

By: Senator(s) Wiggins, England

To: Finance

SENATE BILL NO. 2715

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER
3 THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO BRING FORWARD
4 SECTION 67-1-51, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
5 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

9 67-1-5. For the purposes of this article and unless
10 otherwise required by the context:

11 (a) "Alcoholic beverage" means any alcoholic liquid,
12 including wines of more than five percent (5%) of alcohol by
13 weight, capable of being consumed as a beverage by a human being,
14 but shall not include light wine, light spirit product and beer,
15 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
16 include native wines and native spirits. The words "alcoholic
17 beverage" shall not include ethyl alcohol manufactured or
18 distilled solely for fuel purposes or beer of an alcoholic content



19 of more than eight percent (8%) by weight if the beer is legally
20 manufactured in this state for sale in another state.

21 (b) "Alcohol" means the product of distillation of any
22 fermented liquid, whatever the origin thereof, and includes
23 synthetic ethyl alcohol, but does not include denatured alcohol or
24 wood alcohol.

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

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

33 (e) "Person" means and includes any individual,
34 partnership, corporation, association or other legal entity
35 whatsoever.

36 (f) "Manufacturer" means any person engaged in
37 manufacturing, distilling, rectifying, blending or bottling any
38 alcoholic beverage.

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



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

46 (i) "State Tax Commission," "commission" or
47 "department" means the Department of Revenue of the State of
48 Mississippi, which shall create a division in its organization to
49 be known as the Alcoholic Beverage Control Division. Any
50 reference to the commission or the department hereafter means the
51 powers and duties of the Department of Revenue with reference to
52 supervision of the Alcoholic Beverage Control Division.

53 (j) "Division" means the Alcoholic Beverage Control
54 Division of the Department of Revenue.

55 (k) "Municipality" means any incorporated city or town
56 of this state.

57 (l) "Hotel" means an establishment within a
58 municipality, or within a qualified resort area approved as such
59 by the department, where, in consideration of payment, food and
60 lodging are habitually furnished to travelers and wherein are
61 located at least twenty (20) adequately furnished and completely
62 separate sleeping rooms with adequate facilities that persons
63 usually apply for and receive as overnight accommodations. Hotels
64 in towns or cities of more than twenty-five thousand (25,000)
65 population are similarly defined except that they must have fifty
66 (50) or more sleeping rooms. Any such establishment described in
67 this paragraph with less than fifty (50) beds shall operate one or



68 more regular dining rooms designed to be constantly frequented by
69 customers each day. When used in this article, the word "hotel"
70 shall also be construed to include any establishment that meets
71 the definition of "bed and breakfast inn" as provided in this
72 section.

73 (m) "Restaurant" means:

74 (i) A place which is regularly and in a bona fide
75 manner used and kept open for the serving of meals to guests for
76 compensation, which has suitable seating facilities for guests,
77 and which has suitable kitchen facilities connected therewith for
78 cooking an assortment of foods and meals commonly ordered at
79 various hours of the day; the service of such food as sandwiches
80 and salads only shall not be deemed in compliance with this
81 requirement. Except as otherwise provided in this paragraph, no
82 place shall qualify as a restaurant under this article unless
83 twenty-five percent (25%) or more of the revenue derived from such
84 place shall be from the preparation, cooking and serving of meals
85 and not from the sale of beverages, or unless the value of food
86 given to and consumed by customers is equal to twenty-five percent
87 (25%) or more of total revenue; or

88 (ii) Any privately owned business located in a
89 building in a historic district where the district is listed in
90 the National Register of Historic Places, where the building has a
91 total occupancy rating of not less than one thousand (1,000) and
92 where the business regularly utilizes ten thousand (10,000) square



93 feet or more in the building for live entertainment, including not
94 only the stage, lobby or area where the audience sits and/or
95 stands, but also any other portion of the building necessary for
96 the operation of the business, including any kitchen area, bar
97 area, storage area and office space, but excluding any area for
98 parking. In addition to the other requirements of this
99 subparagraph, the business must also serve food to guests for
100 compensation within the building and derive the majority of its
101 revenue from event-related fees, including, but not limited to,
102 admission fees or ticket sales to live entertainment in the
103 building, and from the rental of all or part of the facilities of
104 the business in the building to another party for a specific event
105 or function.

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

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

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

112 (iii) Maintained by its members through the
113 payment of annual dues;

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



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

122 (vi) No member, officer, agent or employee of
123 which is paid, or directly or indirectly receives, in the form of
124 a salary or other compensation any profit from the distribution or
125 sale of alcoholic beverages to the club or to members or guests of
126 the club beyond such salary or compensation as may be fixed and
127 voted at a proper meeting by the board of directors or other
128 governing body out of the general revenues of the club.

129 The department may, in its discretion, waive the five-year
130 provision of this paragraph. In order to qualify under this
131 paragraph, a club must file with the department, at the time of
132 its application for a license under this article, two (2) copies
133 of a list of the names and residences of its members and similarly
134 file, within ten (10) days after the election of any additional
135 member, his name and address. Each club applying for a license
136 shall also file with the department at the time of the application
137 a copy of its articles of association, charter of incorporation,
138 bylaws or other instruments governing the business and affairs
139 thereof.

