

By: Senator(s) McMahan, Chassaniol, Boyd

To: Tourism; Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2006

1 AN ACT TO AMEND SECTIONS 27-71-5, 67-1-41 AND 67-1-77,
2 MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEALERS AND REVERTERS ON
3 THE PROVISIONS OF LAW RELATING TO FESTIVAL WINE PERMITS; TO AMEND
4 SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEALER
5 ON WINE FESTIVAL PERMITS; TO AMEND THE PACKAGE RETAILER'S PERMIT
6 TO ALLOW EDIBLE ALCOHOL PRODUCT TO BE SOLD IN PACKAGE STORES; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 27-71-5, Mississippi Code of 1972, is
10 amended as follows:

11 27-71-5. (1) Upon each person approved for a permit under
12 the provisions of the Alcoholic Beverage Control Law and
13 amendments thereto, there is levied and imposed for each location
14 for the privilege of engaging and continuing in this state in the
15 business authorized by such permit, an annual privilege license
16 tax in the amount provided in the following schedule:

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

20 (i) For a permittee with annual production of



21 five thousand (5,000) gallons or more.....\$4,500.00
 22 (ii) For a permittee with annual production under
 23 five thousand (5,000) gallons.....\$2,800.00
 24 (b) Manufacturer's permit, Class 2, wine
 25 manufacturer.....\$1,800.00
 26 (c) Manufacturer's permit, Class 3, native wine
 27 manufacturer per ten thousand (10,000) gallons or part thereof
 28 produced.....\$ 10.00
 29 (d) Manufacturer's permit, Class 4, native spirit
 30 manufacturer per one thousand (1,000) gallons or part thereof
 31 produced.....\$ 300.00
 32 (e) Native wine retailer's permit.....\$ 50.00
 33 (f) Package retailer's permit, each.....\$ 900.00
 34 (g) On-premises retailer's permit, except for clubs and
 35 common carriers, each.....\$ 450.00
 36 (h) On-premises retailer's permit for wine of more than
 37 five percent (5%) alcohol by weight, but not more than twenty-one
 38 percent (21%) alcohol by weight, each.....\$ 225.00
 39 (i) On-premises retailer's permit for clubs...\$ 225.00
 40 (j) On-premises retailer's permit for common carriers,
 41 per car, plane, or other vehicle.....\$ 120.00
 42 (k) Solicitor's permit, regardless of any other
 43 provision of law, solicitor's permits shall be issued only in the
 44 discretion of the department.....\$ 100.00



45	(l)	Filing fee for each application except for an	
46		employee identification card.....	\$ 25.00
47	(m)	Temporary permit, Class 1, each.....	\$ 10.00
48	(n)	Temporary permit, Class 2, each.....	\$ 50.00
49	(o)	(i) Caterer's permit.....	\$ 600.00
50		(ii) Caterer's permit for holders of on-premises	
51		retailer's permit.....	\$ 150.00
52	(p)	Research permit.....	\$ 100.00
53	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
54	(r)	Special service permit.....	\$ 225.00
55	(s)	Merchant permit.....	\$ 225.00
56	(t)	Temporary alcoholic beverages charitable auction	
57		permit.....	\$ 10.00
58	(u)	Event venue retailer's permit.....	\$ 225.00
59	(v)	Temporary theatre permit, each.....	\$ 10.00
60	(w)	Charter ship operator's permit.....	\$ 100.00
61	(x)	Distillery retailer's permit.....	\$ 450.00
62	(y)	Festival wine permit.....	\$ 10.00
63	(z)	Charter vessel operator's permit.....	\$ 100.00
64	(aa)	Native spirit retailer's permit.....	\$ 50.00
65	(bb)	Delivery service permit.....	\$ 500.00
66	(cc)	Food truck permit.....	\$ 100.00

67 In addition to the filing fee imposed by paragraph (l) of
68 this subsection, a fee to be determined by the Department of
69 Revenue may be charged to defray costs incurred to process



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

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

83 * * *

84 (2) (a) There is imposed and shall be collected from each
85 permittee, except a common carrier, solicitor, a temporary
86 permittee or a delivery service permittee, by the department, an
87 additional license tax equal to the amounts imposed under
88 subsection (1) of this section for the privilege of doing business
89 within any municipality or county in which the licensee is
90 located.

91 (b) (i) In addition to the tax imposed in paragraph
92 (a) of this subsection, there is imposed and shall be collected by
93 the department from each permittee described in subsection (1)(g),
94 (h), (i), (n) and (u) of this section, an additional license tax



95 for the privilege of doing business within any municipality or
96 county in which the licensee is located in the amount of Two
97 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
98 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
99 (\$225.00) for each additional purchase of Five Thousand Dollars
100 (\$5,000.00), or fraction thereof.

101 (ii) In addition to the tax imposed in paragraph
102 (a) of this subsection, there is imposed and shall be collected by
103 the department from each permittee described in subsection (1)(o)
104 and (s) of this section, an additional license tax for the
105 privilege of doing business within any municipality or county in
106 which the licensee is located in the amount of Two Hundred Fifty
107 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
108 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
109 additional purchase of Five Thousand Dollars (\$5,000.00), or
110 fraction thereof.

