

By: Representative Zuber

To: Ways and Means

HOUSE BILL NO. 1137

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

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



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

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

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

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

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

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

51 **SECTION 2.** A person must hold a permit as a direct wine
52 shipper issued by the department before the person may engage in
53 selling and shipping wine directly to a resident in this state. A
54 direct wine shipper may sell and ship wine directly to residents
55 in this state without being required to transact the sale and
56 shipment through the Alcoholic Beverage Control Division of the
57 department.



58 **SECTION 3.** To qualify for a permit, an applicant shall be a
59 person licensed or permitted outside of this state to engage in
60 the activity of selling and shipping wine directly to residents in
61 any other state.

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

63 (a) Submit to the department a completed application on
64 a form provided by the department, containing all information that
65 is required by the department;

66 (b) Provide to the department a copy of the applicant's
67 current license or permit to engage in the activity of selling and
68 shipping wine directly to residents in any other state; and

69 (c) Pay to the department the tax prescribed in Section
70 27-71-5.

71 (2) After a person complies with the provisions of
72 subsection (1) of this section, the department may conduct any
73 investigation as it considers necessary regarding the issuance of
74 a permit, and the department shall issue a permit to the applicant
75 if the requirements of Sections 1 through 9 of this act are met.

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

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



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

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

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

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

93 (2) A direct wine shipper may not:

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

97 (b) Sell or ship wine that is available through the
98 Alcoholic Beverage Control Division of the department; or

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

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

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



104 (b) Provides to the department a copy of his or her
105 current license or permit to engage in the activity of selling and
106 shipping directly to residents in any other state; and

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

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

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

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

119 **SECTION 8.** The Commissioner of Revenue of the department may
120 adopt any rules or regulations as necessary to carry out Sections
121 1 through 9 of this act. All of the enforcement provisions of
122 Section 67-1-1 et seq., that are not in conflict with Sections 1
123 through 9 of this act may be used by the department to enforce the
124 provisions of Sections 1 through 9 of this act.

125 **SECTION 9.** (1) Any person who makes, participates in,
126 transports, imports or receives a sale or shipment of wine in
127 violation of Sections 1 through 9 of this act is guilty of a
128 misdemeanor and, upon conviction thereof, shall be punished by a



129 fine not exceeding One Thousand Dollars (\$1,000.00) or
130 imprisonment in the county jail for not more than six (6) months,
131 or both. Each sale or shipment in violation of Sections 1 through
132 9 of this act shall constitute a separate offense.

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

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

139 27-71-5. (1) Upon each person approved for a permit under
140 the provisions of the Alcoholic Beverage Control Law and
141 amendments thereto, there is levied and imposed for each location
142 for the privilege of engaging and continuing in this state in the
143 business authorized by such permit, an annual privilege license
144 tax in the amount provided in the following schedule:

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

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

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

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



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

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

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

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

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

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

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

168 (j) On-premises retailer's permit for common carriers,
169 per car, plane, or other vehicle.....\$ 120.00

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

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

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

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

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



178	(ii) Caterer's permit for holders of on-premises	
179	retailer's permit.....	\$ 150.00
180	(p) Research permit.....	\$ 100.00
181	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
182	(r) Special service permit.....	\$ 225.00
183	(s) Merchant permit.....	\$ 225.00
184	(t) Temporary alcoholic beverages charitable auction	
185	permit.....	\$ 10.00
186	(u) Event venue retailer's permit.....	\$ 225.00
187	(v) Temporary theatre permit, each.....	\$ 10.00
188	(w) Charter ship operator's permit.....	\$ 100.00
189	(x) Distillery retailer's permit.....	\$ 450.00
190	(y) Festival wine permit.....	\$ 10.00
191	(z) Charter vessel operator's permit.....	\$ 100.00
192	(aa) Native spirit retailer's permit.....	\$ 50.00
193	(bb) Delivery service permit.....	\$ 500.00
194	(cc) Food truck permit.....	\$ 100.00
195	<u>(dd) Direct wine shipper's permit.....</u>	<u>\$ 100.00</u>

196 In addition to the filing fee imposed by paragraph (1) of
197 this subsection, a fee to be determined by the Department of
198 Revenue may be charged to defray costs incurred to process
199 applications. The additional fees shall be paid into the State
200 Treasury to the credit of a special fund account, which is hereby
201 created, and expenditures therefrom shall be made only to defray
202 the costs incurred by the Department of Revenue in processing



203 alcoholic beverage applications. Any unencumbered balance
204 remaining in the special fund account on June 30 of any fiscal
205 year shall lapse into the State General Fund.

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

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

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

221 (b) (i) In addition to the tax imposed in paragraph
222 (a) of this subsection, there is imposed and shall be collected by
223 the department from each permittee described in subsection (1)(g),
224 (h), (i), (n) and (u) of this section, an additional license tax
225 for the privilege of doing business within any municipality or
226 county in which the licensee is located in the amount of Two
227 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five



228 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
229 (\$225.00) for each additional purchase of Five Thousand Dollars
230 (\$5,000.00), or fraction thereof.

231 (ii) In addition to the tax imposed in paragraph
232 (a) of this subsection, there is imposed and shall be collected by
233 the department from each permittee described in subsection (1)(o)
234 and (s) of this section, an additional license tax for the
235 privilege of doing business within any municipality or county in
236 which the licensee is located in the amount of Two Hundred Fifty
237 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
238 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
239 additional purchase of Five Thousand Dollars (\$5,000.00), or
240 fraction thereof.

241 (iii) Any person who has paid the additional
242 privilege license tax imposed by this paragraph, and whose permit
243 is renewed, may add any unused fraction of Five Thousand Dollars
244 (\$5,000.00) purchases to the first Five Thousand Dollars
245 (\$5,000.00) purchases authorized by the renewal permit, and no
246 additional license tax will be required until purchases exceed the
247 sum of the two (2) figures.

248 (c) If the licensee is located within a municipality,
249 the department shall pay the amount of additional license tax
250 collected under this section to the municipality, and if outside a
251 municipality the department shall pay the additional license tax
252 to the county in which the licensee is located. Payments by the



253 department to the respective local government subdivisions shall
254 be made once each month for any collections during the preceding
255 month.

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

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

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

275 (6) It shall be unlawful for any person to consume alcoholic
276 beverages on the premises of any hotel restaurant, restaurant,
277 club or the interior of any public place defined in Chapter 1,



278 Title 67, Mississippi Code of 1972, when the owner or manager
279 thereof displays in several conspicuous places inside the
280 establishment and at the entrances of establishment a sign
281 containing the following language: NO ALCOHOLIC BEVERAGES
282 ALLOWED.