140 (o) "Qualified resort area" means any area or locality
141 outside of the limits of incorporated municipalities in this state
142 commonly known and accepted as a place which regularly and



143 customarily attracts tourists, vacationists and other transients
144 because of its historical, scenic or recreational facilities or
145 attractions, or because of other attributes which regularly and
146 customarily appeal to and attract tourists, vacationists and other
147 transients in substantial numbers; however, no area or locality
148 shall so qualify as a resort area until it has been duly and
149 properly approved as such by the department. The department may
150 not approve an area as a qualified resort area after July 1, 2018,
151 if any portion of such proposed area is located within two (2)
152 miles of a convent or monastery that is located in a county
153 traversed by Interstate 55 and U.S. Highway 98. A convent or
154 monastery may waive such distance restrictions in favor of
155 allowing approval by the department of an area as a qualified
156 resort area. Such waiver shall be in written form from the owner,
157 the governing body, or the appropriate officer of the convent or
158 monastery having the authority to execute such a waiver, and the
159 waiver shall be filed with and verified by the department before
160 becoming effective.

161 (i) The department may approve an area or locality
162 outside of the limits of an incorporated municipality that is in
163 the process of being developed as a qualified resort area if such
164 area or locality, when developed, can reasonably be expected to
165 meet the requisites of the definition of the term "qualified
166 resort area." In such a case, the status of qualified resort area
167 shall not take effect until completion of the development.



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

176 (iii) The term includes:

177 1. The clubhouses associated with the state
178 park golf courses at the Lefleur's Bluff State Park, the John Kyle
179 State Park, the Percy Quin State Park and the Hugh White State
180 Park;

181 2. The clubhouse and associated golf course,
182 tennis courts and related facilities and swimming pool and related
183 facilities where the golf course, tennis courts and related
184 facilities and swimming pool and related facilities are adjacent
185 to one or more planned residential developments and the golf
186 course and all such developments collectively include at least
187 seven hundred fifty (750) acres and at least four hundred (400)
188 residential units;

189 3. Any facility located on property that is a
190 game reserve with restricted access that consists of at least
191 three thousand (3,000) contiguous acres with no public roads and



192 that offers as a service hunts for a fee to overnight guests of
193 the facility;

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

198 5. Any facility that is located in a
199 municipality that is bordered by the Pearl River, traversed by
200 Mississippi Highway 25, adjacent to the boundaries of the Jackson
201 International Airport and is located in a county which has voted
202 against coming out from under the dry law; however, any such
203 facility may only be located in areas designated by the governing
204 authorities of such municipality;

205 6. Any municipality with a population in
206 excess of ten thousand (10,000) according to the latest federal
207 decennial census that is located in a county that is bordered by
208 the Pearl River and is not traversed by Interstate Highway 20,
209 with a population in excess of forty-five thousand (45,000)
210 according to the latest federal decennial census;

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

213 8. a. Land that is located in any county in
214 which Mississippi Highway 43 and Mississippi Highway 25 intersect
215 and:



216 A. Owned by the Pearl River Valley
217 Water Supply District, and/or

218 B. Located within the Reservoir
219 Community District, zoned commercial, east of Old Fannin Road,
220 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
221 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
222 Drive and/or Lake Vista Place, and/or

223 C. Located within the Reservoir
224 Community District, zoned commercial, west of Old Fannin Road,
225 south of Spillway Road and extending to the boundary of the
226 corporate limits of the City of Flowood, Mississippi;

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

230 A. Specify the hours of operation
231 of facilities that offer alcoholic beverages for sale,

232 B. Specify the percentage of
233 revenue that facilities that offer alcoholic beverages for sale
234 must derive from the preparation, cooking and serving of meals and
235 not from the sale of beverages, and

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

238 9. Any facility located on property that is a
239 game reserve with restricted access that consists of at least
240 eight hundred (800) contiguous acres with no public roads, that



241 offers as a service hunts for a fee to overnight guests of the
242 facility, and has accommodations for at least fifty (50) overnight
243 guests;

244 10. Any facility that:

245 a. Consists of at least six thousand
246 (6,000) square feet being heated and cooled along with an
247 additional adjacent area that consists of at least two thousand
248 two hundred (2,200) square feet regardless of whether heated and
249 cooled,

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

252 c. Provides lodging accommodations
253 regardless of whether part of the facility and/or located adjacent
254 to or in close proximity to the facility, and

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

257 11. Any facility and related property:

258 a. Located on property that consists of
259 at least one hundred twenty-five (125) contiguous acres and
260 consisting of an eighteen-hole golf course, and/or located in a
261 facility that consists of at least eight thousand (8,000) square
262 feet being heated and cooled,

263 b. Used for the purpose of providing
264 meals and hosting events, and



265 c. Used for the purpose of teaching
266 culinary arts courses and/or turf management and grounds keeping
267 courses, and/or outdoor recreation and leadership courses;

268 12. Any facility and related property that:

269 a. Consist of at least eight thousand
270 (8,000) square feet being heated and cooled,

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

272 c. Is used for the purpose of culinary
273 arts courses, and/or live entertainment courses and art
274 performances, and/or outdoor recreation and leadership courses;

275 13. The clubhouse and associated golf course
276 where the golf course is adjacent to one or more residential
277 developments and the golf course and all such developments
278 collectively include at least two hundred (200) acres and at least
279 one hundred fifty (150) residential units and are located a. in a
280 county that has voted against coming out from under the dry law;
281 and b. outside of but in close proximity to a municipality in such
282 county which has voted under Section 67-1-14, after January 1,
283 2013, to come out from under the dry law;

284 14. The clubhouse and associated
285 eighteen-hole golf course located in a municipality traversed by
286 Interstate Highway 55 and U.S. Highway 51 that has voted to come
287 out from under the dry law;

288 15. a. Land that is planned for mixed-use
289 development and consists of at least two hundred (200) contiguous



