contract  
558 carrier, firm or corporation making the report, the period of time



covered by said report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings.

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

Any common or contract carrier that willfully fails to make reports, as provided by this section or any of the rules and regulations of the department for the administration and enforcement of this section, is subject to a notification of violation. In the case of a continuing failure to make reports,



the common or contract carrier is subject to possible license suspension and revocation at the department's discretion.

(d) A winery that ships wine under this section shall be deemed to have consented to the jurisdiction of the courts of 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.





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

611           67-1-45. No manufacturer, rectifier or distiller of  
612 alcoholic beverages shall sell or attempt to sell any such  
613 alcoholic beverages, except malt liquor, within the State of  
614 Mississippi, except to the department, or as provided in Section  
615 67-1-41, or pursuant to Section 67-1-51. A producer of native  
616 wine or native spirit may sell native wines or native spirits,  
617 respectively, to the department or to consumers at the location of  
618 the native winery or native distillery or its immediate vicinity.  
619 The holder of a direct wine shipper's permit may sell wines  
620 directly to residents in this state as authorized by Sections 1  
621 through 9 of this act.

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

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

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

631           (a) **Manufacturer's permit.** A manufacturer's permit  
632 shall permit the manufacture, importation in bulk, bottling and  
633 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:

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

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

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

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

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines and native spirits, not to be consumed on the premises where sold.



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



684 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers  
685 and other beverages commonly used to mix with alcoholic beverages.  
686 Nonalcoholic beverages sold by the holder of a package retailer's  
687 permit shall not be consumed on the premises where sold.

688           (c) **On-premises retailer's permit.** Except as otherwise  
689 provided in subsection (5) of this section, an on-premises  
690 retailer's permit shall authorize the sale of alcoholic beverages,  
691 including native wines and native spirits, for consumption on the  
692 licensed premises only; however, a patron of the permit holder may  
693 remove one (1) bottle of wine from the licensed premises if: (i)  
694 the patron consumed a portion of the bottle of wine in the course  
695 of consuming a meal purchased on the licensed premises; (ii) the  
696 permit holder securely reseals the bottle; (iii) the bottle is  
697 placed in a bag that is secured in a manner so that it will be  
698 visibly apparent if the bag is opened; and (iv) a dated receipt  
699 for the wine and the meal is available. Additionally, as part of  
700 a carryout order, a permit holder may sell one (1) bottle of wine  
701 to be removed from the licensed premises for every two (2) entrees  
702 ordered. Such a permit shall be issued only to qualified hotels,  
703 restaurants and clubs, small craft breweries, microbreweries, and  
704 to common carriers with adequate facilities for serving  
705 passengers. In resort areas, whether inside or outside of a  
706 municipality, the department, in its discretion, may issue  
707 on-premises retailer's permits to such establishments as it deems  
708 proper. An on-premises retailer's permit when issued to a common



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

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



shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

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

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

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



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

780           Class 2. A temporary permit, not to exceed seventy (70)  
781 days, may be issued to prospective permittees seeking to transfer  
782 a permit authorized in paragraph (c) of this subsection. A Class  
783 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.





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

828           (g) **Caterer's permit.** A caterer's permit shall permit  
829 the purchase of alcoholic beverages by a person engaging in  
830 business as a caterer and the resale of alcoholic beverages by  
831 such person in conjunction with such catering business. No person  
832 shall qualify as a caterer unless forty percent (40%) or more of  
833 the revenue derived from such catering business shall be from the



