

By: Senator(s) Michel

To: Finance

SENATE BILL NO. 2687

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
 2 DEFINE THE TERM "GROCERY STORE"; TO AMEND SECTION 67-1-51,
 3 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE
 4 TO ISSUE GROCERY STORE WINE-ONLY RETAILER'S PERMITS THAT AUTHORIZE
 5 THE HOLDER THEREOF TO SELL WINE AT RETAIL AT A GROCERY STORE IN
 6 ORIGINAL SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE
 7 PREMISES WHERE SOLD; TO PROVIDE THAT THE HOLDER OF A PACKAGE
 8 RETAILER'S PERMIT MAY SELL OTHER PRODUCTS AND MERCHANDISE, EXCEPT
 9 BEER, BUT MUST DERIVE AT LEAST 50% OF THE REVENUE OF THE LICENSED
 10 PREMISES FROM THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN ORIGINAL
 11 SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE LICENSED
 12 PREMISES; TO AUTHORIZE A PERSON TO OWN OR CONTROL ANY INTEREST IN
 13 MORE THAN SIX PACKAGE RETAILER'S PERMITS; TO AMEND SECTION
 14 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE LICENSE TAX
 15 REQUIRED FOR GROCERY STORE WINE-ONLY RETAILER'S PERMITS; TO AMEND
 16 SECTIONS 67-1-41, 67-1-75, 67-1-83 AND 67-1-85, MISSISSIPPI CODE
 17 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, is
 20 amended as follows:

21 67-1-5. For the purposes of this article and unless
 22 otherwise required by the context:

23 (a) "Alcoholic beverage" means any alcoholic liquid,
 24 including wines of more than five percent (5%) of alcohol by
 25 weight, capable of being consumed as a beverage by a human being,



26 but shall not include light wine, light spirit product and beer,
27 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
28 include native wines and native spirits. The words "alcoholic
29 beverage" shall not include ethyl alcohol manufactured or
30 distilled solely for fuel purposes or beer of an alcoholic content
31 of more than eight percent (8%) by weight if the beer is legally
32 manufactured in this state for sale in another state.

33 (b) "Alcohol" means the product of distillation of any
34 fermented liquid, whatever the origin thereof, and includes
35 synthetic ethyl alcohol, but does not include denatured alcohol or
36 wood alcohol.

37 (c) "Distilled spirits" means any beverage containing
38 more than six percent (6%) of alcohol by weight produced by
39 distillation of fermented grain, starch, molasses or sugar,
40 including dilutions and mixtures of these beverages.

41 (d) "Wine" or "vinous liquor" means any product
42 obtained from the alcoholic fermentation of the juice of sound,
43 ripe grapes, fruits, honey or berries and made in accordance with
44 the revenue laws of the United States.

45 (e) "Person" means and includes any individual,
46 partnership, corporation, association or other legal entity
47 whatsoever.

48 (f) "Manufacturer" means any person engaged in
49 manufacturing, distilling, rectifying, blending or bottling any
50 alcoholic beverage.



51 (g) "Wholesaler" means any person, other than a
52 manufacturer, engaged in distributing or selling any alcoholic
53 beverage at wholesale for delivery within or without this state
54 when such sale is for the purpose of resale by the purchaser.

55 (h) "Retailer" means any person who sells, distributes,
56 or offers for sale or distribution, any alcoholic beverage for use
57 or consumption by the purchaser and not for resale.

58 (i) "State Tax Commission," "commission" or
59 "department" means the Department of Revenue of the State of
60 Mississippi, which shall create a division in its organization to
61 be known as the Alcoholic Beverage Control Division. Any
62 reference to the commission or the department hereafter means the
63 powers and duties of the Department of Revenue with reference to
64 supervision of the Alcoholic Beverage Control Division.

65 (j) "Division" means the Alcoholic Beverage Control
66 Division of the Department of Revenue.

67 (k) "Municipality" means any incorporated city or town
68 of this state.

69 (l) "Hotel" means an establishment within a
70 municipality, or within a qualified resort area approved as such
71 by the department, where, in consideration of payment, food and
72 lodging are habitually furnished to travelers and wherein are
73 located at least twenty (20) adequately furnished and completely
74 separate sleeping rooms with adequate facilities that persons
75 usually apply for and receive as overnight accommodations. Hotels



76 in towns or cities of more than twenty-five thousand (25,000)
77 population are similarly defined except that they must have fifty
78 (50) or more sleeping rooms. Any such establishment described in
79 this paragraph with less than fifty (50) beds shall operate one or
80 more regular dining rooms designed to be constantly frequented by
81 customers each day. When used in this article, the word "hotel"
82 shall also be construed to include any establishment that meets
83 the definition of "bed and breakfast inn" as provided in this
84 section.

85 (m) "Restaurant" means:

86 (i) A place which is regularly and in a bona fide
87 manner used and kept open for the serving of meals to guests for
88 compensation, which has suitable seating facilities for guests,
89 and which has suitable kitchen facilities connected therewith for
90 cooking an assortment of foods and meals commonly ordered at
91 various hours of the day; the service of such food as sandwiches
92 and salads only shall not be deemed in compliance with this
93 requirement. Except as otherwise provided in this paragraph, no
94 place shall qualify as a restaurant under this article unless
95 twenty-five percent (25%) or more of the revenue derived from such
96 place shall be from the preparation, cooking and serving of meals
97 and not from the sale of beverages, or unless the value of food
98 given to and consumed by customers is equal to twenty-five percent
99 (25%) or more of total revenue; or



100 (ii) Any privately owned business located in a
101 building in a historic district where the district is listed in
102 the National Register of Historic Places, where the building has a
103 total occupancy rating of not less than one thousand (1,000) and
104 where the business regularly utilizes ten thousand (10,000) square
105 feet or more in the building for live entertainment, including not
106 only the stage, lobby or area where the audience sits and/or
107 stands, but also any other portion of the building necessary for
108 the operation of the business, including any kitchen area, bar
109 area, storage area and office space, but excluding any area for
110 parking. In addition to the other requirements of this
111 subparagraph, the business must also serve food to guests for
112 compensation within the building and derive the majority of its
113 revenue from event-related fees, including, but not limited to,
114 admission fees or ticket sales to live entertainment in the
115 building, and from the rental of all or part of the facilities of
116 the business in the building to another party for a specific event
117 or function.

118 (n) "Club" means an association or a corporation:

119 (i) Organized or created under the laws of this
120 state for a period of five (5) years prior to July 1, 1966;

121 (ii) Organized not primarily for pecuniary profit
122 but for the promotion of some common object other than the sale or
123 consumption of alcoholic beverages;



124 (iii) Maintained by its members through the
125 payment of annual dues;

126 (iv) Owning, hiring or leasing a building or space
127 in a building of such extent and character as may be suitable and
128 adequate for the reasonable and comfortable use and accommodation
129 of its members and their guests;

130 (v) The affairs and management of which are
131 conducted by a board of directors, board of governors, executive
132 committee, or similar governing body chosen by the members at a
133 regular meeting held at some periodic interval; and

134 (vi) No member, officer, agent or employee of
135 which is paid, or directly or indirectly receives, in the form of
136 a salary or other compensation any profit from the distribution or
137 sale of alcoholic beverages to the club or to members or guests of
138 the club beyond such salary or compensation as may be fixed and
139 voted at a proper meeting by the board of directors or other
140 governing body out of the general revenues of the club.

141 The department may, in its discretion, waive the five-year
142 provision of this paragraph. In order to qualify under this
143 paragraph, a club must file with the department, at the time of
144 its application for a license under this article, two (2) copies
145 of a list of the names and residences of its members and similarly
146 file, within ten (10) days after the election of any additional
147 member, his name and address. Each club applying for a license
148 shall also file with the department at the time of the application



149 a copy of its articles of association, charter of incorporation,
150 bylaws or other instruments governing the business and affairs
151 thereof.

152 (o) "Qualified resort area" means any area or locality
153 outside of the limits of incorporated municipalities in this state
154 commonly known and accepted as a place which regularly and
155 customarily attracts tourists, vacationists and other transients
156 because of its historical, scenic or recreational facilities or
157 attractions, or because of other attributes which regularly and
158 customarily appeal to and attract tourists, vacationists and other
159 transients in substantial numbers; however, no area or locality
160 shall so qualify as a resort area until it has been duly and
161 properly approved as such by the department. The department may
162 not approve an area as a qualified resort area after July 1, 2018,
163 if any portion of such proposed area is located within two (2)
164 miles of a convent or monastery that is located in a county
165 traversed by Interstate 55 and U.S. Highway 98. A convent or
166 monastery may waive such distance restrictions in favor of
167 allowing approval by the department of an area as a qualified
168 resort area. Such waiver shall be in written form from the owner,
169 the governing body, or the appropriate officer of the convent or
170 monastery having the authority to execute such a waiver, and the
171 waiver shall be filed with and verified by the department before
172 becoming effective.



173 (i) The department may approve an area or locality
174 outside of the limits of an incorporated municipality that is in
175 the process of being developed as a qualified resort area if such
176 area or locality, when developed, can reasonably be expected to
177 meet the requisites of the definition of the term "qualified
178 resort area." In such a case, the status of qualified resort area
179 shall not take effect until completion of the development.

180 (ii) The term includes any state park which is
181 declared a resort area by the department; however, such
182 declaration may only be initiated in a written request for resort
183 area status made to the department by the Executive Director of
184 the Department of Wildlife, Fisheries and Parks, and no permit for
185 the sale of any alcoholic beverage, as defined in this article,
186 except an on-premises retailer's permit, shall be issued for a
187 hotel, restaurant or bed and breakfast inn in such park.

