

**House Amendments to Senate Bill No. 2006**

**TO THE SECRETARY OF THE SENATE:**

**THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

**AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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

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

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

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

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

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

26	(c) Manufacturer's permit, Class 3, native wine	
27	manufacturer per ten thousand (10,000) gallons or part thereof	
28	produced.....	\$ 10.00
29	(d) Manufacturer's permit, Class 4, native spirit	
30	manufacturer per one thousand (1,000) gallons or part thereof	
31	produced.....	\$ 300.00
32	(e) Native wine retailer's permit.....	\$ 50.00
33	(f) Package retailer's permit, each.....	\$ 900.00
34	(g) On-premises retailer's permit, except for clubs and	
35	common carriers, each.....	\$ 450.00
36	(h) On-premises retailer's permit for wine of more than	
37	five percent (5%) alcohol by weight, but not more than twenty-one	
38	percent (21%) alcohol by weight, each.....	\$ 225.00
39	(i) On-premises retailer's permit for clubs...\$	225.00
40	(j) On-premises retailer's permit for common carriers,	
41	per car, plane, or other vehicle.....	\$ 120.00
42	(k) Solicitor's permit, regardless of any other	
43	provision of law, solicitor's permits shall be issued only in the	
44	discretion of the department.....	\$ 100.00
45	(l) Filing fee for each application except for an	
46	employee identification card.....	\$ 25.00
47	(m) Temporary permit, Class 1, each.....	\$ 10.00
48	(n) Temporary permit, Class 2, each.....	\$ 50.00
49	(o) (i) Caterer's permit.....	\$ 600.00
50	(ii) Caterer's permit for holders of on-premises	
51	retailer's permit.....	\$ 150.00

52	(p)	Research permit.....	\$ 100.00
53	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
54	(r)	Special service permit.....	\$ 225.00
55	(s)	Merchant permit.....	\$ 225.00
56	(t)	Temporary alcoholic beverages charitable auction	
57		permit.....	\$ 10.00
58	(u)	Event venue retailer's permit.....	\$ 225.00
59	(v)	Temporary theatre permit, each.....	\$ 10.00
60	(w)	Charter ship operator's permit.....	\$ 100.00
61	(x)	Distillery retailer's permit.....	\$ 450.00
62	(y)	Festival wine permit.....	\$ 10.00
63	(z)	Charter vessel operator's permit.....	\$ 100.00
64	(aa)	Native spirit retailer's permit.....	\$ 50.00
65	(bb)	Delivery service permit.....	\$ 500.00
66	(cc)	Food truck permit.....	\$ 100.00

67           In addition to the filing fee imposed by paragraph (l) of  
68 this subsection, a fee to be determined by the Department of  
69 Revenue may be charged to defray costs incurred to process  
70 applications. The additional fees shall be paid into the State  
71 Treasury to the credit of a special fund account, which is hereby  
72 created, and expenditures therefrom shall be made only to defray  
73 the costs incurred by the Department of Revenue in processing  
74 alcoholic beverage applications. Any unencumbered balance  
75 remaining in the special fund account on June 30 of any fiscal  
76 year shall lapse into the State General Fund.

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

83 \* \* \*

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

91 (b) (i) In addition to the tax imposed in paragraph  
92 (a) of this subsection, there is imposed and shall be collected by  
93 the department from each permittee described in subsection (1)(g),  
94 (h), (i), (n) and (u) of this section, an additional license tax  
95 for the privilege of doing business within any municipality or  
96 county in which the licensee is located in the amount of Two  
97 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five  
98 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars  
99 (\$225.00) for each additional purchase of Five Thousand Dollars  
100 (\$5,000.00), or fraction thereof.

101 (ii) In addition to the tax imposed in paragraph  
102 (a) of this subsection, there is imposed and shall be collected by

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

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

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

126 (3) When an application for any permit, other than for  
127 renewal of a permit, has been rejected by the department, such  
128 decision shall be final. Appeal may be made in the manner

129 provided by Section 67-1-39. Another application from an  
130 applicant who has been denied a permit shall not be reconsidered  
131 within a twelve-month period.