834 serving of prepared food and not from the sale of alcoholic  
835 beverages and unless such person has obtained a permit for such  
836 business from the Department of Health. A caterer's permit shall  
837 not authorize the sale of alcoholic beverages on the premises of  
838 the person engaging in business as a caterer; however, the holder  
839 of an on-premises retailer's permit may hold a caterer's permit.  
840 When the holder of an on-premises retailer's permit or an  
841 affiliated entity of the holder also holds a caterer's permit, the  
842 caterer's permit shall not authorize the service of alcoholic  
843 beverages on a consistent, recurring basis at a separate, fixed  
844 location owned or operated by the caterer, on-premises retailer or  
845 affiliated entity and an on-premises retailer's permit shall be  
846 required for the separate location. All sales of alcoholic  
847 beverages by holders of a caterer's permit shall be made at the  
848 location being catered by the caterer, and, except as otherwise  
849 provided in subsection (5) of this section, such sales may be made  
850 only for consumption at the catered location. The location being  
851 catered may be anywhere within a county or judicial district that  
852 has voted to come out from under the dry laws or in which the sale  
853 and distribution of alcoholic beverages is otherwise authorized by  
854 law. Such sales shall be made pursuant to any other conditions  
855 and restrictions which apply to sales made by on-premises retail  
856 permittees. The holder of a caterer's permit or his employees  
857 shall remain at the catered location as long as alcoholic  
858 beverages are being sold pursuant to the permit issued under this



paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control 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.



884           (j) **Hospitality cart permit.** A hospitality cart permit  
885 shall authorize the sale of alcoholic beverages from a mobile cart  
886 on a golf course that is the holder of an on-premises retailer's  
887 permit. The alcoholic beverages sold from the cart must be  
888 consumed within the boundaries of the golf course.

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

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

904           (m) **Temporary alcoholic beverages charitable auction**  
905 **permit.** A temporary permit, not to exceed five (5) days, may be  
906 issued to a qualifying charitable nonprofit organization that is  
907 exempt from taxation under Section 501(c)(3) or (4) of the  
908 Internal Revenue Code of 1986. The permit shall authorize the



holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted



934 along with all other documents required to be provided for an  
935 on-premises retailer's permit. The permittee must derive the  
936 majority of its revenue from event-related fees, including, but  
937 not limited to, admission fees or ticket sales for live  
938 entertainment in the building. "Event-related fees" do not  
939 include alcohol, beer or light wine sales or any fee which may be  
940 construed to cover the cost of alcohol, beer or light wine. This  
941 determination shall be made on a per event basis. An event may  
942 not last longer than two (2) consecutive days per week.

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

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of



Mississippi, and (iii) provides charters under contract for tours 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





1009 article. The holder of a distillery retailer's permit is not  
1010 required to purchase the alcoholic beverages authorized to be sold  
1011 by this paragraph from the department's liquor distribution  
1012 warehouse; however, if the holder does not purchase the alcoholic  
1013 beverages from the department's liquor distribution warehouse, the  
1014 holder shall pay to the department all taxes, fees and surcharges  
1015 on the alcoholic beverages that are imposed upon the sale of  
1016 alcoholic beverages shipped by the department or its warehouse  
1017 operator. In addition to alcoholic beverages, the holder of a  
1018 distillery retailer's permit may sell at retail promotional  
1019 products from the same retail location, including shirts, hats,  
1020 glasses, and other promotional products customarily sold by  
1021 alcoholic beverage manufacturers.

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



1034 holder does not purchase the alcoholic beverages from the  
1035 department's liquor distribution warehouse, the holder of this  
1036 permit shall pay to the department all taxes, fees and surcharges  
1037 on the alcoholic beverages sold at such festivals that are imposed  
1038 upon the sale of alcoholic beverages shipped by the Alcoholic  
1039 Beverage Control Division of the Department of Revenue.  
1040 Additionally, the entity shall file all applicable reports and  
1041 returns as prescribed by the department. This permit is issued  
1042 per festival and provides authority to sell for two (2)  
1043 consecutive days during the hours authorized for on-premises  
1044 permittees' sales in that county or city. The holder of the  
1045 permit shall be required to maintain all requirements set by Local  
1046 Option Law for the service and sale of alcoholic beverages. This  
1047 permit may be issued to entities participating in festivals at  
1048 which a Class 1 temporary permit is in effect.