188 (iii) The term includes:

189 1. The clubhouses associated with the state
190 park golf courses at the Lefleur's Bluff State Park, the John Kyle
191 State Park, the Percy Quin State Park and the Hugh White State
192 Park;

193 2. The clubhouse and associated golf course,
194 tennis courts and related facilities and swimming pool and related
195 facilities where the golf course, tennis courts and related
196 facilities and swimming pool and related facilities are adjacent
197 to one or more planned residential developments and the golf



198 course and all such developments collectively include at least
199 seven hundred fifty (750) acres and at least four hundred (400)
200 residential units;

201 3. Any facility located on property that is a
202 game reserve with restricted access that consists of at least
203 three thousand (3,000) contiguous acres with no public roads and
204 that offers as a service hunts for a fee to overnight guests of
205 the facility;

206 4. Any facility located on federal property
207 surrounding a lake and designated as a recreational area by the
208 United States Army Corps of Engineers that consists of at least
209 one thousand five hundred (1,500) acres;

210 5. Any facility that is located in a
211 municipality that is bordered by the Pearl River, traversed by
212 Mississippi Highway 25, adjacent to the boundaries of the Jackson
213 International Airport and is located in a county which has voted
214 against coming out from under the dry law; however, any such
215 facility may only be located in areas designated by the governing
216 authorities of such municipality;

217 6. Any municipality with a population in
218 excess of ten thousand (10,000) according to the latest federal
219 decennial census that is located in a county that is bordered by
220 the Pearl River and is not traversed by Interstate Highway 20,
221 with a population in excess of forty-five thousand (45,000)
222 according to the latest federal decennial census;



223 7. The West Pearl Restaurant Tax District as
224 defined in Chapter 912, Local and Private Laws of 2007;

225 8. a. Land that is located in any county in
226 which Mississippi Highway 43 and Mississippi Highway 25 intersect
227 and:

228 A. Owned by the Pearl River Valley
229 Water Supply District, and/or

230 B. Located within the Reservoir
231 Community District, zoned commercial, east of Old Fannin Road,
232 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
233 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
234 Drive and/or Lake Vista Place, and/or

235 C. Located within the Reservoir
236 Community District, zoned commercial, west of Old Fannin Road,
237 south of Spillway Road and extending to the boundary of the
238 corporate limits of the City of Flowood, Mississippi;

239 b. The board of supervisors of such
240 county, with respect to B and C of item 8.a., may by resolution or
241 other order:

242 A. Specify the hours of operation
243 of facilities that offer alcoholic beverages for sale,

244 B. Specify the percentage of
245 revenue that facilities that offer alcoholic beverages for sale
246 must derive from the preparation, cooking and serving of meals and
247 not from the sale of beverages, and



248 C. Designate the areas in which
249 facilities that offer alcoholic beverages for sale may be located;

250 9. Any facility located on property that is a
251 game reserve with restricted access that consists of at least
252 eight hundred (800) contiguous acres with no public roads, that
253 offers as a service hunts for a fee to overnight guests of the
254 facility, and has accommodations for at least fifty (50) overnight
255 guests;

256 10. Any facility that:

257 a. Consists of at least six thousand
258 (6,000) square feet being heated and cooled along with an
259 additional adjacent area that consists of at least two thousand
260 two hundred (2,200) square feet regardless of whether heated and
261 cooled,

262 b. For a fee is used to host events such
263 as weddings, reunions and conventions,

264 c. Provides lodging accommodations
265 regardless of whether part of the facility and/or located adjacent
266 to or in close proximity to the facility, and

267 d. Is located on property that consists
268 of at least thirty (30) contiguous acres;

269 11. Any facility and related property:

270 a. Located on property that consists of
271 at least one hundred twenty-five (125) contiguous acres and
272 consisting of an eighteen-hole golf course, and/or located in a



273 facility that consists of at least eight thousand (8,000) square
274 feet being heated and cooled,

275 b. Used for the purpose of providing
276 meals and hosting events, and

277 c. Used for the purpose of teaching
278 culinary arts courses and/or turf management and grounds keeping
279 courses, and/or outdoor recreation and leadership courses;

280 12. Any facility and related property that:

281 a. Consist of at least eight thousand
282 (8,000) square feet being heated and cooled,

283 b. For a fee is used to host events,

284 c. Is used for the purpose of culinary
285 arts courses, and/or live entertainment courses and art
286 performances, and/or outdoor recreation and leadership courses;

287 13. The clubhouse and associated golf course

288 where the golf course is adjacent to one or more residential

289 developments and the golf course and all such developments

290 collectively include at least two hundred (200) acres and at least

291 one hundred fifty (150) residential units and are located a. in a

292 county that has voted against coming out from under the dry law;

293 and b. outside of but in close proximity to a municipality in such

294 county which has voted under Section 67-1-14, after January 1,

295 2013, to come out from under the dry law;

296 14. The clubhouse and associated

297 eighteen-hole golf course located in a municipality traversed by



298 Interstate Highway 55 and U.S. Highway 51 that has voted to come
299 out from under the dry law;

300 15. a. Land that is planned for mixed-use
301 development and consists of at least two hundred (200) contiguous
302 acres with one or more planned residential developments
303 collectively planned to include at least two hundred (200)
304 residential units when completed, and also including a facility
305 that consists of at least four thousand (4,000) square feet that
306 is not part of such land but is located adjacent to or in close
307 proximity thereto, and which land is located:

308 A. In a county that has voted to
309 come out from under the dry law,

310 B. Outside the corporate limits of
311 any municipality in such county and adjacent to or in close
312 proximity to a golf course located in a municipality in such
313 county, and

314 C. Within one (1) mile of a state
315 institution of higher learning;

316 b. The board of supervisors of such
317 county may by resolution or other order:

318 A. Specify the hours of operation
319 of facilities that offer alcoholic beverages for sale,

320 B. Specify the percentage of
321 revenue that facilities that offer alcoholic beverages for sale



322 must derive from the preparation, cooking and serving of meals and
323 not from the sale of beverages, and

324 C. Designate the areas in which
325 facilities that offer alcoholic beverages for sale may be located;

326 16. Any facility with a capacity of five
327 hundred (500) people or more, to be used as a venue for private
328 events, on a tract of land in the Southwest Quarter of Section 33,
329 Township 2 South, Range 7 East, of a county where U.S. Highway 45
330 and U.S. Highway 72 intersect and that has not voted to come out
331 from under the dry law;

332 17. One hundred five (105) contiguous acres,
333 more or less, located in Hinds County, Mississippi, and in the
334 City of Jackson, Mississippi, whereon are constructed a variety of
335 buildings, improvements, grounds or objects for the purpose of
336 holding events thereon to promote agricultural and industrial
337 development in Mississippi;

338 18. Land that is owned by a state institution
339 of higher learning, and:

340 a. Located entirely within a county that
341 has elected by majority vote not to permit the transportation,
342 storage, sale, distribution, receipt and/or manufacture of light
343 wine and beer pursuant to Section 67-3-7, and

344 b. Adjacent to but outside the
345 incorporated limits of a municipality that has elected by majority



346 vote to permit the sale, receipt, storage and transportation of
347 light wine and beer pursuant to Section 67-3-9.

348 If any portion of the land described in this item 18 has been
349 declared a qualified resort area by the department before July 1,
350 2020, then that qualified resort area shall be incorporated into
351 the qualified resort area created by this item 18;

352 19. Any facility and related property:

353 a. Used as a flea market or similar
354 venue during a weekend (Saturday and Sunday) immediately preceding
355 the first Monday of a month and having an annual average of at
356 least one thousand (1,000) visitors for each such weekend and five
357 hundred (500) vendors for Saturday of each such weekend, and

358 b. Located in a county that has not
359 voted to come out from under the dry law and outside of but in
360 close proximity to a municipality located in such county and which
361 municipality has voted to come out from under the dry law;

362 20. Blocks 1, 2 and 3 of the original town
363 square in any municipality with a population in excess of one
364 thousand five hundred (1,500) according to the latest federal
365 decennial census and which is located in:

366 a. A county traversed by Interstate 55
367 and Interstate 20, and

368 b. A judicial district that has not
369 voted to come out from under the dry law;



370 21. Any municipality with a population in
371 excess of two thousand (2,000) according to the latest federal
372 decennial census and in which is located a part of White's Creek
373 Lake and in which U.S. Highway 82 intersects with Mississippi
374 Highway 9 and located in a county that is partially bordered on
375 one (1) side by the Big Black River;

376 22. A restaurant located on a two-acre tract
377 adjacent to a five-hundred-fifty-acre lake in the northeast corner
378 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

379 23. Any tracts of land in Oktibbeha County,
380 situated north of Bailey Howell Drive, Lee Boulevard and Old
381 Mayhew Road, east of George Perry Street and south of Mississippi
382 Highway 182, and not located on the property of a state
383 institution of higher learning; however, the board of supervisors
384 of such county may by resolution or other order:

385 a. Specify the hours of operation of
386 facilities that offer alcoholic beverages for sale;

387 b. Specify the percentage of revenue
388 that facilities that offer alcoholic beverages for sale must
389 derive from the preparation, cooking and serving of meals and not
390 from the sale of beverages; and

391 c. Designate the areas in which
392 facilities that offer alcoholic beverages for sale may be located;

393 24. A municipality in which Mississippi
394 Highway 27 and Mississippi Highway 28 intersect;



395 25. A municipality through which run
396 Mississippi Highway 35 and Interstate 20;

397 26. A municipality in which Mississippi
398 Highway 16 and Mississippi Highway 35 intersect;

399 27. A municipality in which U.S. Highway 82
400 and Old Highway 61 intersect;

401 28. A municipality in which Mississippi
402 Highway 8 meets Mississippi Highway 1;

403 29. A municipality in which U.S. Highway 82
404 and Mississippi Highway 1 intersect;

405 30. A municipality in which Mississippi
406 Highway 50 meets Mississippi Highway 9;

407 31. An area bounded on the north by Pearl
408 Street, on the east by West Street, on the south by Court Street
409 and on the west by Farish Street, within a municipality bordered
410 on the east by the Pearl River and through which run Interstate 20
411 and Interstate 55;

412 32. Any facility and related property that:
413 a. Is contracted for mixed-use
414 development improvements consisting of office and residential
415 space and a restaurant and lounge, partially occupying the
416 renovated space of a four-story commercial building which
417 previously served as a financial institution; and adjacent
418 property to the west consisting of a single-story office building



419 that was originally occupied by the Brotherhood of Carpenters and
420 Joiners of American Local Number 569; and

421 b. Is situated on a tract of land
422 consisting of approximately one and one-tenth (1.10) acres, and
423 the adjacent property to the west consisting of approximately 0.5
424 acres, located in a municipality which is the seat of county
425 government, situated south of Interstate 10, traversed by U.S.
426 Highway 90, partially bordered on one (1) side by the Pascagoula
427 River and having its most southern boundary bordered by the Gulf
428 of Mexico, with a population greater than twenty-two thousand
429 (22,000) according to the 2010 federal decennial census; however,
430 the governing authorities of such a municipality may by ordinance:

431 A. Specify the hours of operation
432 of facilities that offer alcoholic beverages for sale;

433 B. Specify the percentage of
434 revenue that facilities that offer alcoholic beverages for sale
435 must derive from the preparation, cooking and serving of meals and
436 not from the sale of beverages; and

437 C. Designate the areas within the
438 facilities in which alcoholic beverages may be offered for sale;

439 33. Any facility with a maximum capacity of
440 one hundred twenty (120) people that consists of at least three
441 thousand (3,000) square feet being heated and cooled, has a
442 commercial kitchen, has a pavilion that consists of at least nine



443 thousand (9,000) square feet and is located on land more
444 particularly described as follows:

445 All that part of the East Half of the Northwest Quarter of
446 Section 21, Township 7 South, Range 4 East, Union County,
447 Mississippi, that lies South of Mississippi State Highway 348
448 right-of-way and containing 19.48 acres, more or less.