290 acres with one or more planned residential developments
291 collectively planned to include at least two hundred (200)
292 residential units when completed, and also including a facility
293 that consists of at least four thousand (4,000) square feet that
294 is not part of such land but is located adjacent to or in close
295 proximity thereto, and which land is located:

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

298 B. Outside the corporate limits of
299 any municipality in such county and adjacent to or in close
300 proximity to a golf course located in a municipality in such
301 county, and

302 C. Within one (1) mile of a state
303 institution of higher learning;

304 b. The board of supervisors of such
305 county may by resolution or other order:

306 A. Specify the hours of operation
307 of facilities that offer alcoholic beverages for sale,

308 B. Specify the percentage of
309 revenue that facilities that offer alcoholic beverages for sale
310 must derive from the preparation, cooking and serving of meals and
311 not from the sale of beverages, and

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



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

320 17. One hundred five (105) contiguous acres,
321 more or less, located in Hinds County, Mississippi, and in the
322 City of Jackson, Mississippi, whereon are constructed a variety of
323 buildings, improvements, grounds or objects for the purpose of
324 holding events thereon to promote agricultural and industrial
325 development in Mississippi;

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

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

332 b. Adjacent to but outside the
333 incorporated limits of a municipality that has elected by majority
334 vote to permit the sale, receipt, storage and transportation of
335 light wine and beer pursuant to Section 67-3-9.

336 If any portion of the land described in this item 18 has been
337 declared a qualified resort area by the department before July 1,



338 2020, then that qualified resort area shall be incorporated into
339 the qualified resort area created by this item 18;

340 19. Any facility and related property:

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

346 b. Located in a county that has not
347 voted to come out from under the dry law and outside of but in
348 close proximity to a municipality located in such county and which
349 municipality has voted to come out from under the dry law;

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

354 a. A county traversed by Interstate 55
355 and Interstate 20, and

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

358 21. Any municipality with a population in
359 excess of two thousand (2,000) according to the latest federal
360 decennial census and in which is located a part of White's Creek
361 Lake and in which U.S. Highway 82 intersects with Mississippi



362 Highway 9 and located in a county that is partially bordered on
363 one (1) side by the Big Black River;

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

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

373 a. Specify the hours of operation of
374 facilities that offer alcoholic beverages for sale;

375 b. Specify the percentage of revenue
376 that facilities that offer alcoholic beverages for sale must
377 derive from the preparation, cooking and serving of meals and not
378 from the sale of beverages; and

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

381 24. A municipality in which Mississippi
382 Highway 27 and Mississippi Highway 28 intersect;

383 25. A municipality through which run
384 Mississippi Highway 35 and Interstate 20;

385 26. A municipality in which Mississippi
386 Highway 16 and Mississippi Highway 35 intersect;



387 27. A municipality in which U.S. Highway 82
388 and Old Highway 61 intersect;

389 28. A municipality in which Mississippi
390 Highway 8 meets Mississippi Highway 1;

391 29. A municipality in which U.S. Highway 82
392 and Mississippi Highway 1 intersect;

393 30. A municipality in which Mississippi
394 Highway 50 meets Mississippi Highway 9;

395 31. An area bounded on the north by Pearl
396 Street, on the east by West Street, on the south by Court Street
397 and on the west by Farish Street, within a municipality bordered
398 on the east by the Pearl River and through which run Interstate 20
399 and Interstate 55;

400 32. Any facility and related property that:

401 a. Is contracted for mixed-use
402 development improvements consisting of office and residential
403 space and a restaurant and lounge, partially occupying the
404 renovated space of a four-story commercial building which
405 previously served as a financial institution; and adjacent
406 property to the west consisting of a single-story office building
407 that was originally occupied by the Brotherhood of Carpenters and
408 Joiners of American Local Number 569; and

409 b. Is situated on a tract of land
410 consisting of approximately one and one-tenth (1.10) acres, and
411 the adjacent property to the west consisting of approximately 0.5



412 acres, located in a municipality which is the seat of county
413 government, situated south of Interstate 10, traversed by U.S.
414 Highway 90, partially bordered on one (1) side by the Pascagoula
415 River and having its most southern boundary bordered by the Gulf
416 of Mexico, with a population greater than twenty-two thousand
417 (22,000) according to the 2010 federal decennial census; however,
418 the governing authorities of such a municipality may by ordinance:

419 A. Specify the hours of operation
420 of facilities that offer alcoholic beverages for sale;

421 B. Specify the percentage of
422 revenue that facilities that offer alcoholic beverages for sale
423 must derive from the preparation, cooking and serving of meals and
424 not from the sale of beverages; and

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

427 33. Any facility with a maximum capacity of
428 one hundred twenty (120) people that consists of at least three
429 thousand (3,000) square feet being heated and cooled, has a
430 commercial kitchen, has a pavilion that consists of at least nine
431 thousand (9,000) square feet and is located on land more
432 particularly described as follows:

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



437 ALSO,
438 The Northeast 38 acres of the Southwest Quarter of Section
439 21, Township 7 South, Range 4 East, Union County, Mississippi.