1049       This paragraph (r) shall stand repealed from and after July  
1050 1, 2023.

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



1059 public tours, historical tours, ecological tours and sunset  
1060 cruises provided by the permit holder aboard the charter vessel  
1061 operator for consumption during such tours and cruises on the  
1062 premises of the charter vessel operator described in the permit.  
1063 For the purposes of this paragraph (s), "charter vessel operator"  
1064 means a common carrier that (i) is certified to carry at least  
1065 forty-nine (49) passengers, (ii) operates only in the waters  
1066 within the State of Mississippi, which lie south of Interstate 10  
1067 in the three (3) most southern counties in the State of  
1068 Mississippi, and lie adjacent to the State of Mississippi south of  
1069 the three (3) most southern counties in the State of Mississippi,  
1070 extending not further than one (1) mile south of such counties,  
1071 and (iii) provides vessel services for tours and cruises in such  
1072 waters as provided in this paragraph (s).

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



1084 volume of foreign beverage components does not exceed twenty  
1085 percent (20%) of the mixed beverage. Hours of sale shall be the  
1086 same as those authorized for on-premises permittees in the city or  
1087 county in which the native spirit retailer is located.

1088           (u) **Delivery service permit.** Any individual, limited  
1089 liability company, corporation or partnership registered to do  
1090 business in this state is eligible to obtain a delivery service  
1091 permit. Subject to the provisions of Section 67-1-51.1, this  
1092 permit authorizes the permittee, or its employee or an independent  
1093 contractor acting on its behalf, to deliver alcoholic beverages,  
1094 beer, light wine and light spirit product from a licensed retailer  
1095 to a person in this state who is at least twenty-one (21) years of  
1096 age for the individual's use and not for resale. This permit does  
1097 not authorize the delivery of alcoholic beverages, beer, light  
1098 wine or light spirit product to the premises of a location with a  
1099 permit for the manufacture, distribution or retail sale of  
1100 alcoholic beverages, beer, light wine or light spirit product.  
1101 The holder of a package retailer's permit or an on-premises  
1102 retailer's permit under Section 67-1-51 or of a beer, light wine  
1103 and light spirit product permit under Section 67-3-19 is  
1104 authorized to apply for a delivery service permit as a privilege  
1105 separate from its existing retail permit.

1106           (v) **Food truck permit.** A food truck permit shall  
1107 authorize the holder of an on-premises retailer's permit to use a  
1108 food truck to sell alcoholic beverages off its premises to guests



1109 who must consume the beverages in open containers. For the  
1110 purposes of this paragraph (v), "food truck" means a fully encased  
1111 food service establishment on a motor vehicle or on a trailer that  
1112 a motor vehicle pulls to transport, and from which a vendor,  
1113 standing within the frame of the establishment, prepares, cooks,  
1114 sells and serves food for immediate human consumption. The term  
1115 "food truck" does not include a food cart that is not motorized.  
1116 Food trucks shall maintain such distance requirements from  
1117 schools, churches, kindergartens and funeral homes as are required  
1118 for on-premises retailer's permittees under this article, and all  
1119 sales must be made within a valid leisure and recreation district  
1120 established under Section 67-1-101. Food trucks cannot sell or  
1121 serve alcoholic beverages unless also offering food prepared and  
1122 cooked within the food truck, and permittees must maintain a  
1123 twenty-five percent (25%) food sale revenue requirement based on  
1124 the food sold from the food truck alone. The hours allowed for  
1125 sale shall be the same as those for on-premises retailer's  
1126 permittees in the location. This permit will not be required for  
1127 the holder of a caterer's permit issued under this article to  
1128 cater an event as allowed by law. Permittees must provide notice  
1129 of not less than forty-eight (48) hours to the department of each  
1130 location at which alcoholic beverages will be sold.

1131 (w) **Direct wine shipper's permit.** A direct wine  
1132 shipper's permit shall authorize the holder to sell and ship a  
1133 limited amount of wine directly to residents in this state in



1134 accordance with the provisions of Sections 1 through 9 of this  
1135 act, without being required to transact the sale and shipment of  
1136 those wines through the Alcoholic Beverage Control Division of the  
1137 department.