449 ALSO,

450 The Northeast 38 acres of the Southwest Quarter of Section
451 21, Township 7 South, Range 4 East, Union County, Mississippi.

452 ALSO,

453 The South 81 1/2 acres of the Southwest Quarter of Section
454 21, Township 7 South, Range 4 East, Union County, Mississippi;

455 34. A municipality in which U.S. Highway 51
456 and Mississippi Highway 16 intersect;

457 35. A municipality in which Interstate 20
458 passes over Mississippi Highway 15;

459 36. Any municipality that is bordered in its
460 northwestern boundary by the Pearl River, traversed by U.S.
461 Highway 49 and Interstate 20, and is located in a county which has
462 voted against coming out from under the dry law;

463 37. A municipality in which Mississippi
464 Highway 28 and Mississippi Highway 29 North intersect;

465 38. An area bounded as follows within a
466 municipality through which run Interstate 22 and Mississippi
467 Highway 15: Beginning at a point at the intersection of Bankhead



468 Street and Tallahatchie Trails; then running to a point at the
469 intersection of Tallahatchie Trails and Interstate 22; then
470 running to a point at the intersection of Interstate 22 and Carter
471 Avenue; then running to a point at the intersection of Carter
472 Avenue and Camp Avenue; then running to a point at the
473 intersection of Camp Avenue and King Street; then running to a
474 point at the intersection of King Street and E. Main Street; then
475 running to a point at the intersection of E. Main Street and Camp
476 Avenue; then running to a point at the intersection of Camp Avenue
477 and Highland Street; then running to a point at the intersection
478 of Highland Street and Adams Street; then running to a point at
479 the intersection of Adams Street and Cleveland Street; then
480 running to a point at the intersection of Cleveland Street and N.
481 Railroad Avenue; then running to a point at the intersection of N.
482 Railroad Avenue and McGill Street; then running to a point at the
483 intersection of McGill Street and Snyder Street; then running to a
484 point at the intersection of Snyder Street and Bankhead Street;
485 then running to a point at the intersection of Bankhead Street and
486 Tallahatchie Trails and the point of the beginning;

487 39. A municipality through which run
488 Mississippi Highway 43 and U.S. Highway 80;

489 40. The coliseum in a municipality in which
490 U.S. Highway 72 passes over U.S. Highway 45;



491 41. A piece of property on the northeast
492 corner of the T-intersection where Builders Square Drive meets
493 Mississippi Highway 471;

494 42. The clubhouse and associated golf course,
495 tennis courts and related facilities and swimming pool and related
496 facilities located on Oaks Country Club Road less than one-half
497 (1/2) mile to the east of Mississippi Highway 15;

498 43. Any facility located on land more
499 particularly described as follows:

500 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
501 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
502 Southwest Corner of the Southwest Quarter (SW 1/4) of the
503 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
504 East, running 210 feet east and west and 840 feet running north
505 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
506 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
507 Rankin County, Mississippi;

508 44. Any facility located on land more
509 particularly described as follows:

510 Beginning at a point 1915 feet west and 2171 feet north of
511 southeast corner, Section 11, Township 24 North, Range 2 West,
512 Second Judicial District, Tallahatchie County, Mississippi, which
513 point is the southwest corner of J.C. Section Lot mentioned in
514 deed recorded in Book 50, page 34, in the records of the Chancery
515 Clerk's Office at Sumner, in said District of said County; thence



516 South 80° West, 19 feet to the east boundary of United States
517 Highway 49-E, thence East along the east boundary of said Highway
518 270 feet to point of beginning of Lot to be conveyed; thence
519 southeast along the east boundary of said Highway 204 feet to a
520 concrete post at the intersection of the east boundary of said
521 Highway with the west boundary of gravel road from Sumner to Webb,
522 known as Oil Mill Road, thence Northwest along west boundary of
523 said Oil Mill Road 194 feet to center of driveway running
524 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
525 South 66° West along center of said driveway 128 feet to point of
526 beginning, being situated in Northwest Quarter of Southeast
527 Quarter of Section 11, together with all improvements situated
528 thereon;

529 45. Any facility that:

530 a. Consists of at least five thousand
531 six hundred (5,600) square feet being heated and cooled along with
532 a lakeside patio that consists of at least two thousand two
533 hundred (2,200) square feet, regardless of whether such patio is
534 part of the facility and/or located adjacent to or in close
535 proximity to the facility;

536 b. Includes a caterer's kitchen and
537 green room for entertainment preparation;

538 c. For a fee is used to host events; and

539 d. Is located adjacent to or in close

540 proximity to an approximately nine (9) acre lake on property that



541 consists of at least one hundred twenty (120) acres in a county
542 traversed by Mississippi Highway 15 and U.S. Highway 278;

543 46. Any municipality with a population in
544 excess of one thousand (1,000) according to the 2010 federal
545 decennial census and which is located in a county that is
546 traversed by U.S. Highways 84 and 98 and has not voted to come out
547 from under the dry law;

548 47. The clubhouse and associated nine-hole
549 golf course, tennis courts and related facilities and swimming
550 pool and related facilities located on or near U.S. Highway 82
551 between Mississippi Highway 15 and Mississippi Highway 9;

552 48. The downtown square area bound by East
553 Service Drive, Commerce Street, Second Street and Court Street and
554 adjacent properties in a municipality through which run Interstate
555 55, U.S. Highway 51 and Mississippi Highway 306;

556 49. All parcels zoned for mixed-use
557 development located west of Mississippi Highway 589, more than
558 four hundred (400) feet north of Old Highway 24, east of
559 Parkers Creek and Black Creek, and south of J M Burge Road;
560 and

561 50. Any facility used by a soccer club and
562 located on Old Highway 11 between one-tenth (0.1) and two-tenths
563 (0.2) of a mile from its intersection with Oak Grove Road, in a
564 county in which U.S. Highway 98 and Mississippi Highway 589
565 intersect.



566 The status of these municipalities, districts, clubhouses,
567 facilities, golf courses and areas described in this paragraph
568 (o)(iii) as qualified resort areas does not require any
569 declaration of same by the department.

570 The governing authorities of a municipality described, in
571 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
572 34, 35, 36, 37, 38, 39, 46 or 48 of this paragraph (o)(iii) may by
573 ordinance: specify the hours of operation of facilities offering
574 alcoholic beverages for sale; specify the percentage of revenue
575 that facilities offering alcoholic beverages for sale must derive
576 from the preparation, cooking and serving of meals and not from
577 the sale of beverages; and designate the areas in which facilities
578 offering alcoholic beverages for sale may be located.

579 (p) "Native wine" means any product, produced in
580 Mississippi for sale, having an alcohol content not to exceed
581 twenty-one percent (21%) by weight and made in accordance with
582 revenue laws of the United States, which shall be obtained
583 primarily from the alcoholic fermentation of the juice of ripe
584 grapes, fruits, berries, honey or vegetables grown and produced in
585 Mississippi; provided that bulk, concentrated or fortified wines
586 used for blending may be produced without this state and used in
587 producing native wines. The department shall adopt and promulgate
588 rules and regulations to permit a producer to import such bulk
589 and/or fortified wines into this state for use in blending with



590 native wines without payment of any excise tax that would
591 otherwise accrue thereon.

592 (q) "Native winery" means any place or establishment
593 within the State of Mississippi where native wine is produced, in
594 whole or in part, for sale.

595 (r) "Bed and breakfast inn" means an establishment
596 within a municipality where in consideration of payment, breakfast
597 and lodging are habitually furnished to travelers and wherein are
598 located not less than eight (8) and not more than nineteen (19)
599 adequately furnished and completely separate sleeping rooms with
600 adequate facilities, that persons usually apply for and receive as
601 overnight accommodations; however, such restriction on the minimum
602 number of sleeping rooms shall not apply to establishments on the
603 National Register of Historic Places. No place shall qualify as a
604 bed and breakfast inn under this article unless on the date of the
605 initial application for a license under this article more than
606 fifty percent (50%) of the sleeping rooms are located in a
607 structure formerly used as a residence.

608 (s) "Board" shall refer to the Board of Tax Appeals of
609 the State of Mississippi.

610 (t) "Spa facility" means an establishment within a
611 municipality or qualified resort area and owned by a hotel where,
612 in consideration of payment, patrons receive from licensed
613 professionals a variety of private personal care treatments such
614 as massages, facials, waxes, exfoliation and hairstyling.



615 (u) "Art studio or gallery" means an establishment
616 within a municipality or qualified resort area that is in the sole
617 business of allowing patrons to view and/or purchase paintings and
618 other creative artwork.

619 (v) "Cooking school" means an establishment within a
620 municipality or qualified resort area and owned by a nationally
621 recognized company that offers an established culinary education
622 curriculum and program where, in consideration of payment, patrons
623 are given scheduled professional group instruction on culinary
624 techniques. For purposes of this paragraph, the definition of
625 cooking school shall not include schools or classes offered by
626 grocery stores, convenience stores or drugstores.

627 (w) "Campus" means property owned by a public school
628 district, community or junior college, college or university in
629 this state where educational courses are taught, school functions
630 are held, tests and examinations are administered or academic
631 course credits are awarded; however, the term shall not include
632 any "restaurant" or "hotel" that is located on property owned by a
633 community or junior college, college or university in this state,
634 and is operated by a third party who receives all revenue
635 generated from food and alcoholic beverage sales.

636 (x) "Native spirit" shall mean any beverage, produced
637 in Mississippi for sale, manufactured primarily by the
638 distillation of fermented grain, starch, molasses or sugar
639 produced in Mississippi, including dilutions and mixtures of these



640 beverages. In order to be classified as "native spirit" under the
641 provisions of this article, at least fifty-one percent (51%) of
642 the finished product by volume shall have been obtained from
643 distillation of fermented grain, starch, molasses or sugar grown
644 and produced in Mississippi.