111 (iii) Any person who has paid the additional
112 privilege license tax imposed by this paragraph, and whose permit
113 is renewed, may add any unused fraction of Five Thousand Dollars
114 (\$5,000.00) purchases to the first Five Thousand Dollars
115 (\$5,000.00) purchases authorized by the renewal permit, and no
116 additional license tax will be required until purchases exceed the
117 sum of the two (2) figures.

118 (c) If the licensee is located within a municipality,
119 the department shall pay the amount of additional license tax



120 collected under this section to the municipality, and if outside a
121 municipality the department shall pay the additional license tax
122 to the county in which the licensee is located. Payments by the
123 department to the respective local government subdivisions shall
124 be made once each month for any collections during the preceding
125 month.

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

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

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



145 (6) It shall be unlawful for any person to consume alcoholic
146 beverages on the premises of any hotel restaurant, restaurant,
147 club or the interior of any public place defined in Chapter 1,
148 Title 67, Mississippi Code of 1972, when the owner or manager
149 thereof displays in several conspicuous places inside the
150 establishment and at the entrances of establishment a sign
151 containing the following language: NO ALCOHOLIC BEVERAGES
152 ALLOWED.

153 **SECTION 2.** Section 67-1-41, Mississippi Code of 1972, is
154 amended as follows:

155 67-1-41. (1) The department is hereby created a wholesale
156 distributor and seller of alcoholic beverages, not including malt
157 liquors, within the State of Mississippi. It is granted the right
158 to import and sell alcoholic beverages at wholesale within the
159 state, and no person who is granted the right to sell, distribute
160 or receive alcoholic beverages at retail shall purchase any
161 alcoholic beverages from any source other than the department,
162 except as authorized in subsections (4), (9) and (12) of this
163 section. The department may establish warehouses, and the
164 department may purchase alcoholic beverages in such quantities and
165 from such sources as it may deem desirable and sell the alcoholic
166 beverages to authorized permittees within the state including, at
167 the discretion of the department, any retail distributors
168 operating within any military post or qualified resort areas
169 within the boundaries of the state, keeping a correct and accurate



170 record of all such transactions and exercising such control over
171 the distribution of alcoholic beverages as seem right and proper
172 in keeping with the provisions or purposes of this article.

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

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

183 (4) The department may promulgate rules and regulations
184 which authorize on-premises retailers to purchase limited amounts
185 of alcoholic beverages from package retailers and for package
186 retailers to purchase limited amounts of alcoholic beverages from
187 other package retailers. The department shall develop and provide
188 forms to be completed by the on-premises retailers and the package
189 retailers verifying the transaction. The completed forms shall be
190 forwarded to the department within a period of time prescribed by
191 the department.

192 (5) The department may promulgate rules which authorize the
193 holder of a package retailer's permit to permit individual retail
194 purchasers of packages of alcoholic beverages to return, for



195 exchange, credit or refund, limited amounts of original sealed and
196 unopened packages of alcoholic beverages purchased by the
197 individual from the package retailer.

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

201 (7) The department may promulgate rules which authorize the
202 manufacturer of an alcoholic beverage or wine to import, transport
203 and furnish or give a sample of alcoholic beverages or wines to
204 the holders of package retailer's permits, on-premises retailer's
205 permits, native wine or native spirit retailer's permits and
206 temporary retailer's permits who have not previously purchased the
207 brand of that manufacturer from the department. For each holder
208 of the designated permits, the manufacturer may furnish not more
209 than five hundred (500) milliliters of any brand of alcoholic
210 beverage and not more than three (3) liters of any brand of wine.

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



219 (9) The department may promulgate rules and regulations that
220 authorize the holder of a research permit to import and purchase
221 limited amounts of alcoholic beverages from importers, wineries
222 and distillers of alcoholic beverages or from the department. The
223 department shall develop and provide forms to be completed by the
224 research permittee verifying each transaction. The completed
225 forms shall be forwarded to the department within a period of time
226 prescribed by the department. The records and inventory of
227 alcoholic beverages shall be open to inspection at any time by the
228 Director of the Alcoholic Beverage Control Division or any duly
229 authorized agent.

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

237 (11) * * * This section shall not apply to alcoholic
238 beverages authorized to be sold by the holder of a distillery
239 retailer's permit or a festival wine permit.

240 * * *

241 (12) (a) An individual resident of this state who is at
242 least twenty-one (21) years of age may purchase wine from a winery
243 and have the purchase shipped into this state so long as it is



244 shipped to a package retailer permittee in Mississippi; however,
245 the permittee shall pay to the department all taxes, fees and
246 surcharges on the wine that are imposed upon the sale of wine
247 shipped by the department or its warehouse operator. No credit
248 shall be provided to the permittee for any taxes paid to another
249 state as a result of the transaction. Package retailers may
250 charge a service fee for receiving and handling shipments from
251 wineries on behalf of the purchasers. The department shall
252 develop and provide forms to be completed by the package retailer
253 permittees verifying the transaction. The completed forms shall
254 be forwarded to the department within a period of time prescribed
255 by the department.