1138         (2) Except as otherwise provided in subsection (4) of this  
1139 section, retail permittees may hold more than one (1) retail  
1140 permit, at the discretion of the department.

1141         (3) (a) Except as otherwise provided in this subsection, no  
1142 authority shall be granted to any person to manufacture, sell or  
1143 store for sale any intoxicating liquor as specified in this  
1144 article within four hundred (400) feet of any church, school,  
1145 kindergarten or funeral home. However, within an area zoned  
1146 commercial or business, such minimum distance shall be not less  
1147 than one hundred (100) feet.

1148         (b) A church or funeral home may waive the distance  
1149 restrictions imposed in this subsection in favor of allowing  
1150 issuance by the department of a permit, pursuant to subsection (1)  
1151 of this section, to authorize activity relating to the  
1152 manufacturing, sale or storage of alcoholic beverages which would  
1153 otherwise be prohibited under the minimum distance criterion.  
1154 Such waiver shall be in written form from the owner, the governing  
1155 body, or the appropriate officer of the church or funeral home  
1156 having the authority to execute such a waiver, and the waiver  
1157 shall be filed with and verified by the department before becoming  
1158 effective.



1159           (c) The distance restrictions imposed in this  
1160 subsection shall not apply to the sale or storage of alcoholic  
1161 beverages at a bed and breakfast inn listed in the National  
1162 Register of Historic Places or to the sale or storage of alcoholic  
1163 beverages in a historic district that is listed in the National  
1164 Register of Historic Places, is a qualified resort area and is  
1165 located in a municipality having a population greater than one  
1166 hundred thousand (100,000) according to the latest federal  
1167 decennial census.

1168           (d) The distance restrictions imposed in this  
1169 subsection shall not apply to the sale or storage of alcoholic  
1170 beverages at a qualified resort area as defined in Section  
1171 67-1-5(o)(iii)32.

1172           (e) The distance restrictions imposed in this  
1173 subsection shall not apply to the sale or storage of alcoholic  
1174 beverages at a licensed premises in a building formerly owned by a  
1175 municipality and formerly leased by the municipality to a  
1176 municipal school district and used by the municipal school  
1177 district as a district bus shop facility.

1178           (f) The distance restrictions imposed in this  
1179 subsection shall not apply to the sale or storage of alcoholic  
1180 beverages at a licensed premises in a building consisting of at  
1181 least five thousand (5,000) square feet and located approximately  
1182 six hundred (600) feet from the intersection of Mississippi  
1183 Highway 15 and Mississippi Highway 4.



1184           (g) The distance restrictions imposed in this  
1185 subsection shall not apply to the sale or storage of alcoholic  
1186 beverages at a licensed premises in a building located at or near  
1187 the intersection of Ward and Tate Streets and adjacent properties  
1188 in the City of Senatobia, Mississippi.

1189           (h) The distance restrictions imposed in this  
1190 subsection shall not apply to the sale or storage of alcoholic  
1191 beverages at a theatre facility that features plays and other  
1192 theatrical performances and productions and (i) is capable of  
1193 seating more than seven hundred fifty (750) people, (ii) is owned  
1194 by a municipality which has a population greater than ten thousand  
1195 (10,000) according to the latest federal decennial census, (iii)  
1196 was constructed prior to 1930, (iv) is on the National Register of  
1197 Historic Places, and (v) is located in a historic district.

1198           (4) No person, either individually or as a member of a firm,  
1199 partnership, limited liability company or association, or as a  
1200 stockholder, officer or director in a corporation, shall own or  
1201 control any interest in more than \* \* \* three (3) package  
1202 retailer's permits, nor shall such person's spouse, if living in  
1203 the same household of such person, any relative of such person, if  
1204 living in the same household of such person, or any other person  
1205 living in the same household with such person own any interest in  
1206 any other package retailer's permit which, when combined with the  
1207 number of package retailer's permits owned by the person or in





1208 which the person has a controlling interest, would total more than  
1209 three (3) package retailer's permits.