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

285 27-71-7. (1) There is hereby levied and assessed an excise
286 tax upon each case of alcoholic beverages sold by the department
287 to be collected from each retail licensee at the time of sale in
288 accordance with the following schedule:

289 (a) Distilled spirits.....\$2.50 per
290 gallon

291 (b) Sparkling wine and champagne.....\$1.00 per
292 gallon

293 (c) Other wines, including native wines...\$.35 per
294 gallon

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



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

321 From and after July 1, 1987, the revenue derived from this
322 three percent (3%) markup shall be deposited by the division in
323 the State Treasury to the credit of the "Mental Health Programs
324 Fund," a special fund which is hereby created in the State
325 Treasury and shall be used by the State Department of Mental
326 Health for the service programs of the department. Any revenue in



327 the "Alcoholism Treatment and Rehabilitation Fund" which is not
328 encumbered at the end of Fiscal Year 1987 shall be deposited to
329 the credit of the "Mental Health Programs Fund."

330 (3) There is levied and assessed upon the holder of a direct
331 wine shipper's permit, a tax in the amount of thirty-four percent
332 (34%) of the sales price of each sale and shipment of wine made to
333 a resident in this state. The holder of a direct wine shipper's
334 permit shall file a monthly report with the department along with
335 a copy of the invoice for each sale and shipment of wine and remit
336 any taxes due; however, no report shall be required for months in
337 which no sales or shipments were made into this state. The
338 report, together with copies of the invoices and the payment of
339 all taxes, shall be filed with the department not later than the
340 twentieth day of the month following the month in which the
341 shipment was made. Permittees who fail to timely file and pay
342 taxes as required by this subsection shall pay a late fee in the
343 amount of Fifty Dollars (\$50.00), in addition to any other penalty
344 authorized by this article.

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

347 27-71-15. Except as otherwise provided in Section 67-9-1 for
348 the transportation of limited amounts of alcoholic beverages for
349 the use of an alcohol processing permittee, and in Sections 1
350 through 9 of this act for the sale and shipment of wine by the
351 holder of a direct wine shipper's permit, if transportation



352 requires passage through a county which has not authorized the
353 sale of alcoholic beverages, such transportation shall be by a
354 sealed vehicle. Such seal shall remain unbroken until the vehicle
355 shall reach the place of business operated by the permittee. The
356 operator of any vehicle transporting alcoholic beverages shall
357 have in his possession an invoice issued by the * * * department
358 at the time of the wholesale sale covering the merchandise
359 transported by the vehicle. The * * * department is authorized to
360 issue regulations controlling the transportation of alcoholic
361 beverages.

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

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

370 27-71-29. (1) All taxes levied by this article shall be
371 paid to the Department of Revenue in cash or by personal check,
372 cashier's check, bank exchange, post office money order or express
373 money order and shall be deposited by the department in the State
374 Treasury on the same day collected, but no remittances other than
375 cash shall be a final discharge of liability for the tax herein



376 imposed and levied unless and until it has been paid in cash to
377 the department.

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



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

410 (3) All taxes levied under Section 27-71-7(3) and received
411 by the department under this article shall be paid into the
412 General Fund, except for an amount equivalent to the three percent
413 (3%) levied under Section 27-71-7(2), which shall be paid into the
414 special fund in the State Treasury designated as the "Mental
415 Health Programs Fund" as required by law.

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

418 67-1-41. (1) The department is hereby created a wholesale
419 distributor and seller of alcoholic beverages, not including malt
420 liquors, within the State of Mississippi. It is granted the right
421 to import and sell alcoholic beverages at wholesale within the
422 state, and no person who is granted the right to sell, distribute
423 or receive alcoholic beverages at retail shall purchase any
424 alcoholic beverages from any source other than the department,



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

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

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

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



450 retailers to purchase limited amounts of alcoholic beverages from
451 other package retailers. The department shall develop and provide
452 forms to be completed by the on-premises retailers and the package
453 retailers verifying the transaction. The completed forms shall be
454 forwarded to the department within a period of time prescribed by
455 the department.

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

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

465 (7) The department may promulgate rules which authorize the
466 manufacturer of an alcoholic beverage or wine to import, transport
467 and furnish or give a sample of alcoholic beverages or wines to
468 the holders of package retailer's permits, on-premises retailer's
469 permits, native wine or native spirit retailer's permits and
470 temporary retailer's permits who have not previously purchased the
471 brand of that manufacturer from the department. For each holder
472 of the designated permits, the manufacturer may furnish not more
473 than five hundred (500) milliliters of any brand of alcoholic
474 beverage and not more than three (3) liters of any brand of wine.



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

483 (9) The department may promulgate rules and regulations that
484 authorize the holder of a research permit to import and purchase
485 limited amounts of alcoholic beverages from importers, wineries
486 and distillers of alcoholic beverages or from the department. The
487 department shall develop and provide forms to be completed by the
488 research permittee verifying each transaction. The completed
489 forms shall be forwarded to the department within a period of time
490 prescribed by the department. The records and inventory of
491 alcoholic beverages shall be open to inspection at any time by the
492 Director of the Alcoholic Beverage Control Division or any duly
493 authorized agent.

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



499 manufacturer's location instead of via shipment from the
500 department's warehouse.

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

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

507 (12) (a) An individual resident of this state who is at
508 least twenty-one (21) years of age may purchase wine from a winery
509 and have the purchase shipped into this state so long as it is
510 shipped to a package retailer permittee in Mississippi; however,
511 the permittee shall pay to the department all taxes, fees and
512 surcharges on the wine that are imposed upon the sale of wine
513 shipped by the department or its warehouse operator. No credit
514 shall be provided to the permittee for any taxes paid to another
515 state as a result of the transaction. Package retailers may
516 charge a service fee for receiving and handling shipments from
517 wineries on behalf of the purchasers. The department shall
518 develop and provide forms to be completed by the package retailer
519 permittees verifying the transaction. The completed forms shall
520 be forwarded to the department within a period of time prescribed
521 by the department.

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



524 approval of the package retailer before any wine is shipped to the
525 package retailer. A purchaser is limited to no more than ten (10)
526 cases of wine per year to be shipped to a package retailer. A
527 package retailer shall notify a purchaser of wine within two (2)
528 days after receiving the shipment of wine. If the purchaser of
529 the wine does not pick up or take the wine from the package
530 retailer within thirty (30) days after being notified by the
531 package retailer, the package retailer may sell the wine as part
532 of his inventory.