256 (b) The purchaser of wine that is to be shipped to a
257 package retailer's store shall be required to get the prior
258 approval of the package retailer before any wine is shipped to the
259 package retailer. A purchaser is limited to no more than ten (10)
260 cases of wine per year to be shipped to a package retailer. A
261 package retailer shall notify a purchaser of wine within two (2)
262 days after receiving the shipment of wine. If the purchaser of
263 the wine does not pick up or take the wine from the package
264 retailer within thirty (30) days after being notified by the
265 package retailer, the package retailer may sell the wine as part
266 of his inventory.

267 (c) Shipments of wine into this state under this
268 section shall be made by a duly licensed carrier. It shall be the



269 duty of every common or contract carrier, and of every firm or
270 corporation that shall bring, carry or transport wine from outside
271 the state for delivery inside the state to package retailer
272 permittees on behalf of consumers, to prepare and file with the
273 department, on a schedule as determined by the department, of
274 known wine shipments containing the name of the common or contract
275 carrier, firm or corporation making the report, the period of time
276 covered by said report, the name and permit number of the winery,
277 the name and permit number of the package retailer permittee
278 receiving such wine, the weight of the package delivered to each
279 package retailer permittee, a unique tracking number, and the date
280 of delivery. Reports received by the department shall be made
281 available by the department to the public via the Mississippi
282 Public Records Act process in the same manner as other state
283 alcohol filings.

284 Upon the department's request, any records supporting the
285 report shall be made available to the department within a
286 reasonable time after the department makes a written request for
287 such records. Any records containing information relating to such
288 reports shall be kept and preserved for a period of two (2) years,
289 unless their destruction sooner is authorized, in writing, by the
290 department, and shall be open and available to inspection by the
291 department upon the department's written request. Reports shall
292 also be made available to any law enforcement or regulatory body
293 in the state in which the railroad company, express company,



294 common or contract carrier making the report resides or does
295 business.

296 Any common or contract carrier that willfully fails to make
297 reports, as provided by this section or any of the rules and
298 regulations of the department for the administration and
299 enforcement of this section, is subject to a notification of
300 violation. In the case of a continuing failure to make reports,
301 the common or contract carrier is subject to possible license
302 suspension and revocation at the department's discretion.

303 (d) A winery that ships wine under this section shall
304 be deemed to have consented to the jurisdiction of the courts of
305 this state, of the department, of any other state agency regarding
306 the enforcement of this section, and of any related law, rules or
307 regulations.

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

314 (13) If any provision of this article, or its application to
315 any person or circumstance, is determined by a court to be invalid
316 or unconstitutional, the remaining provisions shall be construed
317 in accordance with the intent of the Legislature to further limit
318 rather than expand commerce in alcoholic beverages to protect the



319 health, safety, and welfare of the state's residents, and to
320 enhance strict regulatory control over taxation, distribution and
321 sale of alcoholic beverages through the three-tier regulatory
322 system imposed by this article upon all alcoholic beverages to
323 curb relationships and practices calculated to stimulate sales and
324 impair the state's policy favoring trade stability and the
325 promotion of temperance.

326 **SECTION 3.** Section 67-1-77, Mississippi Code of 1972, is
327 amended as follows:

328 67-1-77. (1) It shall be unlawful for the holder of a
329 manufacturer's or wholesaler's permit, or anyone connected with
330 the business of such holder, or for any other distiller, wine
331 manufacturer, rectifier, blender or bottler, to have any financial
332 interest in any premises upon which any alcoholic beverage is sold
333 at retail by any permittee, or in the business conducted by such
334 permittee, except that:

335 (a) The holder of a manufacturer's or wholesaler's
336 permit may contract for the service of a representative in the
337 area of governmental affairs on a part-time basis with a holder of
338 an on-premises permit.

339 (b) A distiller, wine manufacturer, rectifier, blender
340 or bottler may have a financial interest in a premises upon which
341 alcoholic beverages are sold at retail by a permittee, or in the
342 business conducted by a permittee, if the permittee does not sell
343 or serve any alcoholic beverages that are distilled, manufactured,



344 rectified, blended or bottled by the distiller, wine manufacturer,
345 rectifier, blender or bottler having the financial interest in the
346 premises or in the business conducted by a permittee.

347 (c) * * * A distiller, wine manufacturer, rectifier,
348 blender or bottler may have a financial interest in and possess a
349 distillery retailer's permit and a wine festival permit.

350 * * *

351 (d) The holder of a manufacturer's permit which is
352 located adjacent to the Mississippi Museum of Art and is bordered
353 by Court Street, Farish Street, South Street and Town Creek may
354 have a financial interest in a premises upon which alcoholic
355 beverages are sold at retail.

356 (2) It shall also be unlawful for any such person, or anyone
357 connected with his, its, or their business to lend any money or
358 make any gift or offer any gratuity, to any retail permittee,
359 except as authorized by regulations of the commission, to the
360 holder of any retail permit issued under the provisions of this
361 article. Except as above provided, no retail permittee shall
362 accept, receive, or make use of any money or gift furnished by any
363 such person, or become indebted to such person except for the
364 purchase of alcoholic beverages.

365 (3) The commission shall not prohibit the furnishing of
366 advertising specialties, printed materials, or other things having
367 nominal value to a retail permittee. This section shall not be
368 construed to prohibit the possession by any person of advertising



369 specialties, printed materials, or other things having nominal
370 value furnished by a retail permittee.