1210       (5) (a) In addition to any other authority granted under  
1211 this section, the holder of a permit issued under subsection  
1212 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
1213 sell or otherwise provide alcoholic beverages and/or wine to a  
1214 patron of the permit holder in the manner authorized in the permit  
1215 and the patron may remove an open glass, cup or other container of  
1216 the alcoholic beverage and/or wine from the licensed premises and  
1217 may possess and consume the alcoholic beverage or wine outside of  
1218 the licensed premises if: (i) the licensed premises is located  
1219 within a leisure and recreation district created under Section  
1220 67-1-101 and (ii) the patron remains within the boundaries of the  
1221 leisure and recreation district while in possession of the  
1222 alcoholic beverage or wine.

1223       (b) Nothing in this subsection shall be construed to  
1224 allow a person to bring any alcoholic beverages into a permitted  
1225 premises except to the extent otherwise authorized by this  
1226 article.

1227       **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is  
1228 amended as follows:

1229       67-1-53. (1) Application for permits shall be in such form  
1230 and shall contain such information as shall be required by the  
1231 regulations of the \* \* \* department; however, no regulation of  
1232 the \* \* \* department shall require personal financial information



1233 from any officer of a corporation applying for an on-premises  
1234 retailer's permit to sell alcoholic beverages unless such officer  
1235 owns ten percent (10%) or more of the stock of such corporation.

1236 (2) Every applicant for each type of permit authorized by  
1237 Section 67-1-51 shall give notice of such application by  
1238 publication for two (2) consecutive issues in a newspaper of  
1239 general circulation published in the city or town in which  
1240 applicant's place of business is located. However, in instances  
1241 where no newspaper is published in the city or town, then the  
1242 notice shall be published in a newspaper of general circulation  
1243 published in the county where the applicant's business is located.  
1244 If no newspaper is published in the county, the notice shall be  
1245 published in a qualified newspaper which is published in the  
1246 closest neighboring county and circulated in the county of  
1247 applicant's residence. The notice shall be printed in ten-point  
1248 black face type and shall set forth the type of permit to be  
1249 applied for, the exact location of the place of business, the name  
1250 of the owner or owners thereof, and if operating under an assumed  
1251 name, the trade name together with the names of all owners, and if  
1252 a corporation, the names and titles of all officers. The cost of  
1253 such notice shall be borne by the applicant. The provisions of  
1254 this subsection (2) shall not apply to applicants for a direct  
1255 wine shipper's permit under Sections 1 through 9 of this act.



1256           (3) Each application or filing made under this section shall  
1257 include the social security number(s) of the applicant in  
1258 accordance with Section 93-11-64, Mississippi Code of 1972.

1259           **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is  
1260 amended as follows:

1261           67-1-55. No permit of any type shall be issued by the \* \* \*  
1262 department until the applicant has first filed with the \* \* \*  
1263 department a sworn statement disclosing all persons who are  
1264 financially involved in the operation of the business for which  
1265 the permit is sought. If an applicant is an individual, he will  
1266 swear that he owns one hundred percent (100%) of the business for  
1267 which he is seeking a permit. If the applicant is a partnership,  
1268 all partners and their addresses shall be disclosed and the extent  
1269 of their interest in the partnership shall be disclosed. If the  
1270 applicant is a corporation, the total stock in the corporation  
1271 shall be disclosed and each shareholder and his address and the  
1272 amount of stock in the corporation owned by him shall be  
1273 disclosed. If the applicant is a limited liability company, each  
1274 member and their addresses shall be disclosed and the extent of  
1275 their interest in the limited liability company shall be  
1276 disclosed. If the applicant is a trust, the trustee and all  
1277 beneficiaries and their addresses shall be disclosed. If the  
1278 applicant is a combination of any of the above, all information  
1279 required to be disclosed above shall be required.



1280 All the disclosures shall be in writing and kept on file at  
1281 the \* \* \* department and shall be available to the public.