533 (c) Shipments of wine into this state under this
534 section shall be made by a duly licensed carrier. It shall be the
535 duty of every common or contract carrier, and of every firm or
536 corporation that shall bring, carry or transport wine from outside
537 the state for delivery inside the state to package retailer
538 permittees on behalf of consumers, to prepare and file with the
539 department, on a schedule as determined by the department, of
540 known wine shipments containing the name of the common or contract
541 carrier, firm or corporation making the report, the period of time
542 covered by said report, the name and permit number of the winery,
543 the name and permit number of the package retailer permittee
544 receiving such wine, the weight of the package delivered to each
545 package retailer permittee, a unique tracking number, and the date
546 of delivery. Reports received by the department shall be made
547 available by the department to the public via the Mississippi



548 Public Records Act process in the same manner as other state
549 alcohol filings.

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

562 Any common or contract carrier that willfully fails to make
563 reports, as provided by this section or any of the rules and
564 regulations of the department for the administration and
565 enforcement of this section, is subject to a notification of
566 violation. In the case of a continuing failure to make reports,
567 the common or contract carrier is subject to possible license
568 suspension and revocation at the department's discretion.

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



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

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

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

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

594 67-1-45. No manufacturer, rectifier or distiller of
595 alcoholic beverages shall sell or attempt to sell any such
596 alcoholic beverages, except malt liquor, within the State of



597 Mississippi, except to the department, or as provided in Section
598 67-1-41, or pursuant to Section 67-1-51. A producer of native
599 wine or native spirit may sell native wines or native spirits,
600 respectively, to the department or to consumers at the location of
601 the native winery or native distillery or its immediate vicinity.
602 The holder of a direct wine shipper's permit may sell wines
603 directly to residents in this state as authorized by Sections 1
604 through 9 of this act.

605 Any violation of this section by any manufacturer, rectifier
606 or distiller shall be punished by a fine of not less than Five
607 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
608 (\$2,000.00), to which may be added imprisonment in the county jail
609 not to exceed six (6) months.

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

612 67-1-51. (1) Permits which may be issued by the department
613 shall be as follows:

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

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



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

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

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

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

636 (b) **Package retailer's permit.** Except as otherwise
637 provided in this paragraph and Section 67-1-52, a package
638 retailer's permit shall authorize the holder thereof to operate a
639 store exclusively for the sale at retail in original sealed and
640 unopened packages of alcoholic beverages, including native wines
641 and native spirits, not to be consumed on the premises where sold.
642 Alcoholic beverages shall not be sold by any retailer in any
643 package or container containing less than fifty (50) milliliters
644 by liquid measure. A package retailer's permit, with prior
645 approval from the department, shall authorize the holder thereof



646 to sample new product furnished by a manufacturer's representative
647 or his employees at the permitted place of business so long as the
648 sampling otherwise complies with this article and applicable
649 department regulations. Such samples may not be provided to
650 customers at the permitted place of business. In addition to the
651 sale at retail of packages of alcoholic beverages, the holder of a
652 package retailer's permit is authorized to sell at retail
653 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
654 other beverages commonly used to mix with alcoholic beverages.
655 Nonalcoholic beverages sold by the holder of a package retailer's
656 permit shall not be consumed on the premises where sold.

657 (c) **On-premises retailer's permit.** Except as otherwise
658 provided in subsection (5) of this section, an on-premises
659 retailer's permit shall authorize the sale of alcoholic beverages,
660 including native wines and native spirits, for consumption on the
661 licensed premises only; however, a patron of the permit holder may
662 remove one (1) bottle of wine from the licensed premises if: (i)
663 the patron consumed a portion of the bottle of wine in the course
664 of consuming a meal purchased on the licensed premises; (ii) the
665 permit holder securely reseals the bottle; (iii) the bottle is
666 placed in a bag that is secured in a manner so that it will be
667 visibly apparent if the bag is opened; and (iv) a dated receipt
668 for the wine and the meal is available. Additionally, as part of
669 a carryout order, a permit holder may sell one (1) bottle of wine
670 to be removed from the licensed premises for every two (2) entrees



671 ordered. Such a permit shall be issued only to qualified hotels,
672 restaurants and clubs, small craft breweries, microbreweries, and
673 to common carriers with adequate facilities for serving
674 passengers. In resort areas, whether inside or outside of a
675 municipality, the department, in its discretion, may issue
676 on-premises retailer's permits to such establishments as it deems
677 proper. An on-premises retailer's permit when issued to a common
678 carrier shall authorize the sale and serving of alcoholic
679 beverages aboard any licensed vehicle while moving through any
680 county of the state; however, the sale of such alcoholic beverages
681 shall not be permitted while such vehicle is stopped in a county
682 that has not legalized such sales. If an on-premises retailer's
683 permit is applied for by a common carrier operating solely in the
684 water, such common carrier must, along with all other
685 qualifications for a permit, (i) be certified to carry at least
686 one hundred fifty (150) passengers and/or provide overnight
687 accommodations for at least fifty (50) passengers and (ii) operate
688 primarily in the waters within the State of Mississippi which lie
689 adjacent to the State of Mississippi south of the three (3) most
690 southern counties in the State of Mississippi and/or on the
691 Mississippi River or navigable waters within any county bordering
692 on the Mississippi River.

693 (d) **Solicitor's permit.** A solicitor's permit shall
694 authorize the holder thereof to act as salesman for a manufacturer
695 or wholesaler holding a proper permit, to solicit on behalf of his



696 employer orders for alcoholic beverages, and to otherwise promote
697 his employer's products in a legitimate manner. Such a permit
698 shall authorize the representation of and employment by one (1)
699 principal only. However, the permittee may also, in the
700 discretion of the department, be issued additional permits to
701 represent other principals. No such permittee shall buy or sell
702 alcoholic beverages for his own account, and no such beverage
703 shall be brought into this state in pursuance of the exercise of
704 such permit otherwise than through a permit issued to a wholesaler
705 or manufacturer in the state.

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



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

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

728 Class 1. A temporary one-day permit may be issued to bona
729 fide nonprofit civic or charitable organizations authorizing the
730 sale of alcoholic beverages, including native wine and native
731 spirit, for consumption on the premises described in the temporary
732 permit only. Class 1 permits may be issued only to applicants
733 demonstrating to the department, by a statement signed under
734 penalty of perjury submitted ten (10) days prior to the proposed
735 date or such other time as the department may determine, that they
736 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
737 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
738 Class 1 permittees shall obtain all alcoholic beverages from
739 package retailers located in the county in which the temporary
740 permit is issued. Alcoholic beverages remaining in stock upon
741 expiration of the temporary permit may be returned by the
742 permittee to the package retailer for a refund of the purchase
743 price upon consent of the package retailer or may be kept by the
744 permittee exclusively for personal use and consumption, subject to
745 all laws pertaining to the illegal sale and possession of



746 alcoholic beverages. The department, following review of the
747 statement provided by the applicant and the requirements of the
748 applicable statutes and regulations, may issue the permit.