371 (4) Any person violating the provisions of this section
372 shall, upon conviction, be punished by a fine of not more than
373 Five Thousand Dollars (\$5,000.00) or by imprisonment for not more
374 than two (2) years, or by both such fine and imprisonment, in the
375 discretion of the court.

376 **SECTION 4.** Section 67-1-51, Mississippi Code of 1972, is
377 amended as follows:

378 67-1-51. (1) Permits which may be issued by the department
379 shall be as follows:

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

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

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



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

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

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

402 (b) **Package retailer's permit.** Except as otherwise
403 provided in this paragraph and Section 67-1-52, a package
404 retailer's permit shall authorize the holder thereof to operate a
405 store exclusively for the sale at retail in original sealed and
406 unopened packages of alcoholic beverages, including native
407 wines, * * * native spirits and edibles, not to be consumed on the
408 premises where sold. Alcoholic beverages shall not be sold by any
409 retailer in any package or container containing less than fifty
410 (50) milliliters by liquid measure. A package retailer's permit,
411 with prior approval from the department, shall authorize the
412 holder thereof to sample new product furnished by a manufacturer's
413 representative or his employees at the permitted place of business
414 so long as the sampling otherwise complies with this article and
415 applicable department regulations. Such samples may not be
416 provided to customers at the permitted place of business. In
417 addition to the sale at retail of packages of alcoholic beverages,



418 the holder of a package retailer's permit is authorized to sell at
419 retail corkscrews, wine glasses, soft drinks, ice, juices,
420 mixers, * * * other beverages commonly used to mix with alcoholic
421 beverages, and fruits and foods that have been submerged in
422 alcohol and are commonly referred to as edibles. Nonalcoholic
423 beverages sold by the holder of a package retailer's permit shall
424 not be consumed on the premises where sold.

425 (c) **On-premises retailer's permit.** Except as otherwise
426 provided in subsection (5) of this section, an on-premises
427 retailer's permit shall authorize the sale of alcoholic beverages,
428 including native wines and native spirits, for consumption on the
429 licensed premises only; however, a patron of the permit holder may
430 remove one (1) bottle of wine from the licensed premises if: (i)
431 the patron consumed a portion of the bottle of wine in the course
432 of consuming a meal purchased on the licensed premises; (ii) the
433 permit holder securely reseals the bottle; (iii) the bottle is
434 placed in a bag that is secured in a manner so that it will be
435 visibly apparent if the bag is opened; and (iv) a dated receipt
436 for the wine and the meal is available. Additionally, as part of
437 a carryout order, a permit holder may sell one (1) bottle of wine
438 to be removed from the licensed premises for every two (2) entrees
439 ordered. Such a permit shall be issued only to qualified hotels,
440 restaurants and clubs, small craft breweries, microbreweries, and
441 to common carriers with adequate facilities for serving
442 passengers. In resort areas, whether inside or outside of a



443 municipality, the department, in its discretion, may issue
444 on-premises retailer's permits to such establishments as it deems
445 proper. An on-premises retailer's permit when issued to a common
446 carrier shall authorize the sale and serving of alcoholic
447 beverages aboard any licensed vehicle while moving through any
448 county of the state; however, the sale of such alcoholic beverages
449 shall not be permitted while such vehicle is stopped in a county
450 that has not legalized such sales. If an on-premises retailer's
451 permit is applied for by a common carrier operating solely in the
452 water, such common carrier must, along with all other
453 qualifications for a permit, (i) be certified to carry at least
454 one hundred fifty (150) passengers and/or provide overnight
455 accommodations for at least fifty (50) passengers and (ii) operate
456 primarily in the waters within the State of Mississippi which lie
457 adjacent to the State of Mississippi south of the three (3) most
458 southern counties in the State of Mississippi and/or on the
459 Mississippi River or navigable waters within any county bordering
460 on the Mississippi River.

461 (d) **Solicitor's permit.** A solicitor's permit shall
462 authorize the holder thereof to act as salesman for a manufacturer
463 or wholesaler holding a proper permit, to solicit on behalf of his
464 employer orders for alcoholic beverages, and to otherwise promote
465 his employer's products in a legitimate manner. Such a permit
466 shall authorize the representation of and employment by one (1)
467 principal only. However, the permittee may also, in the



468 discretion of the department, be issued additional permits to
469 represent other principals. No such permittee shall buy or sell
470 alcoholic beverages for his own account, and no such beverage
471 shall be brought into this state in pursuance of the exercise of
472 such permit otherwise than through a permit issued to a wholesaler
473 or manufacturer in the state.

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

489 (f) **Temporary retailer's permit.** Except as otherwise
490 provided in subsection (5) of this section, a temporary retailer's
491 permit shall permit the purchase and resale of alcoholic



492 beverages, including native wines and native spirits, during legal
493 hours on the premises described in the temporary permit only.