1282 Every applicant must, when applying for a renewal of his  
1283 permit, disclose any change in the ownership of the business or  
1284 any change in the beneficiaries of the income from the business.

1285 Any person who willfully fails to fully disclose the  
1286 information required by this section, or who gives false  
1287 information, shall be guilty of a misdemeanor and, upon conviction  
1288 thereof, shall be fined a sum not to exceed Five Hundred Dollars  
1289 (\$500.00) or imprisoned for not more than one (1) year, or both,  
1290 and the person or applicant shall never again be eligible for any  
1291 permit pertaining to alcoholic beverages.

1292 The provisions of this section shall not apply to applicants  
1293 for a direct wine shipper's permit under Sections 1 through 9 of  
1294 this act.

1295 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is  
1296 amended as follows:

1297 67-1-57. Before a permit is issued the department shall  
1298 satisfy itself:

1299 (a) That the applicant, if an individual, or if a  
1300 partnership, each of the members of the partnership, or if a  
1301 corporation, each of its principal officers and directors, or if a  
1302 limited liability company, each member of the limited liability  
1303 company, is of good moral character and, in addition, enjoys a  
1304 reputation of being a peaceable, law-abiding citizen of the



community in which he resides, and is generally fit for the trust to be reposed in him, is not less than twenty-one (21) years of age, and has not been convicted of a felony in any state or federal court.

(b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent of any other person, and that he intends to superintend in person the management of the business or that he will designate a manager to manage the business for him. Except for managers employed by the holder of a direct wine shipper's permit, all managers must be approved by the department prior to completing any managerial tasks on behalf of the permittee and must possess all of the qualifications required of a permittee; however, a felony conviction, other than a crime of violence, does not automatically disqualify a person from being approved as a manager if the person was released from incarceration at least three (3) years prior to application for approval as a manager. A felony conviction, other than a crime of violence, may be considered by the department in determining whether all other qualifications are met.

(c) That the applicant for a package retailer's permit, if an individual, is a resident of the State of Mississippi. If the applicant is a partnership, each member of the partnership



1330 must be a resident of the state. If the applicant is a limited  
1331 liability company, each member of the limited liability company  
1332 must be a resident of the state. If the applicant is a  
1333 corporation, the designated manager of the corporation must be a  
1334 resident of the state.

1335 (d) That the place for which the permit is to be issued  
1336 is an appropriate one considering the character of the premises  
1337 and the surrounding neighborhood.

1338 (e) That the place for which the permit is to be issued  
1339 is within the corporate limits of an incorporated municipality or  
1340 qualified resort area or club which comes within the provisions of  
1341 this \* \* \* article.

1342 (f) That the applicant is not indebted to the state for  
1343 any taxes, fees or payment of penalties imposed by any law of the  
1344 State of Mississippi or by any rule or regulation of the \* \* \*  
1345 department.

1346 (g) That the applicant is not in the habit of using  
1347 alcoholic beverages to excess and is not physically or mentally  
1348 incapacitated, and that the applicant has the ability to read and  
1349 write the English language.

1350 (h) That the \* \* \* department does not believe and has  
1351 no reason to believe that the applicant will sell or knowingly  
1352 permit any agent, servant or employee to unlawfully sell liquor in  
1353 a dry area or in any other manner contrary to law.



1354           (i) That the applicant is not residentially domiciled  
1355 with any person whose permit or license has been cancelled for  
1356 cause within the twelve (12) months next preceding the date of the  
1357 present application for a permit.

1358           (j) That the \* \* \* department has not, in the exercise  
1359 of its discretion which is reserved and preserved to it, refused  
1360 to grant permits under the restrictions of this section, as well  
1361 as under any other pertinent provision of this \* \* \* article.