749 Class 2. A temporary permit, not to exceed seventy (70)
750 days, may be issued to prospective permittees seeking to transfer
751 a permit authorized in paragraph (c) of this subsection. A Class
752 2 permit may be issued only to applicants demonstrating to the
753 department, by a statement signed under the penalty of perjury,
754 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
755 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
756 67-1-59. The department, following a preliminary review of the
757 statement provided by the applicant and the requirements of the
758 applicable statutes and regulations, may issue the permit.

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

767 Class 3. A temporary one-day permit may be issued to a
768 retail establishment authorizing the complimentary distribution of
769 wine, including native wine, to patrons of the retail
770 establishment at an open house or promotional event, for



771 consumption only on the premises described in the temporary
772 permit. A Class 3 permit may be issued only to an applicant
773 demonstrating to the department, by a statement signed under
774 penalty of perjury submitted ten (10) days before the proposed
775 date or such other time as the department may determine, that it
776 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
777 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
778 A Class 3 permit holder shall obtain all alcoholic beverages from
779 the holder(s) of a package retailer's permit located in the county
780 in which the temporary permit is issued. Wine remaining in stock
781 upon expiration of the temporary permit may be returned by the
782 Class 3 temporary permit holder to the package retailer for a
783 refund of the purchase price, with consent of the package
784 retailer, or may be kept by the Class 3 temporary permit holder
785 exclusively for personal use and consumption, subject to all laws
786 pertaining to the illegal sale and possession of alcoholic
787 beverages. The department, following review of the statement
788 provided by the applicant and the requirements of the applicable
789 statutes and regulations, may issue the permit. No retailer may
790 receive more than twelve (12) Class 3 temporary permits in a
791 calendar year. A Class 3 temporary permit shall not be issued to
792 a retail establishment that either holds a merchant permit issued
793 under paragraph (1) of this subsection, or holds a permit issued
794 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing



795 the holder to engage in the business of a retailer of light wine
796 or beer.

797 (g) **Caterer's permit.** A caterer's permit shall permit
798 the purchase of alcoholic beverages by a person engaging in
799 business as a caterer and the resale of alcoholic beverages by
800 such person in conjunction with such catering business. No person
801 shall qualify as a caterer unless forty percent (40%) or more of
802 the revenue derived from such catering business shall be from the
803 serving of prepared food and not from the sale of alcoholic
804 beverages and unless such person has obtained a permit for such
805 business from the Department of Health. A caterer's permit shall
806 not authorize the sale of alcoholic beverages on the premises of
807 the person engaging in business as a caterer; however, the holder
808 of an on-premises retailer's permit may hold a caterer's permit.
809 When the holder of an on-premises retailer's permit or an
810 affiliated entity of the holder also holds a caterer's permit, the
811 caterer's permit shall not authorize the service of alcoholic
812 beverages on a consistent, recurring basis at a separate, fixed
813 location owned or operated by the caterer, on-premises retailer or
814 affiliated entity and an on-premises retailer's permit shall be
815 required for the separate location. All sales of alcoholic
816 beverages by holders of a caterer's permit shall be made at the
817 location being catered by the caterer, and, except as otherwise
818 provided in subsection (5) of this section, such sales may be made
819 only for consumption at the catered location. The location being



820 catered may be anywhere within a county or judicial district that
821 has voted to come out from under the dry laws or in which the sale
822 and distribution of alcoholic beverages is otherwise authorized by
823 law. Such sales shall be made pursuant to any other conditions
824 and restrictions which apply to sales made by on-premises retail
825 permittees. The holder of a caterer's permit or his employees
826 shall remain at the catered location as long as alcoholic
827 beverages are being sold pursuant to the permit issued under this
828 paragraph (g), and the permittee shall have at the location the
829 identification card issued by the Alcoholic Beverage Control
830 Division of the department. No unsold alcoholic beverages may be
831 left at the catered location by the permittee upon the conclusion
832 of his business at that location. Appropriate law enforcement
833 officers and Alcoholic Beverage Control Division personnel may
834 enter a catered location on private property in order to enforce
835 laws governing the sale or serving of alcoholic beverages.

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

843 (i) **Alcohol processing permit.** An alcohol processing
844 permit shall authorize the holder thereof to purchase, transport



845 and possess alcoholic beverages for the exclusive use in cooking,
846 processing or manufacturing products which contain alcoholic
847 beverages as an integral ingredient. An alcohol processing permit
848 shall not authorize the sale of alcoholic beverages on the
849 premises of the person engaging in the business of cooking,
850 processing or manufacturing products which contain alcoholic
851 beverages. The amounts of alcoholic beverages allowed under an
852 alcohol processing permit shall be set by the department.

853 (j) **Hospitality cart permit.** A hospitality cart permit
854 shall authorize the sale of alcoholic beverages from a mobile cart
855 on a golf course that is the holder of an on-premises retailer's
856 permit. The alcoholic beverages sold from the cart must be
857 consumed within the boundaries of the golf course.

858 (k) **Special service permit.** A special service permit
859 shall authorize the holder to sell commercially sealed alcoholic
860 beverages to the operator of a commercial or private aircraft for
861 en route consumption only by passengers. A special service permit
862 shall be issued only to a fixed-base operator who contracts with
863 an airport facility to provide fueling and other associated
864 services to commercial and private aircraft.

865 (l) **Merchant permit.** Except as otherwise provided in
866 subsection (5) of this section, a merchant permit shall be issued
867 only to the owner of a spa facility, an art studio or gallery, or
868 a cooking school, and shall authorize the holder to serve
869 complimentary by the glass wine only, including native wine, at



870 the holder's spa facility, art studio or gallery, or cooking
871 school. A merchant permit holder shall obtain all wine from the
872 holder of a package retailer's permit.

873 (m) **Temporary alcoholic beverages charitable auction**
874 **permit.** A temporary permit, not to exceed five (5) days, may be
875 issued to a qualifying charitable nonprofit organization that is
876 exempt from taxation under Section 501(c)(3) or (4) of the
877 Internal Revenue Code of 1986. The permit shall authorize the
878 holder to sell alcoholic beverages for the limited purpose of
879 raising funds for the organization during a live or silent auction
880 that is conducted by the organization and that meets the following
881 requirements: (i) the auction is conducted in an area of the
882 state where the sale of alcoholic beverages is authorized; (ii) if
883 the auction is conducted on the premises of an on-premises
884 retailer's permit holder, then the alcoholic beverages to be
885 auctioned must be stored separately from the alcoholic beverages
886 sold, stored or served on the premises, must be removed from the
887 premises immediately following the auction, and may not be
888 consumed on the premises; (iii) the permit holder may not conduct
889 more than two (2) auctions during a calendar year; (iv) the permit
890 holder may not pay a commission or promotional fee to any person
891 to arrange or conduct the auction.