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

496 Class 1. A temporary one-day permit may be issued to bona
497 fide nonprofit civic or charitable organizations authorizing the
498 sale of alcoholic beverages, including native wine and native
499 spirit, for consumption on the premises described in the temporary
500 permit only. Class 1 permits may be issued only to applicants
501 demonstrating to the department, by a statement signed under
502 penalty of perjury submitted ten (10) days prior to the proposed
503 date or such other time as the department may determine, that they
504 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
505 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
506 Class 1 permittees shall obtain all alcoholic beverages from
507 package retailers located in the county in which the temporary
508 permit is issued. Alcoholic beverages remaining in stock upon
509 expiration of the temporary permit may be returned by the
510 permittee to the package retailer for a refund of the purchase
511 price upon consent of the package retailer or may be kept by the
512 permittee exclusively for personal use and consumption, subject to
513 all laws pertaining to the illegal sale and possession of
514 alcoholic beverages. The department, following review of the
515 statement provided by the applicant and the requirements of the
516 applicable statutes and regulations, may issue the permit.



517 Class 2. A temporary permit, not to exceed seventy (70)
518 days, may be issued to prospective permittees seeking to transfer
519 a permit authorized in paragraph (c) of this subsection. A Class
520 2 permit may be issued only to applicants demonstrating to the
521 department, by a statement signed under the penalty of perjury,
522 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
523 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
524 67-1-59. The department, following a preliminary review of the
525 statement provided by the applicant and the requirements of the
526 applicable statutes and regulations, may issue the permit.

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

535 Class 3. A temporary one-day permit may be issued to a
536 retail establishment authorizing the complimentary distribution of
537 wine, including native wine, to patrons of the retail
538 establishment at an open house or promotional event, for
539 consumption only on the premises described in the temporary
540 permit. A Class 3 permit may be issued only to an applicant
541 demonstrating to the department, by a statement signed under



542 penalty of perjury submitted ten (10) days before the proposed
543 date or such other time as the department may determine, that it
544 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
545 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
546 A Class 3 permit holder shall obtain all alcoholic beverages from
547 the holder(s) of a package retailer's permit located in the county
548 in which the temporary permit is issued. Wine remaining in stock
549 upon expiration of the temporary permit may be returned by the
550 Class 3 temporary permit holder to the package retailer for a
551 refund of the purchase price, with consent of the package
552 retailer, or may be kept by the Class 3 temporary permit holder
553 exclusively for personal use and consumption, subject to all laws
554 pertaining to the illegal sale and possession of alcoholic
555 beverages. The department, following review of the statement
556 provided by the applicant and the requirements of the applicable
557 statutes and regulations, may issue the permit. No retailer may
558 receive more than twelve (12) Class 3 temporary permits in a
559 calendar year. A Class 3 temporary permit shall not be issued to
560 a retail establishment that either holds a merchant permit issued
561 under paragraph (1) of this subsection, or holds a permit issued
562 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
563 the holder to engage in the business of a retailer of light wine
564 or beer.

565 (g) **Caterer's permit.** A caterer's permit shall permit
566 the purchase of alcoholic beverages by a person engaging in



567 business as a caterer and the resale of alcoholic beverages by
568 such person in conjunction with such catering business. No person
569 shall qualify as a caterer unless forty percent (40%) or more of
570 the revenue derived from such catering business shall be from the
571 serving of prepared food and not from the sale of alcoholic
572 beverages and unless such person has obtained a permit for such
573 business from the Department of Health. A caterer's permit shall
574 not authorize the sale of alcoholic beverages on the premises of
575 the person engaging in business as a caterer; however, the holder
576 of an on-premises retailer's permit may hold a caterer's permit.
577 When the holder of an on-premises retailer's permit or an
578 affiliated entity of the holder also holds a caterer's permit, the
579 caterer's permit shall not authorize the service of alcoholic
580 beverages on a consistent, recurring basis at a separate, fixed
581 location owned or operated by the caterer, on-premises retailer or
582 affiliated entity and an on-premises retailer's permit shall be
583 required for the separate location. All sales of alcoholic
584 beverages by holders of a caterer's permit shall be made at the
585 location being catered by the caterer, and, except as otherwise
586 provided in subsection (5) of this section, such sales may be made
587 only for consumption at the catered location. The location being
588 catered may be anywhere within a county or judicial district that
589 has voted to come out from under the dry laws or in which the sale
590 and distribution of alcoholic beverages is otherwise authorized by
591 law. Such sales shall be made pursuant to any other conditions



592 and restrictions which apply to sales made by on-premises retail
593 permittees. The holder of a caterer's permit or his employees
594 shall remain at the catered location as long as alcoholic
595 beverages are being sold pursuant to the permit issued under this
596 paragraph (g), and the permittee shall have at the location the
597 identification card issued by the Alcoholic Beverage Control
598 Division of the department. No unsold alcoholic beverages may be
599 left at the catered location by the permittee upon the conclusion
600 of his business at that location. Appropriate law enforcement
601 officers and Alcoholic Beverage Control Division personnel may
602 enter a catered location on private property in order to enforce
603 laws governing the sale or serving of alcoholic beverages.

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

611 (i) **Alcohol processing permit.** An alcohol processing
612 permit shall authorize the holder thereof to purchase, transport
613 and possess alcoholic beverages for the exclusive use in cooking,
614 processing or manufacturing products which contain alcoholic
615 beverages as an integral ingredient. An alcohol processing permit
616 shall not authorize the sale of alcoholic beverages on the



617 premises of the person engaging in the business of cooking,
618 processing or manufacturing products which contain alcoholic
619 beverages. The amounts of alcoholic beverages allowed under an
620 alcohol processing permit shall be set by the department.