1362           (k) That there are not sufficient legal reasons to deny  
1363 a permit on the ground that the premises for which the permit is  
1364 sought has previously been operated, used or frequented for any  
1365 purpose or in any manner that is lewd, immoral or offensive to  
1366 public decency. In the granting or withholding of any permit to  
1367 sell alcoholic beverages at retail, the \* \* \* department in  
1368 forming its conclusions may give consideration to any  
1369 recommendations made in writing by the district or county attorney  
1370 or county, circuit or chancery judge of the county, or the sheriff  
1371 of the county, or the mayor or chief of police of an incorporated  
1372 city or town wherein the applicant proposes to conduct his  
1373 business and to any recommendations made by representatives of  
1374 the \* \* \* department.

1375           (l) That the applicant and the applicant's key  
1376 employees, as determined by the \* \* \* department, do not have a  
1377 disqualifying criminal record. In order to obtain a criminal  
1378 record history check, the applicant shall submit to the commission



1379 a set of fingerprints from any local law enforcement agency for  
1380 each person for whom the records check is required. The \* \* \*  
1381 department shall forward the fingerprints to the Mississippi  
1382 Department of Public Safety. If no disqualifying record is  
1383 identified at the state level, the Department of Public Safety  
1384 shall forward the fingerprints to the Federal Bureau of  
1385 Investigation for a national criminal history record check. Costs  
1386 for processing the set or sets of fingerprints shall be borne by  
1387 the applicant. The department may waive the fingerprint  
1388 requirement in the case of an applicant for a direct wine  
1389 shipper's permit. The \* \* \* department shall not deny employment  
1390 to an employee of the applicant prior to the identification of a  
1391 disqualifying record or other disqualifying information.

1392 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is  
1393 amended as follows:

1394 67-1-73. (1) Except as otherwise provided in subsection (3)  
1395 of this section, every manufacturer, including native wine or  
1396 native spirit producers, within or without the state, and every  
1397 other shipper of alcoholic beverages who sells any alcoholic  
1398 beverage, including native wine or native spirit, within the  
1399 state, shall, at the time of making such sale, file with the  
1400 department a copy of the invoice of such sale showing in detail  
1401 the kind of alcoholic beverage sold, the quantities of each, the  
1402 size of the container and the weight of the contents, the





1403 alcoholic content, and the name and address of the person to whom  
1404 sold.

1405 (2) Except as otherwise provided in subsection (3) of this  
1406 section, every person transporting alcoholic beverages, including  
1407 native wine or native spirit, within this state to a point within  
1408 this state, whether such transportation originates within or  
1409 without this state, shall, within five (5) days after delivery of  
1410 such shipment, furnish the department a copy of the bill of lading  
1411 or receipt, showing the name or consignor or consignee, date,  
1412 place received, destination, and quantity of alcoholic beverages  
1413 delivered. Upon failure to comply with the provisions of this  
1414 section, such person shall be deemed guilty of a misdemeanor and,  
1415 upon conviction thereof, shall be fined in the sum of Fifty  
1416 Dollars (\$50.00) for each offense.

1417 (3) Information regarding the sales, shipment, delivery and  
1418 transportation of wine in this state by the holder of a direct  
1419 wine shipper's permit under Sections 1 through 9 of this act shall  
1420 be in such form and content as prescribed by the department.

1421 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is  
1422 amended as follows:

1423 97-31-47. It shall be unlawful for any transportation  
1424 company, or any agent, employee, or officer of such company, or  
1425 any other person, or corporation to transport into or deliver in  
1426 this state in any manner or by any means any spirituous, vinous,  
1427 malt, or other intoxicating liquors or drinks, or for any such



1428 person, company, or corporation to transport any spirituous, malt,  
1429 vinous, or intoxicating liquors or drinks from one place within  
1430 this state to another place within the state, or from one (1)  
1431 point within this state to any point without the state, except in  
1432 cases where this chapter, \* \* \* Section 67-9-1, or Sections 1  
1433 through 9 of this act authorizes the transportation.