440 ALSO,
441 The South 81 1/2 acres of the Southwest Quarter of Section
442 21, Township 7 South, Range 4 East, Union County, Mississippi;

443 34. A municipality in which U.S. Highway 51
444 and Mississippi Highway 16 intersect;

445 35. A municipality in which Interstate 20
446 passes over Mississippi Highway 15;

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

451 37. A municipality in which Mississippi
452 Highway 28 and Mississippi Highway 29 North intersect;

453 38. An area bounded as follows within a
454 municipality through which run Interstate 22 and Mississippi
455 Highway 15: Beginning at a point at the intersection of Bankhead
456 Street and Tallahatchie Trails; then running to a point at the
457 intersection of Tallahatchie Trails and Interstate 22; then
458 running to a point at the intersection of Interstate 22 and Carter
459 Avenue; then running to a point at the intersection of Carter
460 Avenue and Camp Avenue; then running to a point at the
461 intersection of Camp Avenue and King Street; then running to a



462 point at the intersection of King Street and E. Main Street; then
463 running to a point at the intersection of E. Main Street and Camp
464 Avenue; then running to a point at the intersection of Camp Avenue
465 and Highland Street; then running to a point at the intersection
466 of Highland Street and Adams Street; then running to a point at
467 the intersection of Adams Street and Cleveland Street; then
468 running to a point at the intersection of Cleveland Street and N.
469 Railroad Avenue; then running to a point at the intersection of N.
470 Railroad Avenue and McGill Street; then running to a point at the
471 intersection of McGill Street and Snyder Street; then running to a
472 point at the intersection of Snyder Street and Bankhead Street;
473 then running to a point at the intersection of Bankhead Street and
474 Tallahatchie Trails and the point of the beginning;

475 39. A municipality through which run
476 Mississippi Highway 43 and U.S. Highway 80;

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

479 41. A piece of property on the northeast
480 corner of the T-intersection where Builders Square Drive meets
481 Mississippi Highway 471;

482 42. The clubhouse and associated golf course,
483 tennis courts and related facilities and swimming pool and related
484 facilities located on Oaks Country Club Road less than one-half
485 (1/2) mile to the east of Mississippi Highway 15;



486 43. Any facility located on land more
487 particularly described as follows:

488 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
489 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
490 Southwest Corner of the Southwest Quarter (SW 1/4) of the
491 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
492 East, running 210 feet east and west and 840 feet running north
493 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
494 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
495 Rankin County, Mississippi;

496 44. Any facility located on land more
497 particularly described as follows:

498 Beginning at a point 1915 feet west and 2171 feet north of
499 southeast corner, Section 11, Township 24 North, Range 2 West,
500 Second Judicial District, Tallahatchie County, Mississippi, which
501 point is the southwest corner of J.C. Section Lot mentioned in
502 deed recorded in Book 50, page 34, in the records of the Chancery
503 Clerk's Office at Sumner, in said District of said County; thence
504 South 80° West, 19 feet to the east boundary of United States
505 Highway 49-E, thence East along the east boundary of said Highway
506 270 feet to point of beginning of Lot to be conveyed; thence
507 southeast along the east boundary of said Highway 204 feet to a
508 concrete post at the intersection of the east boundary of said
509 Highway with the west boundary of gravel road from Sumner to Webb,
510 known as Oil Mill Road, thence Northwest along west boundary of



511 said Oil Mill Road 194 feet to center of driveway running
512 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
513 South 66° West along center of said driveway 128 feet to point of
514 beginning, being situated in Northwest Quarter of Southeast
515 Quarter of Section 11, together with all improvements situated
516 thereon;

517 45. Any facility that:

518 a. Consists of at least five thousand
519 six hundred (5,600) square feet being heated and cooled along with
520 a lakeside patio that consists of at least two thousand two
521 hundred (2,200) square feet, regardless of whether such patio is
522 part of the facility and/or located adjacent to or in close
523 proximity to the facility;

524 b. Includes a caterer's kitchen and
525 green room for entertainment preparation;

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

527 d. Is located adjacent to or in close
528 proximity to an approximately nine (9) acre lake on property that
529 consists of at least one hundred twenty (120) acres in a county
530 traversed by Mississippi Highway 15 and U.S. Highway 278;

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



536 47. The clubhouse and associated nine-hole
537 golf course, tennis courts and related facilities and swimming
538 pool and related facilities located on or near U.S. Highway 82
539 between Mississippi Highway 15 and Mississippi Highway 9;

540 48. The downtown square area bound by East
541 Service Drive, Commerce Street, Second Street and Court Street and
542 adjacent properties in a municipality through which run Interstate
543 55, U.S. Highway 51 and Mississippi Highway 306;

544 49. All parcels zoned for mixed-use
545 development located west of Mississippi Highway 589, more than
546 four hundred (400) feet north of Old Highway 24, east of
547 Parkers Creek and Black Creek, and south of J M Burge
548 Road; * * *

549 50. Any facility used by a soccer club and
550 located on Old Highway 11 between one-tenth (0.1) and two-tenths
551 (0.2) of a mile from its intersection with Oak Grove Road, in a
552 county in which U.S. Highway 98 and Mississippi Highway 589
553 intersect * * *; and

554 51. Any municipality bordered on the east by
555 the Pascagoula River and on the south by the Mississippi Sound.

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



560 The governing authorities of a municipality described, in
561 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
562 34, 35, 36, 37, 38, 39, 46 * * *, 48 or 51 of this paragraph
563 (o) (iii) may by ordinance, with respect to the qualified resort
564 area described in the same item: specify the hours of operation
565 of facilities offering alcoholic beverages for sale; specify the
566 percentage of revenue that facilities offering alcoholic beverages
567 for sale must derive from the preparation, cooking and serving of
568 meals and not from the sale of beverages; and designate the areas
569 in which facilities offering alcoholic beverages for sale may be
570 located.

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



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

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

600 (s) "Board" shall refer to the Board of Tax Appeals of
601 the State of Mississippi.

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

607 (u) "Art studio or gallery" means an establishment
608 within a municipality or qualified resort area that is in the sole



609 business of allowing patrons to view and/or purchase paintings and
610 other creative artwork.