621 (j) **Hospitality cart permit.** A hospitality cart permit
622 shall authorize the sale of alcoholic beverages from a mobile cart
623 on a golf course that is the holder of an on-premises retailer's
624 permit. The alcoholic beverages sold from the cart must be
625 consumed within the boundaries of the golf course.

626 (k) **Special service permit.** A special service permit
627 shall authorize the holder to sell commercially sealed alcoholic
628 beverages to the operator of a commercial or private aircraft for
629 en route consumption only by passengers. A special service permit
630 shall be issued only to a fixed-base operator who contracts with
631 an airport facility to provide fueling and other associated
632 services to commercial and private aircraft.

633 (l) **Merchant permit.** Except as otherwise provided in
634 subsection (5) of this section, a merchant permit shall be issued
635 only to the owner of a spa facility, an art studio or gallery, or
636 a cooking school, and shall authorize the holder to serve
637 complimentary by the glass wine only, including native wine, at
638 the holder's spa facility, art studio or gallery, or cooking
639 school. A merchant permit holder shall obtain all wine from the
640 holder of a package retailer's permit.



641 (m) **Temporary alcoholic beverages charitable auction**
642 **permit.** A temporary permit, not to exceed five (5) days, may be
643 issued to a qualifying charitable nonprofit organization that is
644 exempt from taxation under Section 501(c)(3) or (4) of the
645 Internal Revenue Code of 1986. The permit shall authorize the
646 holder to sell alcoholic beverages for the limited purpose of
647 raising funds for the organization during a live or silent auction
648 that is conducted by the organization and that meets the following
649 requirements: (i) the auction is conducted in an area of the
650 state where the sale of alcoholic beverages is authorized; (ii) if
651 the auction is conducted on the premises of an on-premises
652 retailer's permit holder, then the alcoholic beverages to be
653 auctioned must be stored separately from the alcoholic beverages
654 sold, stored or served on the premises, must be removed from the
655 premises immediately following the auction, and may not be
656 consumed on the premises; (iii) the permit holder may not conduct
657 more than two (2) auctions during a calendar year; (iv) the permit
658 holder may not pay a commission or promotional fee to any person
659 to arrange or conduct the auction.

660 (n) **Event venue retailer's permit.** An event venue
661 retailer's permit shall authorize the holder thereof to purchase
662 and resell alcoholic beverages, including native wines and native
663 spirits, for consumption on the premises during legal hours during
664 events held on the licensed premises if food is being served at
665 the event by a caterer who is not affiliated with or related to



666 the permittee. The caterer must serve at least three (3) entrees.
667 The permit may only be issued for venues that can accommodate two
668 hundred (200) persons or more. The number of persons a venue may
669 accommodate shall be determined by the local fire department and
670 such determination shall be provided in writing and submitted
671 along with all other documents required to be provided for an
672 on-premises retailer's permit. The permittee must derive the
673 majority of its revenue from event-related fees, including, but
674 not limited to, admission fees or ticket sales for live
675 entertainment in the building. "Event-related fees" do not
676 include alcohol, beer or light wine sales or any fee which may be
677 construed to cover the cost of alcohol, beer or light wine. This
678 determination shall be made on a per event basis. An event may
679 not last longer than two (2) consecutive days per week.

680 (o) **Temporary theatre permit.** A temporary theatre
681 permit, not to exceed five (5) days, may be issued to a charitable
682 nonprofit organization that is exempt from taxation under Section
683 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
684 a theatre facility that features plays and other theatrical
685 performances and productions. Except as otherwise provided in
686 subsection (5) of this section, the permit shall authorize the
687 holder to sell alcoholic beverages, including native wines and
688 native spirits, to patrons of the theatre during performances and
689 productions at the theatre facility for consumption during such
690 performances and productions on the premises of the facility



691 described in the permit. A temporary theatre permit holder shall
692 obtain all alcoholic beverages from package retailers located in
693 the county in which the permit is issued. Alcoholic beverages
694 remaining in stock upon expiration of the temporary theatre permit
695 may be returned by the permittee to the package retailer for a
696 refund of the purchase price upon consent of the package retailer
697 or may be kept by the permittee exclusively for personal use and
698 consumption, subject to all laws pertaining to the illegal sale
699 and possession of alcoholic beverages.

700 (p) **Charter ship operator's permit.** Subject to the
701 provisions of this paragraph (p), a charter ship operator's permit
702 shall authorize the holder thereof and its employees to serve,
703 monitor, store and otherwise control the serving and availability
704 of alcoholic beverages to customers of the permit holder during
705 private charters under contract provided by the permit holder. A
706 charter ship operator's permit shall authorize such action by the
707 permit holder and its employees only as to alcoholic beverages
708 brought onto the permit holder's ship by customers of the permit
709 holder as part of such a private charter. All such alcoholic
710 beverages must be removed from the charter ship at the conclusion
711 of each private charter. A charter ship operator's permit shall
712 not authorize the permit holder to sell, charge for or otherwise
713 supply alcoholic beverages to customers, except as authorized in
714 this paragraph (p). For the purposes of this paragraph (p),
715 "charter ship operator" means a common carrier that (i) is



716 certified to carry at least one hundred fifty (150) passengers
717 and/or provide overnight accommodations for at least fifty (50)
718 passengers, (ii) operates only in the waters within the State of
719 Mississippi, which lie adjacent to the State of Mississippi south
720 of the three (3) most southern counties in the State of
721 Mississippi, and (iii) provides charters under contract for tours
722 and trips in such waters.