645 (y) "Native distillery" shall mean any place or
646 establishment within this state where native spirit is produced in
647 whole or in part for sale.

648 (z) "Warehouse operator" shall have the meaning
649 ascribed in Section 67-1-201.

650 (aa) "Grocery store" means a physical establishment
651 that has an inventory of human-consumable items and is located in
652 a wet county, municipality, judicial district or area.

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

655 67-1-51. (1) Permits which may be issued by the department
656 shall be as follows:

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

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



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

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

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

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

679 (b) **Package retailer's permit.** Except as otherwise
680 provided in this paragraph and Section 67-1-52, a package
681 retailer's permit shall authorize the holder thereof to operate a
682 store exclusively for the sale at retail in original sealed and
683 unopened packages of alcoholic beverages, including native wines
684 and native spirits, not to be consumed on the premises where sold.
685 Alcoholic beverages shall not be sold by any retailer in any
686 package or container containing less than fifty (50) milliliters
687 by liquid measure. A package retailer's permit, with prior
688 approval from the department, shall authorize the holder thereof



689 to sample new product furnished by a manufacturer's representative
690 or his employees at the permitted place of business so long as the
691 sampling otherwise complies with this article and applicable
692 department regulations. Such samples may not be provided to
693 customers at the permitted place of business. In addition to the
694 sale at retail of packages of alcoholic beverages, the holder of a
695 package retailer's permit is authorized to sell at retail * * *
696 other products and merchandise, except beer, provided that at
697 least fifty percent (50%) of the revenue of the licensed premises
698 is derived from the retail sale in original sealed and unopened
699 packages of alcoholic beverages, including native wines, not to be
700 consumed on the premises where sold. Nonalcoholic beverages sold
701 by the holder of a package retailer's permit shall not be consumed
702 on the premises where sold.

703 (c) **On-premises retailer's permit.** Except as otherwise
704 provided in subsection (5) of this section, an on-premises
705 retailer's permit shall authorize the sale of alcoholic beverages,
706 including native wines and native spirits, for consumption on the
707 licensed premises only; however, a patron of the permit holder may
708 remove one (1) bottle of wine from the licensed premises if: (i)
709 the patron consumed a portion of the bottle of wine in the course
710 of consuming a meal purchased on the licensed premises; (ii) the
711 permit holder securely reseals the bottle; (iii) the bottle is
712 placed in a bag that is secured in a manner so that it will be
713 visibly apparent if the bag is opened; and (iv) a dated receipt



714 for the wine and the meal is available. Additionally, as part of
715 a carryout order, a permit holder may sell one (1) bottle of wine
716 to be removed from the licensed premises for every two (2) entrees
717 ordered. Such a permit shall be issued only to qualified hotels,
718 restaurants and clubs, small craft breweries, microbreweries, and
719 to common carriers with adequate facilities for serving
720 passengers. In resort areas, whether inside or outside of a
721 municipality, the department, in its discretion, may issue
722 on-premises retailer's permits to such establishments as it deems
723 proper. An on-premises retailer's permit when issued to a common
724 carrier shall authorize the sale and serving of alcoholic
725 beverages aboard any licensed vehicle while moving through any
726 county of the state; however, the sale of such alcoholic beverages
727 shall not be permitted while such vehicle is stopped in a county
728 that has not legalized such sales. If an on-premises retailer's
729 permit is applied for by a common carrier operating solely in the
730 water, such common carrier must, along with all other
731 qualifications for a permit, (i) be certified to carry at least
732 one hundred fifty (150) passengers and/or provide overnight
733 accommodations for at least fifty (50) passengers and (ii) operate
734 primarily in the waters within the State of Mississippi which lie
735 adjacent to the State of Mississippi south of the three (3) most
736 southern counties in the State of Mississippi and/or on the
737 Mississippi River or navigable waters within any county bordering
738 on the Mississippi River.



739 (d) **Solicitor's permit.** A solicitor's permit shall
740 authorize the holder thereof to act as salesman for a manufacturer
741 or wholesaler holding a proper permit, to solicit on behalf of his
742 employer orders for alcoholic beverages, and to otherwise promote
743 his employer's products in a legitimate manner. Such a permit
744 shall authorize the representation of and employment by one (1)
745 principal only. However, the permittee may also, in the
746 discretion of the department, be issued additional permits to
747 represent other principals. No such permittee shall buy or sell
748 alcoholic beverages for his own account, and no such beverage
749 shall be brought into this state in pursuance of the exercise of
750 such permit otherwise than through a permit issued to a wholesaler
751 or manufacturer in the state.

752 (e) **Native wine retailer's permit.** Except as otherwise
753 provided in subsection (5) of this section, a native wine
754 retailer's permit shall be issued only to a holder of a Class 3
755 manufacturer's permit, and shall authorize the holder thereof to
756 make retail sales of native wines to consumers for on-premises
757 consumption or to consumers in originally sealed and unopened
758 containers at an establishment located on the premises of or in
759 the immediate vicinity of a native winery. When selling to
760 consumers for on-premises consumption, a holder of a native wine
761 retailer's permit may add to the native wine alcoholic beverages
762 not produced on the premises, so long as the total volume of
763 foreign beverage components does not exceed twenty percent (20%)



764 of the mixed beverage. Hours of sale shall be the same as those
765 authorized for on-premises permittees in the city or county in
766 which the native wine retailer is located.

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

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

774 Class 1. A temporary one-day permit may be issued to bona
775 fide nonprofit civic or charitable organizations authorizing the
776 sale of alcoholic beverages, including native wine and native
777 spirit, for consumption on the premises described in the temporary
778 permit only. Class 1 permits may be issued only to applicants
779 demonstrating to the department, by a statement signed under
780 penalty of perjury submitted ten (10) days prior to the proposed
781 date or such other time as the department may determine, that they
782 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
783 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
784 Class 1 permittees shall obtain all alcoholic beverages from
785 package retailers located in the county in which the temporary
786 permit is issued. Alcoholic beverages remaining in stock upon
787 expiration of the temporary permit may be returned by the
788 permittee to the package retailer for a refund of the purchase



789 price upon consent of the package retailer or may be kept by the
790 permittee exclusively for personal use and consumption, subject to
791 all laws pertaining to the illegal sale and possession of
792 alcoholic beverages. The department, following review of the
793 statement provided by the applicant and the requirements of the
794 applicable statutes and regulations, may issue the permit.

795 Class 2. A temporary permit, not to exceed seventy (70)
796 days, may be issued to prospective permittees seeking to transfer
797 a permit authorized in paragraph (c) of this subsection. A Class
798 2 permit may be issued only to applicants demonstrating to the
799 department, by a statement signed under the penalty of perjury,
800 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
801 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
802 67-1-59. The department, following a preliminary review of the
803 statement provided by the applicant and the requirements of the
804 applicable statutes and regulations, may issue the permit.

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



813 Class 3. A temporary one-day permit may be issued to a
814 retail establishment authorizing the complimentary distribution of
815 wine, including native wine, to patrons of the retail
816 establishment at an open house or promotional event, for
817 consumption only on the premises described in the temporary
818 permit. A Class 3 permit may be issued only to an applicant
819 demonstrating to the department, by a statement signed under
820 penalty of perjury submitted ten (10) days before the proposed
821 date or such other time as the department may determine, that it
822 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
823 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
824 A Class 3 permit holder shall obtain all alcoholic beverages from
825 the holder(s) of a package retailer's permit located in the county
826 in which the temporary permit is issued. Wine remaining in stock
827 upon expiration of the temporary permit may be returned by the
828 Class 3 temporary permit holder to the package retailer for a
829 refund of the purchase price, with consent of the package
830 retailer, or may be kept by the Class 3 temporary permit holder
831 exclusively for personal use and consumption, subject to all laws
832 pertaining to the illegal sale and possession of alcoholic
833 beverages. The department, following review of the statement
834 provided by the applicant and the requirements of the applicable
835 statutes and regulations, may issue the permit. No retailer may
836 receive more than twelve (12) Class 3 temporary permits in a
837 calendar year. A Class 3 temporary permit shall not be issued to



838 a retail establishment that either holds a merchant permit issued
839 under paragraph (1) of this subsection, or holds a permit issued
840 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
841 the holder to engage in the business of a retailer of light wine
842 or beer.

843 (g) **Caterer's permit.** A caterer's permit shall permit
844 the purchase of alcoholic beverages by a person engaging in
845 business as a caterer and the resale of alcoholic beverages by
846 such person in conjunction with such catering business. No person
847 shall qualify as a caterer unless forty percent (40%) or more of
848 the revenue derived from such catering business shall be from the
849 serving of prepared food and not from the sale of alcoholic
850 beverages and unless such person has obtained a permit for such
851 business from the Department of Health. A caterer's permit shall
852 not authorize the sale of alcoholic beverages on the premises of
853 the person engaging in business as a caterer; however, the holder
854 of an on-premises retailer's permit may hold a caterer's permit.
855 When the holder of an on-premises retailer's permit or an
856 affiliated entity of the holder also holds a caterer's permit, the
857 caterer's permit shall not authorize the service of alcoholic
858 beverages on a consistent, recurring basis at a separate, fixed
859 location owned or operated by the caterer, on-premises retailer or
860 affiliated entity and an on-premises retailer's permit shall be
861 required for the separate location. All sales of alcoholic
862 beverages by holders of a caterer's permit shall be made at the



863 location being catered by the caterer, and, except as otherwise
864 provided in subsection (5) of this section, such sales may be made
865 only for consumption at the catered location. The location being
866 catered may be anywhere within a county or judicial district that
867 has voted to come out from under the dry laws or in which the sale
868 and distribution of alcoholic beverages is otherwise authorized by
869 law. Such sales shall be made pursuant to any other conditions
870 and restrictions which apply to sales made by on-premises retail
871 permittees. The holder of a caterer's permit or his employees
872 shall remain at the catered location as long as alcoholic
873 beverages are being sold pursuant to the permit issued under this
874 paragraph (g), and the permittee shall have at the location the
875 identification card issued by the Alcoholic Beverage Control
876 Division of the department. No unsold alcoholic beverages may be
877 left at the catered location by the permittee upon the conclusion
878 of his business at that location. Appropriate law enforcement
879 officers and Alcoholic Beverage Control Division personnel may
880 enter a catered location on private property in order to enforce
881 laws governing the sale or serving of alcoholic beverages.