611 (v) "Cooking school" means an establishment within a
612 municipality or qualified resort area and owned by a nationally
613 recognized company that offers an established culinary education
614 curriculum and program where, in consideration of payment, patrons
615 are given scheduled professional group instruction on culinary
616 techniques. For purposes of this paragraph, the definition of
617 cooking school shall not include schools or classes offered by
618 grocery stores, convenience stores or drugstores.

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

628 (x) "Native spirit" shall mean any beverage, produced
629 in Mississippi for sale, manufactured primarily by the
630 distillation of fermented grain, starch, molasses or sugar
631 produced in Mississippi, including dilutions and mixtures of these
632 beverages. In order to be classified as "native spirit" under the
633 provisions of this article, at least fifty-one percent (51%) of



634 the finished product by volume shall have been obtained from
635 distillation of fermented grain, starch, molasses or sugar grown
636 and produced in Mississippi.

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

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

642 **SECTION 2.** Section 67-1-51, Mississippi Code of 1972, is
643 brought forward as follows:

644 67-1-51. (1) Permits which may be issued by the department
645 shall be as follows:

646 (a) **Manufacturer's permit.** A manufacturer's permit
647 shall permit the manufacture, importation in bulk, bottling and
648 storage of alcoholic liquor and its distribution and sale to
649 manufacturers holding permits under this article in this state and
650 to persons outside the state who are authorized by law to purchase
651 the same, and to sell as provided by this article.

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

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



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

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

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

668 (b) **Package retailer's permit.** Except as otherwise
669 provided in this paragraph and Section 67-1-52, a package
670 retailer's permit shall authorize the holder thereof to operate a
671 store exclusively for the sale at retail in original sealed and
672 unopened packages of alcoholic beverages, including native wines
673 and native spirits, not to be consumed on the premises where sold.
674 Alcoholic beverages shall not be sold by any retailer in any
675 package or container containing less than fifty (50) milliliters
676 by liquid measure. A package retailer's permit, with prior
677 approval from the department, shall authorize the holder thereof
678 to sample new product furnished by a manufacturer's representative
679 or his employees at the permitted place of business so long as the
680 sampling otherwise complies with this article and applicable
681 department regulations. Such samples may not be provided to
682 customers at the permitted place of business. In addition to the
683 sale at retail of packages of alcoholic beverages, the holder of a



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

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



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

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



734 alcoholic beverages for his own account, and no such beverage
735 shall be brought into this state in pursuance of the exercise of
736 such permit otherwise than through a permit issued to a wholesaler
737 or manufacturer in the state.

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

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



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

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

781 Class 2. A temporary permit, not to exceed seventy (70)
782 days, may be issued to prospective permittees seeking to transfer



783 a permit authorized in paragraph (c) of this subsection. A Class
784 2 permit may be issued only to applicants demonstrating to the
785 department, by a statement signed under the penalty of perjury,
786 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
787 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
788 67-1-59. The department, following a preliminary review of the
789 statement provided by the applicant and the requirements of the
790 applicable statutes and regulations, may issue the permit.

791 Class 2 temporary permittees must purchase their alcoholic
792 beverages directly from the department or, with approval of the
793 department, purchase the remaining stock of the previous
794 permittee. If the proposed applicant of a Class 1 or Class 2
795 temporary permit falsifies information contained in the
796 application or statement, the applicant shall never again be
797 eligible for a retail alcohol beverage permit and shall be subject
798 to prosecution for perjury.

799 Class 3. A temporary one-day permit may be issued to a
800 retail establishment authorizing the complimentary distribution of
801 wine, including native wine, to patrons of the retail
802 establishment at an open house or promotional event, for
803 consumption only on the premises described in the temporary
804 permit. A Class 3 permit may be issued only to an applicant
805 demonstrating to the department, by a statement signed under
806 penalty of perjury submitted ten (10) days before the proposed
807 date or such other time as the department may determine, that it



808 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
809 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
810 A Class 3 permit holder shall obtain all alcoholic beverages from
811 the holder(s) of a package retailer's permit located in the county
812 in which the temporary permit is issued. Wine remaining in stock
813 upon expiration of the temporary permit may be returned by the
814 Class 3 temporary permit holder to the package retailer for a
815 refund of the purchase price, with consent of the package
816 retailer, or may be kept by the Class 3 temporary permit holder
817 exclusively for personal use and consumption, subject to all laws
818 pertaining to the illegal sale and possession of alcoholic
819 beverages. The department, following review of the statement
820 provided by the applicant and the requirements of the applicable
821 statutes and regulations, may issue the permit. No retailer may
822 receive more than twelve (12) Class 3 temporary permits in a
823 calendar year. A Class 3 temporary permit shall not be issued to
824 a retail establishment that either holds a merchant permit issued
825 under paragraph (1) of this subsection, or holds a permit issued
826 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
827 the holder to engage in the business of a retailer of light wine
828 or beer.