892 (n) **Event venue retailer's permit.** An event venue
893 retailer's permit shall authorize the holder thereof to purchase
894 and resell alcoholic beverages, including native wines and native



895 spirits, for consumption on the premises during legal hours during
896 events held on the licensed premises if food is being served at
897 the event by a caterer who is not affiliated with or related to
898 the permittee. The caterer must serve at least three (3) entrees.
899 The permit may only be issued for venues that can accommodate two
900 hundred (200) persons or more. The number of persons a venue may
901 accommodate shall be determined by the local fire department and
902 such determination shall be provided in writing and submitted
903 along with all other documents required to be provided for an
904 on-premises retailer's permit. The permittee must derive the
905 majority of its revenue from event-related fees, including, but
906 not limited to, admission fees or ticket sales for live
907 entertainment in the building. "Event-related fees" do not
908 include alcohol, beer or light wine sales or any fee which may be
909 construed to cover the cost of alcohol, beer or light wine. This
910 determination shall be made on a per event basis. An event may
911 not last longer than two (2) consecutive days per week.

912 (o) **Temporary theatre permit.** A temporary theatre
913 permit, not to exceed five (5) days, may be issued to a charitable
914 nonprofit organization that is exempt from taxation under Section
915 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
916 a theatre facility that features plays and other theatrical
917 performances and productions. Except as otherwise provided in
918 subsection (5) of this section, the permit shall authorize the
919 holder to sell alcoholic beverages, including native wines and



920 native spirits, to patrons of the theatre during performances and
921 productions at the theatre facility for consumption during such
922 performances and productions on the premises of the facility
923 described in the permit. A temporary theatre permit holder shall
924 obtain all alcoholic beverages from package retailers located in
925 the county in which the permit is issued. Alcoholic beverages
926 remaining in stock upon expiration of the temporary theatre permit
927 may be returned by the permittee to the package retailer for a
928 refund of the purchase price upon consent of the package retailer
929 or may be kept by the permittee exclusively for personal use and
930 consumption, subject to all laws pertaining to the illegal sale
931 and possession of alcoholic beverages.

932 (p) **Charter ship operator's permit.** Subject to the
933 provisions of this paragraph (p), a charter ship operator's permit
934 shall authorize the holder thereof and its employees to serve,
935 monitor, store and otherwise control the serving and availability
936 of alcoholic beverages to customers of the permit holder during
937 private charters under contract provided by the permit holder. A
938 charter ship operator's permit shall authorize such action by the
939 permit holder and its employees only as to alcoholic beverages
940 brought onto the permit holder's ship by customers of the permit
941 holder as part of such a private charter. All such alcoholic
942 beverages must be removed from the charter ship at the conclusion
943 of each private charter. A charter ship operator's permit shall
944 not authorize the permit holder to sell, charge for or otherwise



945 supply alcoholic beverages to customers, except as authorized in
946 this paragraph (p). For the purposes of this paragraph (p),
947 "charter ship operator" means a common carrier that (i) is
948 certified to carry at least one hundred fifty (150) passengers
949 and/or provide overnight accommodations for at least fifty (50)
950 passengers, (ii) operates only in the waters within the State of
951 Mississippi, which lie adjacent to the State of Mississippi south
952 of the three (3) most southern counties in the State of
953 Mississippi, and (iii) provides charters under contract for tours
954 and trips in such waters.

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



970 The holder shall not sell at retail more than ten percent
971 (10%) of the alcoholic beverages produced annually at its
972 distillery. The holder shall not make retail sales of more than
973 two and twenty-five one-hundredths (2.25) liters, in the
974 aggregate, of the alcoholic beverages produced at its distillery
975 to any one (1) individual for consumption off the premises of the
976 distillery within a twenty-four-hour period. The hours of sale
977 shall be the same as those hours for package retailers under this
978 article. The holder of a distillery retailer's permit is not
979 required to purchase the alcoholic beverages authorized to be sold
980 by this paragraph from the department's liquor distribution
981 warehouse; however, if the holder does not purchase the alcoholic
982 beverages from the department's liquor distribution warehouse, the
983 holder shall pay to the department all taxes, fees and surcharges
984 on the alcoholic beverages that are imposed upon the sale of
985 alcoholic beverages shipped by the department or its warehouse
986 operator. In addition to alcoholic beverages, the holder of a
987 distillery retailer's permit may sell at retail promotional
988 products from the same retail location, including shirts, hats,
989 glasses, and other promotional products customarily sold by
990 alcoholic beverage manufacturers.

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



995 festivals held within the State of Mississippi and sell sealed,
996 unopened bottles to festival participants. The holder of this
997 permit may provide samples at no charge to participants.
998 "Festival" means any event at which three (3) or more vendors are
999 present at a location for the sale or distribution of goods. The
1000 holder of a Festival Wine Permit is not required to purchase the
1001 alcoholic beverages authorized to be sold by this paragraph from
1002 the department's liquor distribution warehouse. However, if the
1003 holder does not purchase the alcoholic beverages from the
1004 department's liquor distribution warehouse, the holder of this
1005 permit shall pay to the department all taxes, fees and surcharges
1006 on the alcoholic beverages sold at such festivals that are imposed
1007 upon the sale of alcoholic beverages shipped by the Alcoholic
1008 Beverage Control Division of the Department of Revenue.
1009 Additionally, the entity shall file all applicable reports and
1010 returns as prescribed by the department. This permit is issued
1011 per festival and provides authority to sell for two (2)
1012 consecutive days during the hours authorized for on-premises
1013 permittees' sales in that county or city. The holder of the
1014 permit shall be required to maintain all requirements set by Local
1015 Option Law for the service and sale of alcoholic beverages. This
1016 permit may be issued to entities participating in festivals at
1017 which a Class 1 temporary permit is in effect.

1018 This paragraph (r) shall stand repealed from and after July
1019 1, 2023.



1020 (s) **Charter vessel operator's permit.** Subject to the
1021 provisions of this paragraph (s), a charter vessel operator's
1022 permit shall authorize the holder thereof and its employees to
1023 sell and serve alcoholic beverages to passengers of the permit
1024 holder during public tours, historical tours, ecological tours and
1025 sunset cruises provided by the permit holder. The permit shall
1026 authorize the holder to only sell alcoholic beverages, including
1027 native wines, to passengers of the charter vessel operator during
1028 public tours, historical tours, ecological tours and sunset
1029 cruises provided by the permit holder aboard the charter vessel
1030 operator for consumption during such tours and cruises on the
1031 premises of the charter vessel operator described in the permit.
1032 For the purposes of this paragraph (s), "charter vessel operator"
1033 means a common carrier that (i) is certified to carry at least
1034 forty-nine (49) passengers, (ii) operates only in the waters
1035 within the State of Mississippi, which lie south of Interstate 10
1036 in the three (3) most southern counties in the State of
1037 Mississippi, and lie adjacent to the State of Mississippi south of
1038 the three (3) most southern counties in the State of Mississippi,
1039 extending not further than one (1) mile south of such counties,
1040 and (iii) provides vessel services for tours and cruises in such
1041 waters as provided in this paragraph (s).