882 (h) **Research permit.** A research permit shall authorize
883 the holder thereof to operate a research facility for the
884 professional research of alcoholic beverages. Such permit shall
885 authorize the holder of the permit to import and purchase limited
886 amounts of alcoholic beverages from the department or from



887 importers, wineries and distillers of alcoholic beverages for
888 professional research.

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

899 (j) **Hospitality cart permit.** A hospitality cart permit
900 shall authorize the sale of alcoholic beverages from a mobile cart
901 on a golf course that is the holder of an on-premises retailer's
902 permit. The alcoholic beverages sold from the cart must be
903 consumed within the boundaries of the golf course.

904 (k) **Special service permit.** A special service permit
905 shall authorize the holder to sell commercially sealed alcoholic
906 beverages to the operator of a commercial or private aircraft for
907 en route consumption only by passengers. A special service permit
908 shall be issued only to a fixed-base operator who contracts with
909 an airport facility to provide fueling and other associated
910 services to commercial and private aircraft.



911 (1) **Merchant permit.** Except as otherwise provided in
912 subsection (5) of this section, a merchant permit shall be issued
913 only to the owner of a spa facility, an art studio or gallery, or
914 a cooking school, and shall authorize the holder to serve
915 complimentary by the glass wine only, including native wine, at
916 the holder's spa facility, art studio or gallery, or cooking
917 school. A merchant permit holder shall obtain all wine from the
918 holder of a package retailer's permit.

919 (m) **Temporary alcoholic beverages charitable auction**
920 **permit.** A temporary permit, not to exceed five (5) days, may be
921 issued to a qualifying charitable nonprofit organization that is
922 exempt from taxation under Section 501(c)(3) or (4) of the
923 Internal Revenue Code of 1986. The permit shall authorize the
924 holder to sell alcoholic beverages for the limited purpose of
925 raising funds for the organization during a live or silent auction
926 that is conducted by the organization and that meets the following
927 requirements: (i) the auction is conducted in an area of the
928 state where the sale of alcoholic beverages is authorized; (ii) if
929 the auction is conducted on the premises of an on-premises
930 retailer's permit holder, then the alcoholic beverages to be
931 auctioned must be stored separately from the alcoholic beverages
932 sold, stored or served on the premises, must be removed from the
933 premises immediately following the auction, and may not be
934 consumed on the premises; (iii) the permit holder may not conduct
935 more than two (2) auctions during a calendar year; (iv) the permit



936 holder may not pay a commission or promotional fee to any person
937 to arrange or conduct the auction.

938 (n) **Event venue retailer's permit.** An event venue
939 retailer's permit shall authorize the holder thereof to purchase
940 and resell alcoholic beverages, including native wines and native
941 spirits, for consumption on the premises during legal hours during
942 events held on the licensed premises if food is being served at
943 the event by a caterer who is not affiliated with or related to
944 the permittee. The caterer must serve at least three (3) entrees.
945 The permit may only be issued for venues that can accommodate two
946 hundred (200) persons or more. The number of persons a venue may
947 accommodate shall be determined by the local fire department and
948 such determination shall be provided in writing and submitted
949 along with all other documents required to be provided for an
950 on-premises retailer's permit. The permittee must derive the
951 majority of its revenue from event-related fees, including, but
952 not limited to, admission fees or ticket sales for live
953 entertainment in the building. "Event-related fees" do not
954 include alcohol, beer or light wine sales or any fee which may be
955 construed to cover the cost of alcohol, beer or light wine. This
956 determination shall be made on a per event basis. An event may
957 not last longer than two (2) consecutive days per week.

958 (o) **Temporary theatre permit.** A temporary theatre
959 permit, not to exceed five (5) days, may be issued to a charitable
960 nonprofit organization that is exempt from taxation under Section



961 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
962 a theatre facility that features plays and other theatrical
963 performances and productions. Except as otherwise provided in
964 subsection (5) of this section, the permit shall authorize the
965 holder to sell alcoholic beverages, including native wines and
966 native spirits, to patrons of the theatre during performances and
967 productions at the theatre facility for consumption during such
968 performances and productions on the premises of the facility
969 described in the permit. A temporary theatre permit holder shall
970 obtain all alcoholic beverages from package retailers located in
971 the county in which the permit is issued. Alcoholic beverages
972 remaining in stock upon expiration of the temporary theatre permit
973 may be returned by the permittee to the package retailer for a
974 refund of the purchase price upon consent of the package retailer
975 or may be kept by the permittee exclusively for personal use and
976 consumption, subject to all laws pertaining to the illegal sale
977 and possession of alcoholic beverages.

978 (p) **Charter ship operator's permit.** Subject to the
979 provisions of this paragraph (p), a charter ship operator's permit
980 shall authorize the holder thereof and its employees to serve,
981 monitor, store and otherwise control the serving and availability
982 of alcoholic beverages to customers of the permit holder during
983 private charters under contract provided by the permit holder. A
984 charter ship operator's permit shall authorize such action by the
985 permit holder and its employees only as to alcoholic beverages



986 brought onto the permit holder's ship by customers of the permit
987 holder as part of such a private charter. All such alcoholic
988 beverages must be removed from the charter ship at the conclusion
989 of each private charter. A charter ship operator's permit shall
990 not authorize the permit holder to sell, charge for or otherwise
991 supply alcoholic beverages to customers, except as authorized in
992 this paragraph (p). For the purposes of this paragraph (p),
993 "charter ship operator" means a common carrier that (i) is
994 certified to carry at least one hundred fifty (150) passengers
995 and/or provide overnight accommodations for at least fifty (50)
996 passengers, (ii) operates only in the waters within the State of
997 Mississippi, which lie adjacent to the State of Mississippi south
998 of the three (3) most southern counties in the State of
999 Mississippi, and (iii) provides charters under contract for tours
1000 and trips in such waters.

1001 (q) **Distillery retailer's permit.** The holder of a
1002 Class 1 manufacturer's permit may obtain a distillery retailer's
1003 permit. A distillery retailer's permit shall authorize the holder
1004 thereof to sell at retail alcoholic beverages to consumers for
1005 on-premises consumption, or to consumers by the sealed and
1006 unopened bottle from a retail location at the distillery for
1007 off-premises consumption. The holder may only sell product
1008 manufactured by the manufacturer at the distillery described in
1009 the permit. However, when selling to consumers for on-premises
1010 consumption, a holder of a distillery retailer's permit may add



1011 other beverages, alcoholic or not, so long as the total volume of
1012 other beverage components containing alcohol does not exceed
1013 twenty percent (20%). Hours of sale shall be the same as those
1014 authorized for on-premises permittees in the city or county in
1015 which the distillery retailer is located.

1016 The holder shall not sell at retail more than ten percent
1017 (10%) of the alcoholic beverages produced annually at its
1018 distillery. The holder shall not make retail sales of more than
1019 two and twenty-five one-hundredths (2.25) liters, in the
1020 aggregate, of the alcoholic beverages produced at its distillery
1021 to any one (1) individual for consumption off the premises of the
1022 distillery within a twenty-four-hour period. The hours of sale
1023 shall be the same as those hours for package retailers under this
1024 article. The holder of a distillery retailer's permit is not
1025 required to purchase the alcoholic beverages authorized to be sold
1026 by this paragraph from the department's liquor distribution
1027 warehouse; however, if the holder does not purchase the alcoholic
1028 beverages from the department's liquor distribution warehouse, the
1029 holder shall pay to the department all taxes, fees and surcharges
1030 on the alcoholic beverages that are imposed upon the sale of
1031 alcoholic beverages shipped by the department or its warehouse
1032 operator. In addition to alcoholic beverages, the holder of a
1033 distillery retailer's permit may sell at retail promotional
1034 products from the same retail location, including shirts, hats,



1035 glasses, and other promotional products customarily sold by
1036 alcoholic beverage manufacturers.

1037 (r) **Festival Wine Permit.** Any wine manufacturer or
1038 native wine producer permitted by Mississippi or any other state
1039 is eligible to obtain a Festival Wine Permit. This permit
1040 authorizes the entity to transport product manufactured by it to
1041 festivals held within the State of Mississippi and sell sealed,
1042 unopened bottles to festival participants. The holder of this
1043 permit may provide samples at no charge to participants.

1044 "Festival" means any event at which three (3) or more vendors are
1045 present at a location for the sale or distribution of goods. The
1046 holder of a Festival Wine Permit is not required to purchase the
1047 alcoholic beverages authorized to be sold by this paragraph from
1048 the department's liquor distribution warehouse. However, if the
1049 holder does not purchase the alcoholic beverages from the
1050 department's liquor distribution warehouse, the holder of this
1051 permit shall pay to the department all taxes, fees and surcharges
1052 on the alcoholic beverages sold at such festivals that are imposed
1053 upon the sale of alcoholic beverages shipped by the Alcoholic
1054 Beverage Control Division of the Department of Revenue.

1055 Additionally, the entity shall file all applicable reports and
1056 returns as prescribed by the department. This permit is issued
1057 per festival and provides authority to sell for two (2)
1058 consecutive days during the hours authorized for on-premises
1059 permittees' sales in that county or city. The holder of the



1060 permit shall be required to maintain all requirements set by Local
1061 Option Law for the service and sale of alcoholic beverages. This
1062 permit may be issued to entities participating in festivals at
1063 which a Class 1 temporary permit is in effect.

1064 This paragraph (r) shall stand repealed from and after July
1065 1, 2023.

1066 (s) **Charter vessel operator's permit.** Subject to the
1067 provisions of this paragraph (s), a charter vessel operator's
1068 permit shall authorize the holder thereof and its employees to
1069 sell and serve alcoholic beverages to passengers of the permit
1070 holder during public tours, historical tours, ecological tours and
1071 sunset cruises provided by the permit holder. The permit shall
1072 authorize the holder to only sell alcoholic beverages, including
1073 native wines, to passengers of the charter vessel operator during
1074 public tours, historical tours, ecological tours and sunset
1075 cruises provided by the permit holder aboard the charter vessel
1076 operator for consumption during such tours and cruises on the
1077 premises of the charter vessel operator described in the permit.
1078 For the purposes of this paragraph (s), "charter vessel operator"
1079 means a common carrier that (i) is certified to carry at least
1080 forty-nine (49) passengers, (ii) operates only in the waters
1081 within the State of Mississippi, which lie south of Interstate 10
1082 in the three (3) most southern counties in the State of
1083 Mississippi, and lie adjacent to the State of Mississippi south of
1084 the three (3) most southern counties in the State of Mississippi,



1085 extending not further than one (1) mile south of such counties,
1086 and (iii) provides vessel services for tours and cruises in such
1087 waters as provided in this paragraph (s).