829 (g) **Caterer's permit.** A caterer's permit shall permit
830 the purchase of alcoholic beverages by a person engaging in
831 business as a caterer and the resale of alcoholic beverages by
832 such person in conjunction with such catering business. No person



833 shall qualify as a caterer unless forty percent (40%) or more of
834 the revenue derived from such catering business shall be from the
835 serving of prepared food and not from the sale of alcoholic
836 beverages and unless such person has obtained a permit for such
837 business from the Department of Health. A caterer's permit shall
838 not authorize the sale of alcoholic beverages on the premises of
839 the person engaging in business as a caterer; however, the holder
840 of an on-premises retailer's permit may hold a caterer's permit.
841 When the holder of an on-premises retailer's permit or an
842 affiliated entity of the holder also holds a caterer's permit, the
843 caterer's permit shall not authorize the service of alcoholic
844 beverages on a consistent, recurring basis at a separate, fixed
845 location owned or operated by the caterer, on-premises retailer or
846 affiliated entity and an on-premises retailer's permit shall be
847 required for the separate location. All sales of alcoholic
848 beverages by holders of a caterer's permit shall be made at the
849 location being catered by the caterer, and, except as otherwise
850 provided in subsection (5) of this section, such sales may be made
851 only for consumption at the catered location. The location being
852 catered may be anywhere within a county or judicial district that
853 has voted to come out from under the dry laws or in which the sale
854 and distribution of alcoholic beverages is otherwise authorized by
855 law. Such sales shall be made pursuant to any other conditions
856 and restrictions which apply to sales made by on-premises retail
857 permittees. The holder of a caterer's permit or his employees



858 shall remain at the catered location as long as alcoholic
859 beverages are being sold pursuant to the permit issued under this
860 paragraph (g), and the permittee shall have at the location the
861 identification card issued by the Alcoholic Beverage Control
862 Division of the department. No unsold alcoholic beverages may be
863 left at the catered location by the permittee upon the conclusion
864 of his business at that location. Appropriate law enforcement
865 officers and Alcoholic Beverage Control Division personnel may
866 enter a catered location on private property in order to enforce
867 laws governing the sale or serving of alcoholic beverages.

868 (h) **Research permit.** A research permit shall authorize
869 the holder thereof to operate a research facility for the
870 professional research of alcoholic beverages. Such permit shall
871 authorize the holder of the permit to import and purchase limited
872 amounts of alcoholic beverages from the department or from
873 importers, wineries and distillers of alcoholic beverages for
874 professional research.

875 (i) **Alcohol processing permit.** An alcohol processing
876 permit shall authorize the holder thereof to purchase, transport
877 and possess alcoholic beverages for the exclusive use in cooking,
878 processing or manufacturing products which contain alcoholic
879 beverages as an integral ingredient. An alcohol processing permit
880 shall not authorize the sale of alcoholic beverages on the
881 premises of the person engaging in the business of cooking,
882 processing or manufacturing products which contain alcoholic



883 beverages. The amounts of alcoholic beverages allowed under an
884 alcohol processing permit shall be set by the department.

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

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

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

905 (m) **Temporary alcoholic beverages charitable auction**
906 **permit.** A temporary permit, not to exceed five (5) days, may be
907 issued to a qualifying charitable nonprofit organization that is



908 exempt from taxation under Section 501(c)(3) or (4) of the
909 Internal Revenue Code of 1986. The permit shall authorize the
910 holder to sell alcoholic beverages for the limited purpose of
911 raising funds for the organization during a live or silent auction
912 that is conducted by the organization and that meets the following
913 requirements: (i) the auction is conducted in an area of the
914 state where the sale of alcoholic beverages is authorized; (ii) if
915 the auction is conducted on the premises of an on-premises
916 retailer's permit holder, then the alcoholic beverages to be
917 auctioned must be stored separately from the alcoholic beverages
918 sold, stored or served on the premises, must be removed from the
919 premises immediately following the auction, and may not be
920 consumed on the premises; (iii) the permit holder may not conduct
921 more than two (2) auctions during a calendar year; (iv) the permit
922 holder may not pay a commission or promotional fee to any person
923 to arrange or conduct the auction.

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



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

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



958 remaining in stock upon expiration of the temporary theatre permit
959 may be returned by the permittee to the package retailer for a
960 refund of the purchase price upon consent of the package retailer
961 or may be kept by the permittee exclusively for personal use and
962 consumption, subject to all laws pertaining to the illegal sale
963 and possession of alcoholic beverages.

964 (p) **Charter ship operator's permit.** Subject to the
965 provisions of this paragraph (p), a charter ship operator's permit
966 shall authorize the holder thereof and its employees to serve,
967 monitor, store and otherwise control the serving and availability
968 of alcoholic beverages to customers of the permit holder during
969 private charters under contract provided by the permit holder. A
970 charter ship operator's permit shall authorize such action by the
971 permit holder and its employees only as to alcoholic beverages
972 brought onto the permit holder's ship by customers of the permit
973 holder as part of such a private charter. All such alcoholic
974 beverages must be removed from the charter ship at the conclusion
975 of each private charter. A charter ship operator's permit shall
976 not authorize the permit holder to sell, charge for or otherwise
977 supply alcoholic beverages to customers, except as authorized in
978 this paragraph (p). For the purposes of this paragraph (p),
979 "charter ship operator" means a common carrier that (i) is
980 certified to carry at least one hundred fifty (150) passengers
981 and/or provide overnight accommodations for at least fifty (50)
982 passengers, (ii) operates only in the waters within the State of



983 Mississippi, which lie adjacent to the State of Mississippi south
984 of the three (3) most southern counties in the State of
985 Mississippi, and (iii) provides charters under contract for tours
986 and trips in such waters.