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

738 The holder shall not sell at retail more than ten percent
739 (10%) of the alcoholic beverages produced annually at its
740 distillery. The holder shall not make retail sales of more than



741 two and twenty-five one-hundredths (2.25) liters, in the
742 aggregate, of the alcoholic beverages produced at its distillery
743 to any one (1) individual for consumption off the premises of the
744 distillery within a twenty-four-hour period. The hours of sale
745 shall be the same as those hours for package retailers under this
746 article. The holder of a distillery retailer's permit is not
747 required to purchase the alcoholic beverages authorized to be sold
748 by this paragraph from the department's liquor distribution
749 warehouse; however, if the holder does not purchase the alcoholic
750 beverages from the department's liquor distribution warehouse, the
751 holder shall pay to the department all taxes, fees and surcharges
752 on the alcoholic beverages that are imposed upon the sale of
753 alcoholic beverages shipped by the department or its warehouse
754 operator. In addition to alcoholic beverages, the holder of a
755 distillery retailer's permit may sell at retail promotional
756 products from the same retail location, including shirts, hats,
757 glasses, and other promotional products customarily sold by
758 alcoholic beverage manufacturers.

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



766 "Festival" means any event at which three (3) or more vendors are
767 present at a location for the sale or distribution of goods. The
768 holder of a Festival Wine Permit is not required to purchase the
769 alcoholic beverages authorized to be sold by this paragraph from
770 the department's liquor distribution warehouse. However, if the
771 holder does not purchase the alcoholic beverages from the
772 department's liquor distribution warehouse, the holder of this
773 permit shall pay to the department all taxes, fees and surcharges
774 on the alcoholic beverages sold at such festivals that are imposed
775 upon the sale of alcoholic beverages shipped by the Alcoholic
776 Beverage Control Division of the Department of Revenue.
777 Additionally, the entity shall file all applicable reports and
778 returns as prescribed by the department. This permit is issued
779 per festival and provides authority to sell for two (2)
780 consecutive days during the hours authorized for on-premises
781 permittees' sales in that county or city. The holder of the
782 permit shall be required to maintain all requirements set by Local
783 Option Law for the service and sale of alcoholic beverages. This
784 permit may be issued to entities participating in festivals at
785 which a Class 1 temporary permit is in effect.

786 * * *

787 (s) **Charter vessel operator's permit.** Subject to the
788 provisions of this paragraph (s), a charter vessel operator's
789 permit shall authorize the holder thereof and its employees to
790 sell and serve alcoholic beverages to passengers of the permit



791 holder during public tours, historical tours, ecological tours and
792 sunset cruises provided by the permit holder. The permit shall
793 authorize the holder to only sell alcoholic beverages, including
794 native wines, to passengers of the charter vessel operator during
795 public tours, historical tours, ecological tours and sunset
796 cruises provided by the permit holder aboard the charter vessel
797 operator for consumption during such tours and cruises on the
798 premises of the charter vessel operator described in the permit.
799 For the purposes of this paragraph (s), "charter vessel operator"
800 means a common carrier that (i) is certified to carry at least
801 forty-nine (49) passengers, (ii) operates only in the waters
802 within the State of Mississippi, which lie south of Interstate 10
803 in the three (3) most southern counties in the State of
804 Mississippi, and lie adjacent to the State of Mississippi south of
805 the three (3) most southern counties in the State of Mississippi,
806 extending not further than one (1) mile south of such counties,
807 and (iii) provides vessel services for tours and cruises in such
808 waters as provided in this paragraph (s).

809 (t) **Native spirit retailer's permit.** Except as
810 otherwise provided in subsection (5) of this section, a native
811 spirit retailer's permit shall be issued only to a holder of a
812 Class 4 manufacturer's permit, and shall authorize the holder
813 thereof to make retail sales of native spirits to consumers for
814 on-premises consumption or to consumers in originally sealed and
815 unopened containers at an establishment located on the premises of



816 or in the immediate vicinity of a native distillery. When selling
817 to consumers for on-premises consumption, a holder of a native
818 spirit retailer's permit may add to the native spirit alcoholic
819 beverages not produced on the premises, so long as the total
820 volume of foreign beverage components does not exceed twenty
821 percent (20%) of the mixed beverage. Hours of sale shall be the
822 same as those authorized for on-premises permittees in the city or
823 county in which the native spirit retailer is located.