1088 (t) **Native spirit retailer's permit.** Except as
1089 otherwise provided in subsection (5) of this section, a native
1090 spirit retailer's permit shall be issued only to a holder of a
1091 Class 4 manufacturer's permit, and shall authorize the holder
1092 thereof to make retail sales of native spirits to consumers for
1093 on-premises consumption or to consumers in originally sealed and
1094 unopened containers at an establishment located on the premises of
1095 or in the immediate vicinity of a native distillery. When selling
1096 to consumers for on-premises consumption, a holder of a native
1097 spirit retailer's permit may add to the native spirit alcoholic
1098 beverages not produced on the premises, so long as the total
1099 volume of foreign beverage components does not exceed twenty
1100 percent (20%) of the mixed beverage. Hours of sale shall be the
1101 same as those authorized for on-premises permittees in the city or
1102 county in which the native spirit retailer is located.

1103 (u) **Delivery service permit.** Any individual, limited
1104 liability company, corporation or partnership registered to do
1105 business in this state is eligible to obtain a delivery service
1106 permit. Subject to the provisions of Section 67-1-51.1, this
1107 permit authorizes the permittee, or its employee or an independent
1108 contractor acting on its behalf, to deliver alcoholic beverages,
1109 beer, light wine and light spirit product from a licensed retailer



1110 to a person in this state who is at least twenty-one (21) years of
1111 age for the individual's use and not for resale. This permit does
1112 not authorize the delivery of alcoholic beverages, beer, light
1113 wine or light spirit product to the premises of a location with a
1114 permit for the manufacture, distribution or retail sale of
1115 alcoholic beverages, beer, light wine or light spirit product.
1116 The holder of a package retailer's permit or an on-premises
1117 retailer's permit under Section 67-1-51 or of a beer, light wine
1118 and light spirit product permit under Section 67-3-19 is
1119 authorized to apply for a delivery service permit as a privilege
1120 separate from its existing retail permit.

1121 (v) **Food truck permit.** A food truck permit shall
1122 authorize the holder of an on-premises retailer's permit to use a
1123 food truck to sell alcoholic beverages off its premises to guests
1124 who must consume the beverages in open containers. For the
1125 purposes of this paragraph (v), "food truck" means a fully encased
1126 food service establishment on a motor vehicle or on a trailer that
1127 a motor vehicle pulls to transport, and from which a vendor,
1128 standing within the frame of the establishment, prepares, cooks,
1129 sells and serves food for immediate human consumption. The term
1130 "food truck" does not include a food cart that is not motorized.
1131 Food trucks shall maintain such distance requirements from
1132 schools, churches, kindergartens and funeral homes as are required
1133 for on-premises retailer's permittees under this article, and all
1134 sales must be made within a valid leisure and recreation district



1135 established under Section 67-1-101. Food trucks cannot sell or
1136 serve alcoholic beverages unless also offering food prepared and
1137 cooked within the food truck, and permittees must maintain a
1138 twenty-five percent (25%) food sale revenue requirement based on
1139 the food sold from the food truck alone. The hours allowed for
1140 sale shall be the same as those for on-premises retailer's
1141 permittees in the location. This permit will not be required for
1142 the holder of a caterer's permit issued under this article to
1143 cater an event as allowed by law. Permittees must provide notice
1144 of not less than forty-eight (48) hours to the department of each
1145 location at which alcoholic beverages will be sold.

1146 (w) **Grocery store wine-only retailer's permit.** Except
1147 as otherwise provided in this paragraph (w), a grocery store
1148 wine-only retailer's permit shall authorize the holder thereof to
1149 sell wine at retail at a grocery store in original sealed and
1150 unopened packages not to be consumed on the premises where sold.
1151 Wine shall not be sold by any grocery store in any package or
1152 container containing less than fifty (50) milliliters by liquid
1153 measure. A grocery store wine-only retailer's permit, with prior
1154 approval from the department, shall authorize the holder thereof
1155 to sample the new product furnished by a manufacturer's
1156 representative or his employees at the permitted place of business
1157 so long as the sampling otherwise complies with this chapter and
1158 applicable department regulations. Such samples may not be
1159 provided to customers at the permitted place of business. Permits



1160 authorized under this paragraph (w) shall not be issued prior to
1161 July 1, 2024, and shall not be issued to a grocery store that is
1162 located within five hundred (500) feet of an establishment holding
1163 a package retailer's permit prior to July 1, 2024.

1164 (2) Except as otherwise provided in subsection (4) of this
1165 section, retail permittees may hold more than one (1) retail
1166 permit, at the discretion of the department.

1167 (3) (a) Except as otherwise provided in this subsection, no
1168 authority shall be granted to any person to manufacture, sell or
1169 store for sale any intoxicating liquor as specified in this
1170 article within four hundred (400) feet of any church, school,
1171 kindergarten or funeral home. However, within an area zoned
1172 commercial or business, such minimum distance shall be not less
1173 than one hundred (100) feet.

1174 (b) A church or funeral home may waive the distance
1175 restrictions imposed in this subsection in favor of allowing
1176 issuance by the department of a permit, pursuant to subsection (1)
1177 of this section, to authorize activity relating to the
1178 manufacturing, sale or storage of alcoholic beverages which would
1179 otherwise be prohibited under the minimum distance criterion.
1180 Such waiver shall be in written form from the owner, the governing
1181 body, or the appropriate officer of the church or funeral home
1182 having the authority to execute such a waiver, and the waiver
1183 shall be filed with and verified by the department before becoming
1184 effective.



1185 (c) The distance restrictions imposed in this
1186 subsection shall not apply to the sale or storage of alcoholic
1187 beverages at a bed and breakfast inn listed in the National
1188 Register of Historic Places or to the sale or storage of alcoholic
1189 beverages in a historic district that is listed in the National
1190 Register of Historic Places, is a qualified resort area and is
1191 located in a municipality having a population greater than one
1192 hundred thousand (100,000) according to the latest federal
1193 decennial census.

1194 (d) The distance restrictions imposed in this
1195 subsection shall not apply to the sale or storage of alcoholic
1196 beverages at a qualified resort area as defined in Section
1197 67-1-5(o)(iii)32.

1198 (e) The distance restrictions imposed in this
1199 subsection shall not apply to the sale or storage of alcoholic
1200 beverages at a licensed premises in a building formerly owned by a
1201 municipality and formerly leased by the municipality to a
1202 municipal school district and used by the municipal school
1203 district as a district bus shop facility.

1204 (f) The distance restrictions imposed in this
1205 subsection shall not apply to the sale or storage of alcoholic
1206 beverages at a licensed premises in a building consisting of at
1207 least five thousand (5,000) square feet and located approximately
1208 six hundred (600) feet from the intersection of Mississippi
1209 Highway 15 and Mississippi Highway 4.



1210 (g) The distance restrictions imposed in this
1211 subsection shall not apply to the sale or storage of alcoholic
1212 beverages at a licensed premises in a building located at or near
1213 the intersection of Ward and Tate Streets and adjacent properties
1214 in the City of Senatobia, Mississippi.

1215 (h) The distance restrictions imposed in this
1216 subsection shall not apply to the sale or storage of alcoholic
1217 beverages at a theatre facility that features plays and other
1218 theatrical performances and productions and (i) is capable of
1219 seating more than seven hundred fifty (750) people, (ii) is owned
1220 by a municipality which has a population greater than ten thousand
1221 (10,000) according to the latest federal decennial census, (iii)
1222 was constructed prior to 1930, (iv) is on the National Register of
1223 Historic Places, and (v) is located in a historic district.

1224 (4) No person, either individually or as a member of a firm,
1225 partnership, limited liability company or association, or as a
1226 stockholder, officer or director in a corporation, shall own or
1227 control any interest in more than * * * six (6) package retailer's
1228 permits, nor shall such person's spouse, if living in the same
1229 household of such person, any relative of such person, if living
1230 in the same household of such person, or any other person living
1231 in the same household with such person own any interest in any
1232 other package retailer's permit which, when combined with the
1233 number of package retailer's permits owned by the person or in



1234 which the person has a controlling interest, would total more than
1235 six (6) package retailer's permits.

1236 (5) (a) In addition to any other authority granted under
1237 this section, the holder of a permit issued under subsection
1238 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1239 sell or otherwise provide alcoholic beverages and/or wine to a
1240 patron of the permit holder in the manner authorized in the permit
1241 and the patron may remove an open glass, cup or other container of
1242 the alcoholic beverage and/or wine from the licensed premises and
1243 may possess and consume the alcoholic beverage or wine outside of
1244 the licensed premises if: (i) the licensed premises is located
1245 within a leisure and recreation district created under Section
1246 67-1-101 and (ii) the patron remains within the boundaries of the
1247 leisure and recreation district while in possession of the
1248 alcoholic beverage or wine.

1249 (b) Nothing in this subsection shall be construed to
1250 allow a person to bring any alcoholic beverages into a permitted
1251 premises except to the extent otherwise authorized by this
1252 article.