987 (q) **Distillery retailer's permit.** The holder of a
988 Class 1 manufacturer's permit may obtain a distillery retailer's
989 permit. A distillery retailer's permit shall authorize the holder
990 thereof to sell at retail alcoholic beverages to consumers for
991 on-premises consumption, or to consumers by the sealed and
992 unopened bottle from a retail location at the distillery for
993 off-premises consumption. The holder may only sell product
994 manufactured by the manufacturer at the distillery described in
995 the permit. However, when selling to consumers for on-premises
996 consumption, a holder of a distillery retailer's permit may add
997 other beverages, alcoholic or not, so long as the total volume of
998 other beverage components containing alcohol does not exceed
999 twenty percent (20%). Hours of sale shall be the same as those
1000 authorized for on-premises permittees in the city or county in
1001 which the distillery retailer is located.

1002 The holder shall not sell at retail more than ten percent
1003 (10%) of the alcoholic beverages produced annually at its
1004 distillery. The holder shall not make retail sales of more than
1005 two and twenty-five one-hundredths (2.25) liters, in the
1006 aggregate, of the alcoholic beverages produced at its distillery
1007 to any one (1) individual for consumption off the premises of the



1008 distillery within a twenty-four-hour period. The hours of sale
1009 shall be the same as those hours for package retailers under this
1010 article. The holder of a distillery retailer's permit is not
1011 required to purchase the alcoholic beverages authorized to be sold
1012 by this paragraph from the department's liquor distribution
1013 warehouse; however, if the holder does not purchase the alcoholic
1014 beverages from the department's liquor distribution warehouse, the
1015 holder shall pay to the department all taxes, fees and surcharges
1016 on the alcoholic beverages that are imposed upon the sale of
1017 alcoholic beverages shipped by the department or its warehouse
1018 operator. In addition to alcoholic beverages, the holder of a
1019 distillery retailer's permit may sell at retail promotional
1020 products from the same retail location, including shirts, hats,
1021 glasses, and other promotional products customarily sold by
1022 alcoholic beverage manufacturers.

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



1033 alcoholic beverages authorized to be sold by this paragraph from
1034 the department's liquor distribution warehouse. However, if the
1035 holder does not purchase the alcoholic beverages from the
1036 department's liquor distribution warehouse, the holder of this
1037 permit shall pay to the department all taxes, fees and surcharges
1038 on the alcoholic beverages sold at such festivals that are imposed
1039 upon the sale of alcoholic beverages shipped by the Alcoholic
1040 Beverage Control Division of the Department of Revenue.
1041 Additionally, the entity shall file all applicable reports and
1042 returns as prescribed by the department. This permit is issued
1043 per festival and provides authority to sell for two (2)
1044 consecutive days during the hours authorized for on-premises
1045 permittees' sales in that county or city. The holder of the
1046 permit shall be required to maintain all requirements set by Local
1047 Option Law for the service and sale of alcoholic beverages. This
1048 permit may be issued to entities participating in festivals at
1049 which a Class 1 temporary permit is in effect.

1050 This paragraph (r) shall stand repealed from and after July
1051 1, 2023.

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



1058 authorize the holder to only sell alcoholic beverages, including
1059 native wines, to passengers of the charter vessel operator during
1060 public tours, historical tours, ecological tours and sunset
1061 cruises provided by the permit holder aboard the charter vessel
1062 operator for consumption during such tours and cruises on the
1063 premises of the charter vessel operator described in the permit.
1064 For the purposes of this paragraph (s), "charter vessel operator"
1065 means a common carrier that (i) is certified to carry at least
1066 forty-nine (49) passengers, (ii) operates only in the waters
1067 within the State of Mississippi, which lie south of Interstate 10
1068 in the three (3) most southern counties in the State of
1069 Mississippi, and lie adjacent to the State of Mississippi south of
1070 the three (3) most southern counties in the State of Mississippi,
1071 extending not further than one (1) mile south of such counties,
1072 and (iii) provides vessel services for tours and cruises in such
1073 waters as provided in this paragraph (s).

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



1083 spirit retailer's permit may add to the native spirit alcoholic
1084 beverages not produced on the premises, so long as the total
1085 volume of foreign beverage components does not exceed twenty
1086 percent (20%) of the mixed beverage. Hours of sale shall be the
1087 same as those authorized for on-premises permittees in the city or
1088 county in which the native spirit retailer is located.

1089 (u) **Delivery service permit.** Any individual, limited
1090 liability company, corporation or partnership registered to do
1091 business in this state is eligible to obtain a delivery service
1092 permit. Subject to the provisions of Section 67-1-51.1, this
1093 permit authorizes the permittee, or its employee or an independent
1094 contractor acting on its behalf, to deliver alcoholic beverages,
1095 beer, light wine and light spirit product from a licensed retailer
1096 to a person in this state who is at least twenty-one (21) years of
1097 age for the individual's use and not for resale. This permit does
1098 not authorize the delivery of alcoholic beverages, beer, light
1099 wine or light spirit product to the premises of a location with a
1100 permit for the manufacture, distribution or retail sale of
1101 alcoholic beverages, beer, light wine or light spirit product.
1102 The holder of a package retailer's permit or an on-premises
1103 retailer's permit under Section 67-1-51 or of a beer, light wine
1104 and light spirit product permit under Section 67-3-19 is
1105 authorized to apply for a delivery service permit as a privilege
1106 separate from its existing retail permit.