824 (u) **Delivery service permit.** Any individual, limited
825 liability company, corporation or partnership registered to do
826 business in this state is eligible to obtain a delivery service
827 permit. Subject to the provisions of Section 67-1-51.1, this
828 permit authorizes the permittee, or its employee or an independent
829 contractor acting on its behalf, to deliver alcoholic beverages,
830 beer, light wine and light spirit product from a licensed retailer
831 to a person in this state who is at least twenty-one (21) years of
832 age for the individual's use and not for resale. This permit does
833 not authorize the delivery of alcoholic beverages, beer, light
834 wine or light spirit product to the premises of a location with a
835 permit for the manufacture, distribution or retail sale of
836 alcoholic beverages, beer, light wine or light spirit product.
837 The holder of a package retailer's permit or an on-premises
838 retailer's permit under Section 67-1-51 or of a beer, light wine
839 and light spirit product permit under Section 67-3-19 is



840 authorized to apply for a delivery service permit as a privilege
841 separate from its existing retail permit.

842 (v) **Food truck permit.** A food truck permit shall
843 authorize the holder of an on-premises retailer's permit to use a
844 food truck to sell alcoholic beverages off its premises to guests
845 who must consume the beverages in open containers. For the
846 purposes of this paragraph (v), "food truck" means a fully encased
847 food service establishment on a motor vehicle or on a trailer that
848 a motor vehicle pulls to transport, and from which a vendor,
849 standing within the frame of the establishment, prepares, cooks,
850 sells and serves food for immediate human consumption. The term
851 "food truck" does not include a food cart that is not motorized.
852 Food trucks shall maintain such distance requirements from
853 schools, churches, kindergartens and funeral homes as are required
854 for on-premises retailer's permittees under this article, and all
855 sales must be made within a valid leisure and recreation district
856 established under Section 67-1-101. Food trucks cannot sell or
857 serve alcoholic beverages unless also offering food prepared and
858 cooked within the food truck, and permittees must maintain a
859 twenty-five percent (25%) food sale revenue requirement based on
860 the food sold from the food truck alone. The hours allowed for
861 sale shall be the same as those for on-premises retailer's
862 permittees in the location. This permit will not be required for
863 the holder of a caterer's permit issued under this article to
864 cater an event as allowed by law. Permittees must provide notice



865 of not less than forty-eight (48) hours to the department of each
866 location at which alcoholic beverages will be sold.

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

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

877 (b) A church or funeral home may waive the distance
878 restrictions imposed in this subsection in favor of allowing
879 issuance by the department of a permit, pursuant to subsection (1)
880 of this section, to authorize activity relating to the
881 manufacturing, sale or storage of alcoholic beverages which would
882 otherwise be prohibited under the minimum distance criterion.
883 Such waiver shall be in written form from the owner, the governing
884 body, or the appropriate officer of the church or funeral home
885 having the authority to execute such a waiver, and the waiver
886 shall be filed with and verified by the department before becoming
887 effective.

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



890 beverages at a bed and breakfast inn listed in the National
891 Register of Historic Places or to the sale or storage of alcoholic
892 beverages in a historic district that is listed in the National
893 Register of Historic Places, is a qualified resort area and is
894 located in a municipality having a population greater than one
895 hundred thousand (100,000) according to the latest federal
896 decennial census.

897 (d) The distance restrictions imposed in this
898 subsection shall not apply to the sale or storage of alcoholic
899 beverages at a qualified resort area as defined in Section
900 67-1-5(o)(iii)32.

901 (e) The distance restrictions imposed in this
902 subsection shall not apply to the sale or storage of alcoholic
903 beverages at a licensed premises in a building formerly owned by a
904 municipality and formerly leased by the municipality to a
905 municipal school district and used by the municipal school
906 district as a district bus shop facility.

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

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



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

918 (h) The distance restrictions imposed in this
919 subsection shall not apply to the sale or storage of alcoholic
920 beverages at a theatre facility that features plays and other
921 theatrical performances and productions and (i) is capable of
922 seating more than seven hundred fifty (750) people, (ii) is owned
923 by a municipality which has a population greater than ten thousand
924 (10,000) according to the latest federal decennial census, (iii)
925 was constructed prior to 1930, (iv) is on the National Register of
926 Historic Places, and (v) is located in a historic district.

927 (4) No person, either individually or as a member of a firm,
928 partnership, limited liability company or association, or as a
929 stockholder, officer or director in a corporation, shall own or
930 control any interest in more than one (1) package retailer's
931 permit, nor shall such person's spouse, if living in the same
932 household of such person, any relative of such person, if living
933 in the same household of such person, or any other person living
934 in the same household with such person own any interest in any
935 other package retailer's permit.

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



940 patron of the permit holder in the manner authorized in the permit
941 and the patron may remove an open glass, cup or other container of
942 the alcoholic beverage and/or wine from the licensed premises and
943 may possess and consume the alcoholic beverage or wine outside of
944 the licensed premises if: (i) the licensed premises is located
945 within a leisure and recreation district created under Section
946 67-1-101 and (ii) the patron remains within the boundaries of the
947 leisure and recreation district while in possession of the
948 alcoholic beverage or wine.

949 (b) Nothing in this subsection shall be construed to
950 allow a person to bring any alcoholic beverages into a permitted
951 premises except to the extent otherwise authorized by this
952 article.

953 **SECTION 5.** This act shall take effect and be in force from
954 and after June 30, 2023.