1042 (t) **Native spirit retailer's permit.** Except as
1043 otherwise provided in subsection (5) of this section, a native
1044 spirit retailer's permit shall be issued only to a holder of a



1045 Class 4 manufacturer's permit, and shall authorize the holder
1046 thereof to make retail sales of native spirits to consumers for
1047 on-premises consumption or to consumers in originally sealed and
1048 unopened containers at an establishment located on the premises of
1049 or in the immediate vicinity of a native distillery. When selling
1050 to consumers for on-premises consumption, a holder of a native
1051 spirit retailer's permit may add to the native spirit alcoholic
1052 beverages not produced on the premises, so long as the total
1053 volume of foreign beverage components does not exceed twenty
1054 percent (20%) of the mixed beverage. Hours of sale shall be the
1055 same as those authorized for on-premises permittees in the city or
1056 county in which the native spirit retailer is located.

1057 (u) **Delivery service permit.** Any individual, limited
1058 liability company, corporation or partnership registered to do
1059 business in this state is eligible to obtain a delivery service
1060 permit. Subject to the provisions of Section 67-1-51.1, this
1061 permit authorizes the permittee, or its employee or an independent
1062 contractor acting on its behalf, to deliver alcoholic beverages,
1063 beer, light wine and light spirit product from a licensed retailer
1064 to a person in this state who is at least twenty-one (21) years of
1065 age for the individual's use and not for resale. This permit does
1066 not authorize the delivery of alcoholic beverages, beer, light
1067 wine or light spirit product to the premises of a location with a
1068 permit for the manufacture, distribution or retail sale of
1069 alcoholic beverages, beer, light wine or light spirit product.



1070 The holder of a package retailer's permit or an on-premises
1071 retailer's permit under Section 67-1-51 or of a beer, light wine
1072 and light spirit product permit under Section 67-3-19 is
1073 authorized to apply for a delivery service permit as a privilege
1074 separate from its existing retail permit.

1075 (v) **Food truck permit.** A food truck permit shall
1076 authorize the holder of an on-premises retailer's permit to use a
1077 food truck to sell alcoholic beverages off its premises to guests
1078 who must consume the beverages in open containers. For the
1079 purposes of this paragraph (v), "food truck" means a fully encased
1080 food service establishment on a motor vehicle or on a trailer that
1081 a motor vehicle pulls to transport, and from which a vendor,
1082 standing within the frame of the establishment, prepares, cooks,
1083 sells and serves food for immediate human consumption. The term
1084 "food truck" does not include a food cart that is not motorized.
1085 Food trucks shall maintain such distance requirements from
1086 schools, churches, kindergartens and funeral homes as are required
1087 for on-premises retailer's permittees under this article, and all
1088 sales must be made within a valid leisure and recreation district
1089 established under Section 67-1-101. Food trucks cannot sell or
1090 serve alcoholic beverages unless also offering food prepared and
1091 cooked within the food truck, and permittees must maintain a
1092 twenty-five percent (25%) food sale revenue requirement based on
1093 the food sold from the food truck alone. The hours allowed for
1094 sale shall be the same as those for on-premises retailer's



1095 permittees in the location. This permit will not be required for
1096 the holder of a caterer's permit issued under this article to
1097 cater an event as allowed by law. Permittees must provide notice
1098 of not less than forty-eight (48) hours to the department of each
1099 location at which alcoholic beverages will be sold.

1100 (w) **Direct wine shipper's permit.** A direct wine
1101 shipper's permit shall authorize the holder to sell and ship wine
1102 directly to residents in this state in accordance with the
1103 provisions of Sections 1 through 9 of this act, without being
1104 required to transact the sale and shipment of those wines through
1105 the Alcoholic Beverage Control Division of the department.

1106 (2) Except as otherwise provided in subsection (4) of this
1107 section, retail permittees may hold more than one (1) retail
1108 permit, at the discretion of the department.

1109 (3) (a) Except as otherwise provided in this subsection, no
1110 authority shall be granted to any person to manufacture, sell or
1111 store for sale any intoxicating liquor as specified in this
1112 article within four hundred (400) feet of any church, school,
1113 kindergarten or funeral home. However, within an area zoned
1114 commercial or business, such minimum distance shall be not less
1115 than one hundred (100) feet.

1116 (b) A church or funeral home may waive the distance
1117 restrictions imposed in this subsection in favor of allowing
1118 issuance by the department of a permit, pursuant to subsection (1)
1119 of this section, to authorize activity relating to the



1120 manufacturing, sale or storage of alcoholic beverages which would
1121 otherwise be prohibited under the minimum distance criterion.
1122 Such waiver shall be in written form from the owner, the governing
1123 body, or the appropriate officer of the church or funeral home
1124 having the authority to execute such a waiver, and the waiver
1125 shall be filed with and verified by the department before becoming
1126 effective.

1127 (c) The distance restrictions imposed in this
1128 subsection shall not apply to the sale or storage of alcoholic
1129 beverages at a bed and breakfast inn listed in the National
1130 Register of Historic Places or to the sale or storage of alcoholic
1131 beverages in a historic district that is listed in the National
1132 Register of Historic Places, is a qualified resort area and is
1133 located in a municipality having a population greater than one
1134 hundred thousand (100,000) according to the latest federal
1135 decennial census.

1136 (d) The distance restrictions imposed in this
1137 subsection shall not apply to the sale or storage of alcoholic
1138 beverages at a qualified resort area as defined in Section
1139 67-1-5(o)(iii)32.

1140 (e) The distance restrictions imposed in this
1141 subsection shall not apply to the sale or storage of alcoholic
1142 beverages at a licensed premises in a building formerly owned by a
1143 municipality and formerly leased by the municipality to a



1144 municipal school district and used by the municipal school
1145 district as a district bus shop facility.

1146 (f) The distance restrictions imposed in this
1147 subsection shall not apply to the sale or storage of alcoholic
1148 beverages at a licensed premises in a building consisting of at
1149 least five thousand (5,000) square feet and located approximately
1150 six hundred (600) feet from the intersection of Mississippi
1151 Highway 15 and Mississippi Highway 4.

1152 (g) The distance restrictions imposed in this
1153 subsection shall not apply to the sale or storage of alcoholic
1154 beverages at a licensed premises in a building located at or near
1155 the intersection of Ward and Tate Streets and adjacent properties
1156 in the City of Senatobia, Mississippi.