1434 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is  
1435 amended as follows:

1436 97-31-49. Except as otherwise provided in Sections 1 through  
1437 9 of this act, it shall be unlawful for any person, firm or  
1438 corporation in this state, in person, by letter, circular, or  
1439 other printed or written matter, or in any other manner, to  
1440 solicit or take order in this state for any liquors, bitters or  
1441 drinks prohibited by the laws of this state to be sold, bartered,  
1442 or otherwise disposed of. The inhibition of this section shall  
1443 apply to such liquors, bitters and drinks, whether the parties  
1444 intend that the same shall be shipped into this state from outside  
1445 of the state, or from one (1) point in this state to another point  
1446 in this state. If such order be in writing, parol evidence  
1447 thereof is admissible without producing or accounting for the  
1448 absence of the original; and the taking or soliciting of such  
1449 orders is within the inhibition of this section, although the  
1450 orders are subject to approval by some other person, and no part  
1451 of the price is paid, nor any part of the goods is delivered when  
1452 the order is taken.



1453       **SECTION 23.** Section 67-1-83, Mississippi Code of 1972, is  
1454 amended as follows:

1455       67-1-83. (1) It shall be unlawful for any permittee or any  
1456 employee or agent thereof to sell or furnish any alcoholic  
1457 beverage to any person who is visibly intoxicated, or to any  
1458 person who is known to habitually drink alcoholic beverages to  
1459 excess, or to any person who is known to be an habitual user of  
1460 narcotics or other habit-forming drugs. Except as otherwise  
1461 provided in Section 67-1-51(1)(b) it shall also be unlawful for  
1462 the holder of any package retailer's permit to sell any alcoholic  
1463 beverages except by delivery in person to the purchaser at the  
1464 place of business of the permittee, unless the holder of a package  
1465 retailer's permit also holds a delivery service permit or uses a  
1466 delivery service permittee to effect delivery.

1467       (2) It shall be unlawful for any permittee or any employee  
1468 or agent thereof to sell or furnish any alcoholic beverage to any  
1469 person to whom the department has, after investigation, decided to  
1470 prohibit the sale of those beverages because of an appeal to the  
1471 department so to do by the husband, wife, father, mother, brother,  
1472 sister, child, or employer of the person. The interdiction in  
1473 those cases shall last until removed by the department, but no  
1474 person shall be held to have violated this subsection unless he  
1475 has been informed by the department, by registered letter, that it  
1476 is forbidden to sell to that individual or unless that fact is  
1477 otherwise known to the permittee or its employee or agent.



1478           (3) It shall be unlawful for any holder of a package  
1479 retailer's permit, or any employee or agent thereof, engaged  
1480 solely in the business of package retail sales under this article  
1481 to sell or furnish any alcoholic beverage before 10:00 a.m. and  
1482 after 10:00 p.m. or to sell alcoholic beverages on Sunday and  
1483 Christmas Day.

1484           (4) Any person who violates any of the provisions of this  
1485 section shall be guilty of a misdemeanor and, upon conviction,  
1486 shall be punished by a fine of not more than Five Hundred Dollars  
1487 (\$500.00) or by imprisonment in the county jail for a term of not  
1488 more than six (6) months, or by both that fine and imprisonment,  
1489 in the discretion of the court. In addition to any other  
1490 penalties prescribed by law, the commission may immediately revoke  
1491 the permit of any permittee who violates the provisions of this  
1492 section.

1493           **SECTION 24.** Section 67-1-67, Mississippi Code of 1972, is  
1494 brought forward as follows:

1495           67-1-67. No permit shall be transferred by the permittee to  
1496 any other person or any other place except with the written  
1497 consent of the commission upon a regular application therefor in  
1498 writing and upon consideration thereof as provided in this article  
1499 for an original application for a permit. The commission shall  
1500 not approve the transfer of the permit of any person against whom  
1501 there is pending in the courts or before the commission any charge  
1502 of keeping a disorderly house, or of violating this article or the



1503 laws against gambling in this state or against whom there is  
1504 pending any proceedings for the revocation, suspension or  
1505 cancellation of the permit.

1506       **SECTION 25.** This act shall take effect and be in force from  
1507 and after July 1, 2023.