1253 **SECTION 3.** Section 27-71-5, Mississippi Code of 1972, is
1254 amended as follows:

1255 27-71-5. (1) Upon each person approved for a permit under
1256 the provisions of the Alcoholic Beverage Control Law and
1257 amendments thereto, there is levied and imposed for each location
1258 for the privilege of engaging and continuing in this state in the



1259 business authorized by such permit, an annual privilege license
1260 tax in the amount provided in the following schedule:

1261 (a) Except as otherwise provided in this subsection
1262 (1), manufacturer's permit, Class 1, distiller's and/or
1263 rectifier's:

1264 (i) For a permittee with annual production of
1265 five thousand (5,000) gallons or more.....\$4,500.00

1266 (ii) For a permittee with annual production under
1267 five thousand (5,000) gallons.....\$2,800.00

1268 (b) Manufacturer's permit, Class 2, wine
1269 manufacturer.....\$1,800.00

1270 (c) Manufacturer's permit, Class 3, native wine
1271 manufacturer per ten thousand (10,000) gallons or part thereof
1272 produced.....\$ 10.00

1273 (d) Manufacturer's permit, Class 4, native spirit
1274 manufacturer per one thousand (1,000) gallons or part thereof
1275 produced.....\$ 300.00

1276 (e) Native wine retailer's permit.....\$ 50.00

1277 (f) Package retailer's permit, each.....\$ 900.00

1278 (g) On-premises retailer's permit, except for clubs and
1279 common carriers, each.....\$ 450.00

1280 (h) On-premises retailer's permit for wine of more than
1281 five percent (5%) alcohol by weight, but not more than twenty-one
1282 percent (21%) alcohol by weight, each.....\$ 225.00

1283 (i) On-premises retailer's permit for clubs...\$ 225.00



1284	(j)	On-premises retailer's permit for common carriers,	
1285		per car, plane, or other vehicle.....	\$ 120.00
1286	(k)	Solicitor's permit, regardless of any other	
1287		provision of law, solicitor's permits shall be issued only in the	
1288		discretion of the department.....	\$ 100.00
1289	(l)	Filing fee for each application except for an	
1290		employee identification card.....	\$ 25.00
1291	(m)	Temporary permit, Class 1, each.....	\$ 10.00
1292	(n)	Temporary permit, Class 2, each.....	\$ 50.00
1293	(o)	(i) Caterer's permit.....	\$ 600.00
1294		(ii) Caterer's permit for holders of on-premises	
1295		retailer's permit.....	\$ 150.00
1296	(p)	Research permit.....	\$ 100.00
1297	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
1298	(r)	Special service permit.....	\$ 225.00
1299	(s)	Merchant permit.....	\$ 225.00
1300	(t)	Temporary alcoholic beverages charitable auction	
1301		permit.....	\$ 10.00
1302	(u)	Event venue retailer's permit.....	\$ 225.00
1303	(v)	Temporary theatre permit, each.....	\$ 10.00
1304	(w)	Charter ship operator's permit.....	\$ 100.00
1305	(x)	Distillery retailer's permit.....	\$ 450.00
1306	(y)	Festival wine permit.....	\$ 10.00
1307	(z)	Charter vessel operator's permit.....	\$ 100.00
1308	(aa)	Native spirit retailer's permit.....	\$ 50.00



1309	(bb) Delivery service permit.....	\$ 500.00
1310	(cc) Food truck permit.....	\$ 100.00
1311	(dd) <u>Grocery store wine-only retailer's permit,</u>	
1312	<u>each location.....</u>	<u>\$ 900.00</u>

1313 In addition to the filing fee imposed by paragraph (l) of
1314 this subsection, a fee to be determined by the Department of
1315 Revenue may be charged to defray costs incurred to process
1316 applications. The additional fees shall be paid into the State
1317 Treasury to the credit of a special fund account, which is hereby
1318 created, and expenditures therefrom shall be made only to defray
1319 the costs incurred by the Department of Revenue in processing
1320 alcoholic beverage applications. Any unencumbered balance
1321 remaining in the special fund account on June 30 of any fiscal
1322 year shall lapse into the State General Fund.

1323 All privilege taxes imposed by this section shall be paid in
1324 advance of doing business. A new permittee whose privilege tax is
1325 determined by production volume will pay the tax for the first
1326 year in accordance with department regulations. The additional
1327 privilege tax imposed for an on-premises retailer's permit based
1328 upon purchases shall be due and payable on demand.

1329 Paragraph (y) of this subsection shall stand repealed from
1330 and after July 1, 2023.

1331 (2) (a) There is imposed and shall be collected from each
1332 permittee, except a common carrier, solicitor, a temporary
1333 permittee or a delivery service permittee, by the department, an



1334 additional license tax equal to the amounts imposed under
1335 subsection (1) of this section for the privilege of doing business
1336 within any municipality or county in which the licensee is
1337 located.

1338 (b) (i) In addition to the tax imposed in paragraph
1339 (a) of this subsection, there is imposed and shall be collected by
1340 the department from each permittee described in subsection (1)(g),
1341 (h), (i), (n) and (u) of this section, an additional license tax
1342 for the privilege of doing business within any municipality or
1343 county in which the licensee is located in the amount of Two
1344 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
1345 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
1346 (\$225.00) for each additional purchase of Five Thousand Dollars
1347 (\$5,000.00), or fraction thereof.

1348 (ii) In addition to the tax imposed in paragraph
1349 (a) of this subsection, there is imposed and shall be collected by
1350 the department from each permittee described in subsection (1)(o)
1351 and (s) of this section, an additional license tax for the
1352 privilege of doing business within any municipality or county in
1353 which the licensee is located in the amount of Two Hundred Fifty
1354 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
1355 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
1356 additional purchase of Five Thousand Dollars (\$5,000.00), or
1357 fraction thereof.



1358 (iii) Any person who has paid the additional
1359 privilege license tax imposed by this paragraph, and whose permit
1360 is renewed, may add any unused fraction of Five Thousand Dollars
1361 (\$5,000.00) purchases to the first Five Thousand Dollars
1362 (\$5,000.00) purchases authorized by the renewal permit, and no
1363 additional license tax will be required until purchases exceed the
1364 sum of the two (2) figures.

1365 (c) If the licensee is located within a municipality,
1366 the department shall pay the amount of additional license tax
1367 collected under this section to the municipality, and if outside a
1368 municipality the department shall pay the additional license tax
1369 to the county in which the licensee is located. Payments by the
1370 department to the respective local government subdivisions shall
1371 be made once each month for any collections during the preceding
1372 month.

1373 (3) When an application for any permit, other than for
1374 renewal of a permit, has been rejected by the department, such
1375 decision shall be final. Appeal may be made in the manner
1376 provided by Section 67-1-39. Another application from an
1377 applicant who has been denied a permit shall not be reconsidered
1378 within a twelve-month period.

1379 (4) The number of permits issued by the department shall not
1380 be restricted or limited on a population basis; however, the
1381 foregoing limitation shall not be construed to preclude the right



1382 of the department to refuse to issue a permit because of the
1383 undesirability of the proposed location.

1384 (5) If any person shall engage or continue in any business
1385 which is taxable under this section without having paid the tax as
1386 provided in this section, the person shall be liable for the full
1387 amount of the tax plus a penalty thereon equal to the amount
1388 thereof, and, in addition, shall be punished by a fine of not more
1389 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
1390 county jail for a term of not more than six (6) months, or by both
1391 such fine and imprisonment, in the discretion of the court.

1392 (6) It shall be unlawful for any person to consume alcoholic
1393 beverages on the premises of any hotel restaurant, restaurant,
1394 club or the interior of any public place defined in Chapter 1,
1395 Title 67, Mississippi Code of 1972, when the owner or manager
1396 thereof displays in several conspicuous places inside the
1397 establishment and at the entrances of establishment a sign
1398 containing the following language: NO ALCOHOLIC BEVERAGES
1399 ALLOWED.

1400 **SECTION 4.** Section 67-1-41, Mississippi Code of 1972, is
1401 amended as follows:

1402 67-1-41. (1) The department is hereby created a wholesale
1403 distributor and seller of alcoholic beverages, not including malt
1404 liquors, within the State of Mississippi. It is granted the right
1405 to import and sell alcoholic beverages at wholesale within the
1406 state, and no person who is granted the right to sell, distribute



1407 or receive alcoholic beverages at retail shall purchase any
1408 alcoholic beverages from any source other than the department,
1409 except as authorized in subsections (4), (9) and (12) of this
1410 section. The department may establish warehouses, and the
1411 department may purchase alcoholic beverages in such quantities and
1412 from such sources as it may deem desirable and sell the alcoholic
1413 beverages to authorized permittees within the state including, at
1414 the discretion of the department, any retail distributors
1415 operating within any military post or qualified resort areas
1416 within the boundaries of the state, keeping a correct and accurate
1417 record of all such transactions and exercising such control over
1418 the distribution of alcoholic beverages as seem right and proper
1419 in keeping with the provisions or purposes of this article.

1420 (2) No person for the purpose of sale shall manufacture,
1421 distill, brew, sell, possess, export, transport, distribute,
1422 warehouse, store, solicit, take orders for, bottle, rectify,
1423 blend, treat, mix or process any alcoholic beverage except in
1424 accordance with authority granted under this article, or as
1425 otherwise provided by law for native wines or native spirits.

1426 (3) No alcoholic beverage intended for sale or resale shall
1427 be imported, shipped or brought into this state for delivery to
1428 any person other than as provided in this article, or as otherwise
1429 provided by law for native wines or native spirits.

1430 (4) The department may promulgate rules and regulations
1431 which authorize on-premises retailers to purchase limited amounts



1432 of alcoholic beverages from package retailers and for package
1433 retailers to purchase limited amounts of alcoholic beverages from
1434 other package retailers. The department shall develop and provide
1435 forms to be completed by the on-premises retailers and the package
1436 retailers verifying the transaction. The completed forms shall be
1437 forwarded to the department within a period of time prescribed by
1438 the department.

1439 (5) The department may promulgate rules which authorize the
1440 holder of a package retailer's permit or grocery store wine-only
1441 retailer's permit to permit individual retail purchasers of
1442 packages of alcoholic beverages to return, for exchange, credit or
1443 refund, limited amounts of original sealed and unopened packages
1444 of alcoholic beverages purchased by the individual from the
1445 package retailer or grocery store.

1446 (6) The department shall maintain all forms to be completed
1447 by applicants necessary for licensure by the department at all
1448 district offices of the department.

1449 (7) The department may promulgate rules which authorize the
1450 manufacturer of an alcoholic beverage or wine to import, transport
1451 and furnish or give a sample of alcoholic beverages or wines to
1452 the holders of package retailer's permits, on-premises retailer's
1453 permits, native wine or native spirit retailer's permits * * *,
1454 temporary retailer's permits and grocery store wine-only
1455 retailer's permits who have not previously purchased the brand of
1456 that manufacturer from the department. For each holder of the



1457 designated permits, the manufacturer may furnish not more than
1458 five hundred (500) milliliters of any brand of alcoholic beverage
1459 and not more than three (3) liters of any brand of wine.

1460 (8) The department may promulgate rules disallowing open
1461 product sampling of alcoholic beverages or wines by the holders of
1462 package retailer's permits and permitting open product sampling of
1463 alcoholic beverages by the holders of on-premises retailer's
1464 permits. Permitted sample products shall be plainly identified
1465 "sample" and the actual sampling must occur in the presence of the
1466 manufacturer's representatives during the legal operating hours of
1467 on-premises retailers.