1157 (h) The distance restrictions imposed in this
1158 subsection shall not apply to the sale or storage of alcoholic
1159 beverages at a theatre facility that features plays and other
1160 theatrical performances and productions and (i) is capable of
1161 seating more than seven hundred fifty (750) people, (ii) is owned
1162 by a municipality which has a population greater than ten thousand
1163 (10,000) according to the latest federal decennial census, (iii)
1164 was constructed prior to 1930, (iv) is on the National Register of
1165 Historic Places, and (v) is located in a historic district.

1166 (4) No person, either individually or as a member of a firm,
1167 partnership, limited liability company or association, or as a
1168 stockholder, officer or director in a corporation, shall own or



1169 control any interest in more than one (1) package retailer's
1170 permit, nor shall such person's spouse, if living in the same
1171 household of such person, any relative of such person, if living
1172 in the same household of such person, or any other person living
1173 in the same household with such person own any interest in any
1174 other package retailer's permit.

1175 (5) (a) In addition to any other authority granted under
1176 this section, the holder of a permit issued under subsection
1177 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1178 sell or otherwise provide alcoholic beverages and/or wine to a
1179 patron of the permit holder in the manner authorized in the permit
1180 and the patron may remove an open glass, cup or other container of
1181 the alcoholic beverage and/or wine from the licensed premises and
1182 may possess and consume the alcoholic beverage or wine outside of
1183 the licensed premises if: (i) the licensed premises is located
1184 within a leisure and recreation district created under Section
1185 67-1-101 and (ii) the patron remains within the boundaries of the
1186 leisure and recreation district while in possession of the
1187 alcoholic beverage or wine.

1188 (b) Nothing in this subsection shall be construed to
1189 allow a person to bring any alcoholic beverages into a permitted
1190 premises except to the extent otherwise authorized by this
1191 article.

1192 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is
1193 amended as follows:



1194 67-1-53. (1) Application for permits shall be in such form
1195 and shall contain such information as shall be required by the
1196 regulations of the * * * department; however, no regulation of
1197 the * * * department shall require personal financial information
1198 from any officer of a corporation applying for an on-premises
1199 retailer's permit to sell alcoholic beverages unless such officer
1200 owns ten percent (10%) or more of the stock of such corporation.

1201 (2) Every applicant for each type of permit authorized by
1202 Section 67-1-51 shall give notice of such application by
1203 publication for two (2) consecutive issues in a newspaper of
1204 general circulation published in the city or town in which
1205 applicant's place of business is located. However, in instances
1206 where no newspaper is published in the city or town, then the
1207 notice shall be published in a newspaper of general circulation
1208 published in the county where the applicant's business is located.
1209 If no newspaper is published in the county, the notice shall be
1210 published in a qualified newspaper which is published in the
1211 closest neighboring county and circulated in the county of
1212 applicant's residence. The notice shall be printed in ten-point
1213 black face type and shall set forth the type of permit to be
1214 applied for, the exact location of the place of business, the name
1215 of the owner or owners thereof, and if operating under an assumed
1216 name, the trade name together with the names of all owners, and if
1217 a corporation, the names and titles of all officers. The cost of
1218 such notice shall be borne by the applicant. The provisions of



1219 this subsection (2) shall not apply to applicants for a direct
1220 wine shipper's permit under Sections 1 through 9 of this act.

1221 (3) Each application or filing made under this section shall
1222 include the social security number(s) of the applicant in
1223 accordance with Section 93-11-64, Mississippi Code of 1972.

1224 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is
1225 amended as follows:

1226 67-1-55. No permit of any type shall be issued by the * * *
1227 department until the applicant has first filed with the * * *
1228 department a sworn statement disclosing all persons who are
1229 financially involved in the operation of the business for which
1230 the permit is sought. If an applicant is an individual, he will
1231 swear that he owns one hundred percent (100%) of the business for
1232 which he is seeking a permit. If the applicant is a partnership,
1233 all partners and their addresses shall be disclosed and the extent
1234 of their interest in the partnership shall be disclosed. If the
1235 applicant is a corporation, the total stock in the corporation
1236 shall be disclosed and each shareholder and his address and the
1237 amount of stock in the corporation owned by him shall be
1238 disclosed. If the applicant is a limited liability company, each
1239 member and their addresses shall be disclosed and the extent of
1240 their interest in the limited liability company shall be
1241 disclosed. If the applicant is a trust, the trustee and all
1242 beneficiaries and their addresses shall be disclosed. If the



1243 applicant is a combination of any of the above, all information
1244 required to be disclosed above shall be required.

1245 All the disclosures shall be in writing and kept on file at
1246 the * * * department and shall be available to the public.

1247 Every applicant must, when applying for a renewal of his
1248 permit, disclose any change in the ownership of the business or
1249 any change in the beneficiaries of the income from the business.

1250 Any person who willfully fails to fully disclose the
1251 information required by this section, or who gives false
1252 information, shall be guilty of a misdemeanor and, upon conviction
1253 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1254 (\$500.00) or imprisoned for not more than one (1) year, or both,
1255 and the person or applicant shall never again be eligible for any
1256 permit pertaining to alcoholic beverages.

1257 The provisions of this section shall not apply to applicants
1258 for a direct wine shipper's permit under Sections 1 through 9 of
1259 this act.

1260 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is
1261 amended as follows:

1262 67-1-57. Before a permit is issued the department shall
1263 satisfy itself:

1264 (a) That the applicant, if an individual, or if a
1265 partnership, each of the members of the partnership, or if a
1266 corporation, each of its principal officers and directors, or if a
1267 limited liability company, each member of the limited liability



1268 company, is of good moral character and, in addition, enjoys a
1269 reputation of being a peaceable, law-abiding citizen of the
1270 community in which he resides, and is generally fit for the trust
1271 to be reposed in him, is not less than twenty-one (21) years of
1272 age, and has not been convicted of a felony in any state or
1273 federal court.

1274 (b) That, except in the case of an application for a
1275 solicitor's permit, the applicant is the true and actual owner of
1276 the business for which the permit is desired, and that he intends
1277 to carry on the business authorized for himself and not as the
1278 agent of any other person, and that he intends to superintend in
1279 person the management of the business or that he will designate a
1280 manager to manage the business for him. Except for managers
1281 employed by the holder of a direct wine shipper's permit, all
1282 managers must be approved by the department prior to completing
1283 any managerial tasks on behalf of the permittee and must possess
1284 all of the qualifications required of a permittee; however, a
1285 felony conviction, other than a crime of violence, does not
1286 automatically disqualify a person from being approved as a manager
1287 if the person was released from incarceration at least three (3)
1288 years prior to application for approval as a manager. A felony
1289 conviction, other than a crime of violence, may be considered by
1290 the department in determining whether all other qualifications are
1291 met.