1107 (v) **Food truck permit.** A food truck permit shall
1108 authorize the holder of an on-premises retailer's permit to use a
1109 food truck to sell alcoholic beverages off its premises to guests
1110 who must consume the beverages in open containers. For the
1111 purposes of this paragraph (v), "food truck" means a fully encased
1112 food service establishment on a motor vehicle or on a trailer that
1113 a motor vehicle pulls to transport, and from which a vendor,
1114 standing within the frame of the establishment, prepares, cooks,
1115 sells and serves food for immediate human consumption. The term
1116 "food truck" does not include a food cart that is not motorized.
1117 Food trucks shall maintain such distance requirements from
1118 schools, churches, kindergartens and funeral homes as are required
1119 for on-premises retailer's permittees under this article, and all
1120 sales must be made within a valid leisure and recreation district
1121 established under Section 67-1-101. Food trucks cannot sell or
1122 serve alcoholic beverages unless also offering food prepared and
1123 cooked within the food truck, and permittees must maintain a
1124 twenty-five percent (25%) food sale revenue requirement based on
1125 the food sold from the food truck alone. The hours allowed for
1126 sale shall be the same as those for on-premises retailer's
1127 permittees in the location. This permit will not be required for
1128 the holder of a caterer's permit issued under this article to
1129 cater an event as allowed by law. Permittees must provide notice
1130 of not less than forty-eight (48) hours to the department of each
1131 location at which alcoholic beverages will be sold.



1132 (2) Except as otherwise provided in subsection (4) of this
1133 section, retail permittees may hold more than one (1) retail
1134 permit, at the discretion of the department.

1135 (3) (a) Except as otherwise provided in this subsection, no
1136 authority shall be granted to any person to manufacture, sell or
1137 store for sale any intoxicating liquor as specified in this
1138 article within four hundred (400) feet of any church, school,
1139 kindergarten or funeral home. However, within an area zoned
1140 commercial or business, such minimum distance shall be not less
1141 than one hundred (100) feet.

1142 (b) A church or funeral home may waive the distance
1143 restrictions imposed in this subsection in favor of allowing
1144 issuance by the department of a permit, pursuant to subsection (1)
1145 of this section, to authorize activity relating to the
1146 manufacturing, sale or storage of alcoholic beverages which would
1147 otherwise be prohibited under the minimum distance criterion.
1148 Such waiver shall be in written form from the owner, the governing
1149 body, or the appropriate officer of the church or funeral home
1150 having the authority to execute such a waiver, and the waiver
1151 shall be filed with and verified by the department before becoming
1152 effective.

1153 (c) The distance restrictions imposed in this
1154 subsection shall not apply to the sale or storage of alcoholic
1155 beverages at a bed and breakfast inn listed in the National
1156 Register of Historic Places or to the sale or storage of alcoholic



1157 beverages in a historic district that is listed in the National
1158 Register of Historic Places, is a qualified resort area and is
1159 located in a municipality having a population greater than one
1160 hundred thousand (100,000) according to the latest federal
1161 decennial census.

1162 (d) The distance restrictions imposed in this
1163 subsection shall not apply to the sale or storage of alcoholic
1164 beverages at a qualified resort area as defined in Section
1165 67-1-5(o)(iii)32.

1166 (e) The distance restrictions imposed in this
1167 subsection shall not apply to the sale or storage of alcoholic
1168 beverages at a licensed premises in a building formerly owned by a
1169 municipality and formerly leased by the municipality to a
1170 municipal school district and used by the municipal school
1171 district as a district bus shop facility.

1172 (f) The distance restrictions imposed in this
1173 subsection shall not apply to the sale or storage of alcoholic
1174 beverages at a licensed premises in a building consisting of at
1175 least five thousand (5,000) square feet and located approximately
1176 six hundred (600) feet from the intersection of Mississippi
1177 Highway 15 and Mississippi Highway 4.

1178 (g) The distance restrictions imposed in this
1179 subsection shall not apply to the sale or storage of alcoholic
1180 beverages at a licensed premises in a building located at or near



1181 the intersection of Ward and Tate Streets and adjacent properties
1182 in the City of Senatobia, Mississippi.

1183 (h) The distance restrictions imposed in this
1184 subsection shall not apply to the sale or storage of alcoholic
1185 beverages at a theatre facility that features plays and other
1186 theatrical performances and productions and (i) is capable of
1187 seating more than seven hundred fifty (750) people, (ii) is owned
1188 by a municipality which has a population greater than ten thousand
1189 (10,000) according to the latest federal decennial census, (iii)
1190 was constructed prior to 1930, (iv) is on the National Register of
1191 Historic Places, and (v) is located in a historic district.

1192 (4) No person, either individually or as a member of a firm,
1193 partnership, limited liability company or association, or as a
1194 stockholder, officer or director in a corporation, shall own or
1195 control any interest in more than one (1) package retailer's
1196 permit, nor shall such person's spouse, if living in the same
1197 household of such person, any relative of such person, if living
1198 in the same household of such person, or any other person living
1199 in the same household with such person own any interest in any
1200 other package retailer's permit.

1201 (5) (a) In addition to any other authority granted under
1202 this section, the holder of a permit issued under subsection
1203 (1) (c), (e), (f), (g), (l), (n) and/or (o) of this section may
1204 sell or otherwise provide alcoholic beverages and/or wine to a
1205 patron of the permit holder in the manner authorized in the permit



1206 and the patron may remove an open glass, cup or other container of
1207 the alcoholic beverage and/or wine from the licensed premises and
1208 may possess and consume the alcoholic beverage or wine outside of
1209 the licensed premises if: (i) the licensed premises is located
1210 within a leisure and recreation district created under Section
1211 67-1-101 and (ii) the patron remains within the boundaries of the
1212 leisure and recreation district while in possession of the
1213 alcoholic beverage or wine.

1214 (b) Nothing in this subsection shall be construed to
1215 allow a person to bring any alcoholic beverages into a permitted
1216 premises except to the extent otherwise authorized by this
1217 article.

1218 **SECTION 3.** This act shall take effect and be in force from
1219 and after July 1, 2023.