1468 (9) The department may promulgate rules and regulations that
1469 authorize the holder of a research permit to import and purchase
1470 limited amounts of alcoholic beverages from importers, wineries
1471 and distillers of alcoholic beverages or from the department. The
1472 department shall develop and provide forms to be completed by the
1473 research permittee verifying each transaction. The completed
1474 forms shall be forwarded to the department within a period of time
1475 prescribed by the department. The records and inventory of
1476 alcoholic beverages shall be open to inspection at any time by the
1477 Director of the Alcoholic Beverage Control Division or any duly
1478 authorized agent.

1479 (10) The department may promulgate rules facilitating a
1480 retailer's on-site pickup of alcoholic beverages sold by the
1481 department or as authorized by the department, including, but not



1482 limited to, native wines and native spirits, so that those
1483 alcoholic beverages may be delivered to the retailer at the
1484 manufacturer's location instead of via shipment from the
1485 department's warehouse.

1486 (11) **[Through June 30, 2023]** This section shall not apply
1487 to alcoholic beverages authorized to be sold by the holder of a
1488 distillery retailer's permit or a festival wine permit.

1489 (11) **[From and after July 1, 2023]** This section shall not
1490 apply to alcoholic beverages authorized to be sold by the holder
1491 of a distillery retailer's permit.

1492 (12) (a) An individual resident of this state who is at
1493 least twenty-one (21) years of age may purchase wine from a winery
1494 and have the purchase shipped into this state so long as it is
1495 shipped to a package retailer permittee in Mississippi; however,
1496 the permittee shall pay to the department all taxes, fees and
1497 surcharges on the wine that are imposed upon the sale of wine
1498 shipped by the department or its warehouse operator. No credit
1499 shall be provided to the permittee for any taxes paid to another
1500 state as a result of the transaction. Package retailers may
1501 charge a service fee for receiving and handling shipments from
1502 wineries on behalf of the purchasers. The department shall
1503 develop and provide forms to be completed by the package retailer
1504 permittees verifying the transaction. The completed forms shall
1505 be forwarded to the department within a period of time prescribed
1506 by the department.



1507 (b) The purchaser of wine that is to be shipped to a
1508 package retailer's store shall be required to get the prior
1509 approval of the package retailer before any wine is shipped to the
1510 package retailer. A purchaser is limited to no more than ten (10)
1511 cases of wine per year to be shipped to a package retailer. A
1512 package retailer shall notify a purchaser of wine within two (2)
1513 days after receiving the shipment of wine. If the purchaser of
1514 the wine does not pick up or take the wine from the package
1515 retailer within thirty (30) days after being notified by the
1516 package retailer, the package retailer may sell the wine as part
1517 of his inventory.

1518 (c) Shipments of wine into this state under this
1519 section shall be made by a duly licensed carrier. It shall be the
1520 duty of every common or contract carrier, and of every firm or
1521 corporation that shall bring, carry or transport wine from outside
1522 the state for delivery inside the state to package retailer
1523 permittees on behalf of consumers, to prepare and file with the
1524 department, on a schedule as determined by the department, of
1525 known wine shipments containing the name of the common or contract
1526 carrier, firm or corporation making the report, the period of time
1527 covered by said report, the name and permit number of the winery,
1528 the name and permit number of the package retailer permittee
1529 receiving such wine, the weight of the package delivered to each
1530 package retailer permittee, a unique tracking number, and the date
1531 of delivery. Reports received by the department shall be made



1532 available by the department to the public via the Mississippi
1533 Public Records Act process in the same manner as other state
1534 alcohol filings.

1535 Upon the department's request, any records supporting the
1536 report shall be made available to the department within a
1537 reasonable time after the department makes a written request for
1538 such records. Any records containing information relating to such
1539 reports shall be kept and preserved for a period of two (2) years,
1540 unless their destruction sooner is authorized, in writing, by the
1541 department, and shall be open and available to inspection by the
1542 department upon the department's written request. Reports shall
1543 also be made available to any law enforcement or regulatory body
1544 in the state in which the railroad company, express company,
1545 common or contract carrier making the report resides or does
1546 business.

1547 Any common or contract carrier that willfully fails to make
1548 reports, as provided by this section or any of the rules and
1549 regulations of the department for the administration and
1550 enforcement of this section, is subject to a notification of
1551 violation. In the case of a continuing failure to make reports,
1552 the common or contract carrier is subject to possible license
1553 suspension and revocation at the department's discretion.

1554 (d) A winery that ships wine under this section shall
1555 be deemed to have consented to the jurisdiction of the courts of
1556 this state, of the department, of any other state agency regarding



1557 the enforcement of this section, and of any related law, rules or
1558 regulations.

1559 (e) Any person who makes, participates in, transports,
1560 imports or receives a shipment in violation of this section is
1561 guilty of a misdemeanor and, upon conviction thereof, shall be
1562 punished by a fine of One Thousand Dollars (\$1,000.00) or
1563 imprisonment in the county jail for not more than six (6) months,
1564 or both. Each shipment shall constitute a separate offense.

1565 (13) If any provision of this article, or its application to
1566 any person or circumstance, is determined by a court to be invalid
1567 or unconstitutional, the remaining provisions shall be construed
1568 in accordance with the intent of the Legislature to further limit
1569 rather than expand commerce in alcoholic beverages to protect the
1570 health, safety, and welfare of the state's residents, and to
1571 enhance strict regulatory control over taxation, distribution and
1572 sale of alcoholic beverages through the three-tier regulatory
1573 system imposed by this article upon all alcoholic beverages to
1574 curb relationships and practices calculated to stimulate sales and
1575 impair the state's policy favoring trade stability and the
1576 promotion of temperance.

1577 **SECTION 5.** Section 67-1-75, Mississippi Code of 1972, is
1578 amended as follows:

1579 67-1-75. If the holder of a package retailer's permit or a
1580 grocery store wine-only retailer's permit, or any employee
1581 thereof:



1582 (a) Shall sell, offer for sale or permit to be sold in,
1583 on or about the premises covered by such permit any alcoholic
1584 beverages except in the original sealed and unopened packages; or

1585 (b) Shall permit the drinking or consumption of any
1586 alcoholic beverages in, on or about the premises covered by such
1587 permit except as may be otherwise authorized by this article; or

1588 (c) Shall sell, offer for sale or permit the sale in,
1589 on or about the premises of alcoholic beverages in any package or
1590 container containing less than fifty (50) milliliters by liquid
1591 measure; then such person or employee shall be guilty of a
1592 misdemeanor and, upon conviction, shall be punished by a fine of
1593 not more than One Thousand Dollars (\$1,000.00) or by imprisonment
1594 in the county jail for a term of not more than one (1) year, or by
1595 both such fine and imprisonment, in the discretion of the court.

1596 In addition, in the case of the commission of any of such offenses
1597 by the holder of a permit, it shall be the duty of the * * *
1598 department forthwith to revoke the permit held by such person and
1599 conviction of the criminal offense shall not be a condition
1600 precedent to such revocation.

1601 **SECTION 6.** Section 67-1-83, Mississippi Code of 1972, is
1602 amended as follows:

1603 67-1-83. (1) It shall be unlawful for any permittee or any
1604 employee or agent thereof to sell or furnish any alcoholic
1605 beverage to any person who is visibly intoxicated, or to any
1606 person who is known to habitually drink alcoholic beverages to



1607 excess, or to any person who is known to be an habitual user of
1608 narcotics or other habit-forming drugs. It shall also be unlawful
1609 for the holder of any package retailer's permit or grocery store
1610 wine-only retailer's permit to sell any alcoholic beverages except
1611 by delivery in person to the purchaser at the place of business of
1612 the permittee, unless the holder of a package retailer's permit
1613 also holds a delivery service permit or uses a delivery service
1614 permittee to effect delivery.

1615 (2) It shall be unlawful for any permittee or any employee
1616 or agent thereof to sell or furnish any alcoholic beverage to any
1617 person to whom the department has, after investigation, decided to
1618 prohibit the sale of those beverages because of an appeal to the
1619 department so to do by the husband, wife, father, mother, brother,
1620 sister, child, or employer of the person. The interdiction in
1621 those cases shall last until removed by the department, but no
1622 person shall be held to have violated this subsection unless he
1623 has been informed by the department, by registered letter, that it
1624 is forbidden to sell to that individual or unless that fact is
1625 otherwise known to the permittee or its employee or agent.

1626 (3) It shall be unlawful for any holder of a package
1627 retailer's permit or a grocery store wine-only retailer's permit,
1628 or any employee or agent thereof, * * * to sell or furnish any
1629 alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to
1630 sell alcoholic beverages on Sunday and Christmas Day.



1631 (4) Any person who violates any of the provisions of this
1632 section shall be guilty of a misdemeanor and, upon conviction,
1633 shall be punished by a fine of not more than Five Hundred Dollars
1634 (\$500.00) or by imprisonment in the county jail for a term of not
1635 more than six (6) months, or by both that fine and imprisonment,
1636 in the discretion of the court. In addition to any other
1637 penalties prescribed by law, the * * * department may immediately
1638 revoke the permit of any permittee who violates the provisions of
1639 this section.

1640 **SECTION 7.** Section 67-1-85, Mississippi Code of 1972, is
1641 amended as follows:

1642 67-1-85. (1) The holder of a package retailer's permit or
1643 grocery store wine-only retailer's permit may have signs, lighted
1644 or otherwise, on the outside of the premises covered by his permit
1645 which advertise, announce or advise of the sale of alcoholic
1646 beverages in or on * * * the premises. Wherever the sign is
1647 located on the premises, the name of the business shall also
1648 include the permit number thereof, preceded by the words "A.B.C.
1649 Permit No."

1650 (2) It shall be lawful to advertise alcoholic beverages by
1651 means of signs, billboards or displays on or along any road,
1652 highway, street or building.

1653 (3) It shall be lawful for publishers, broadcasters and
1654 other kinds, types or forms of public and private advertising
1655 media to advertise alcoholic beverages; however, no alcoholic



1656 beverages may be advertised during, or within five (5) minutes
1657 preceding or following, any television broadcast which consists
1658 primarily of animated material intended for viewing by young
1659 children.

1660 (4) Notwithstanding the provisions of this section to the
1661 contrary, it shall be unlawful to advertise alcoholic beverages by
1662 means of signs, billboards or displays in any municipality, county
1663 or judicial district which has not voted pursuant to the
1664 provisions of this article to legalize the sale of alcoholic
1665 beverages.

1666 **SECTION 8.** This act shall take effect and be in force from
1667 and after July 1, 2023.