1292 (c) That the applicant for a package retailer's permit,
1293 if an individual, is a resident of the State of Mississippi. If
1294 the applicant is a partnership, each member of the partnership
1295 must be a resident of the state. If the applicant is a limited
1296 liability company, each member of the limited liability company
1297 must be a resident of the state. If the applicant is a
1298 corporation, the designated manager of the corporation must be a
1299 resident of the state.

1300 (d) That the place for which the permit is to be issued
1301 is an appropriate one considering the character of the premises
1302 and the surrounding neighborhood.

1303 (e) That the place for which the permit is to be issued
1304 is within the corporate limits of an incorporated municipality or
1305 qualified resort area or club which comes within the provisions of
1306 this article.

1307 (f) That the applicant is not indebted to the state for
1308 any taxes, fees or payment of penalties imposed by any law of the
1309 State of Mississippi or by any rule or regulation of the * * *
1310 department.

1311 (g) That the applicant is not in the habit of using
1312 alcoholic beverages to excess and is not physically or mentally
1313 incapacitated, and that the applicant has the ability to read and
1314 write the English language.

1315 (h) That the * * * department does not believe and has
1316 no reason to believe that the applicant will sell or knowingly



1317 permit any agent, servant or employee to unlawfully sell liquor in
1318 a dry area or in any other manner contrary to law.

1319 (i) That the applicant is not residentially domiciled
1320 with any person whose permit or license has been cancelled for
1321 cause within the twelve (12) months next preceding the date of the
1322 present application for a permit.

1323 (j) That the * * * department has not, in the exercise
1324 of its discretion which is reserved and preserved to it, refused
1325 to grant permits under the restrictions of this section, as well
1326 as under any other pertinent provision of this article.

1327 (k) That there are not sufficient legal reasons to deny
1328 a permit on the ground that the premises for which the permit is
1329 sought has previously been operated, used or frequented for any
1330 purpose or in any manner that is lewd, immoral or offensive to
1331 public decency. In the granting or withholding of any permit to
1332 sell alcoholic beverages at retail, the * * * department in
1333 forming its conclusions may give consideration to any
1334 recommendations made in writing by the district or county attorney
1335 or county, circuit or chancery judge of the county, or the sheriff
1336 of the county, or the mayor or chief of police of an incorporated
1337 city or town wherein the applicant proposes to conduct his
1338 business and to any recommendations made by representatives of
1339 the * * * department.

1340 (l) That the applicant and the applicant's key
1341 employees, as determined by the * * * department, do not have a



1342 disqualifying criminal record. In order to obtain a criminal
1343 record history check, the applicant shall submit to the commission
1344 a set of fingerprints from any local law enforcement agency for
1345 each person for whom the records check is required. The * * *
1346 department shall forward the fingerprints to the Mississippi
1347 Department of Public Safety. If no disqualifying record is
1348 identified at the state level, the Department of Public Safety
1349 shall forward the fingerprints to the Federal Bureau of
1350 Investigation for a national criminal history record check. Costs
1351 for processing the set or sets of fingerprints shall be borne by
1352 the applicant. The department may waive the fingerprint
1353 requirement in the case of an applicant for a direct wine
1354 shipper's permit. The * * * department shall not deny employment
1355 to an employee of the applicant prior to the identification of a
1356 disqualifying record or other disqualifying information.

1357 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is
1358 amended as follows:

1359 67-1-73. (1) Except as otherwise provided in subsection (3)
1360 of this section, every manufacturer, including native wine or
1361 native spirit producers, within or without the state, and every
1362 other shipper of alcoholic beverages who sells any alcoholic
1363 beverage, including native wine or native spirit, within the
1364 state, shall, at the time of making such sale, file with the
1365 department a copy of the invoice of such sale showing in detail
1366 the kind of alcoholic beverage sold, the quantities of each, the



1367 size of the container and the weight of the contents, the
1368 alcoholic content, and the name and address of the person to whom
1369 sold.

1370 (2) Except as otherwise provided in subsection (3) of this
1371 section, every person transporting alcoholic beverages, including
1372 native wine or native spirit, within this state to a point within
1373 this state, whether such transportation originates within or
1374 without this state, shall, within five (5) days after delivery of
1375 such shipment, furnish the department a copy of the bill of lading
1376 or receipt, showing the name or consignor or consignee, date,
1377 place received, destination, and quantity of alcoholic beverages
1378 delivered. Upon failure to comply with the provisions of this
1379 section, such person shall be deemed guilty of a misdemeanor and,
1380 upon conviction thereof, shall be fined in the sum of Fifty
1381 Dollars (\$50.00) for each offense.

1382 (3) Information regarding the sales, shipment, delivery and
1383 transportation of wine in this state by the holder of a direct
1384 wine shipper's permit under Sections 1 through 9 of this act shall
1385 be in such form and content as prescribed by the department.

1386 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is
1387 amended as follows:

1388 97-31-47. It shall be unlawful for any transportation
1389 company, or any agent, employee, or officer of such company, or
1390 any other person, or corporation to transport into or deliver in
1391 this state in any manner or by any means any spirituous, vinous,



1392 malt, or other intoxicating liquors or drinks, or for any such
1393 person, company, or corporation to transport any spirituous, malt,
1394 vinous, or intoxicating liquors or drinks from one place within
1395 this state to another place within the state, or from one (1)
1396 point within this state to any point without the state, except in
1397 cases where this chapter * * *, Section 67-9-1, or Sections 1
1398 through 9 of this act authorizes the transportation.

1399 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is
1400 amended as follows:

1401 97-31-49. Except as otherwise provided in Sections 1 through
1402 9 of this act, it shall be unlawful for any person, firm or
1403 corporation in this state, in person, by letter, circular, or
1404 other printed or written matter, or in any other manner, to
1405 solicit or take order in this state for any liquors, bitters or
1406 drinks prohibited by the laws of this state to be sold, bartered,
1407 or otherwise disposed of. The inhibition of this section shall
1408 apply to such liquors, bitters and drinks, whether the parties
1409 intend that the same shall be shipped into this state from outside
1410 of the state, or from one (1) point in this state to another point
1411 in this state. If such order be in writing, parol evidence
1412 thereof is admissible without producing or accounting for the
1413 absence of the original; and the taking or soliciting of such
1414 orders is within the inhibition of this section, although the
1415 orders are subject to approval by some other person, and no part



1416 of the price is paid, nor any part of the goods is delivered when
1417 the order is taken.

1418 **SECTION 23.** This act shall take effect and be in force from
1419 and after July 1, 2023.