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

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

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

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

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

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

179           (3) No alcoholic beverage intended for sale or resale shall  
180 be imported, shipped or brought into this state for delivery to

181 any person other than as provided in this article, or as otherwise  
182 provided by law for native wines or native spirits.

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

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

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

201 (7) The department may promulgate rules which authorize the  
202 manufacturer of an alcoholic beverage or wine to import, transport  
203 and furnish or give a sample of alcoholic beverages or wines to  
204 the holders of package retailer's permits, on-premises retailer's  
205 permits, native wine or native spirit retailer's permits and  
206 temporary retailer's permits who have not previously purchased the



207 brand of that manufacturer from the department. For each holder  
208 of the designated permits, the manufacturer may furnish not more  
209 than five hundred (500) milliliters of any brand of alcoholic  
210 beverage and not more than three (3) liters of any brand of wine.

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

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

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

233 limited to, native wines and native spirits, so that those  
234 alcoholic beverages may be delivered to the retailer at the  
235 manufacturer's location instead of via shipment from the  
236 department's warehouse.

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

240 \* \* \*

241 (12) (a) An individual resident of this state who is at  
242 least twenty-one (21) years of age may purchase wine from a winery  
243 and have the purchase shipped into this state so long as it is  
244 shipped to a package retailer permittee in Mississippi; however,  
245 the permittee shall pay to the department all taxes, fees and  
246 surcharges on the wine that are imposed upon the sale of wine  
247 shipped by the department or its warehouse operator. No credit  
248 shall be provided to the permittee for any taxes paid to another  
249 state as a result of the transaction. Package retailers may  
250 charge a service fee for receiving and handling shipments from  
251 wineries on behalf of the purchasers. The department shall  
252 develop and provide forms to be completed by the package retailer  
253 permittees verifying the transaction. The completed forms shall  
254 be forwarded to the department within a period of time prescribed  
255 by the department.

256 (b) The purchaser of wine that is to be shipped to a  
257 package retailer's store shall be required to get the prior  
258 approval of the package retailer before any wine is shipped to the

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

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

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

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

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

308           (e) Any person who makes, participates in, transports,  
309 imports or receives a shipment in violation of this section is

310 guilty of a misdemeanor and, upon conviction thereof, shall be  
311 punished by a fine of One Thousand Dollars (\$1,000.00) or  
312 imprisonment in the county jail for not more than six (6) months,  
313 or both. Each shipment shall constitute a separate offense.

314 (13) If any provision of this article, or its application to  
315 any person or circumstance, is determined by a court to be invalid  
316 or unconstitutional, the remaining provisions shall be construed  
317 in accordance with the intent of the Legislature to further limit  
318 rather than expand commerce in alcoholic beverages to protect the  
319 health, safety, and welfare of the state's residents, and to  
320 enhance strict regulatory control over taxation, distribution and  
321 sale of alcoholic beverages through the three-tier regulatory  
322 system imposed by this article upon all alcoholic beverages to  
323 curb relationships and practices calculated to stimulate sales and  
324 impair the state's policy favoring trade stability and the  
325 promotion of temperance.

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

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

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

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

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

350       \* \* \*

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

356           (2) It shall also be unlawful for any such person, or anyone  
357 connected with his, its, or their business to lend any money or  
358 make any gift or offer any gratuity, to any retail permittee,  
359 except as authorized by regulations of the commission, to the  
360 holder of any retail permit issued under the provisions of this

361 article. Except as above provided, no retail permittee shall  
362 accept, receive, or make use of any money or gift furnished by any  
363 such person, or become indebted to such person except for the  
364 purchase of alcoholic beverages.

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

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

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

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

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

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

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

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

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

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

402           (b) **Package retailer's permit.** Except as otherwise  
403 provided in this paragraph and Section 67-1-52, a package  
404 retailer's permit shall authorize the holder thereof to operate a  
405 store exclusively for the sale at retail in original sealed and  
406 unopened packages of alcoholic beverages, including native  
407 wines, \* \* \* native spirits and edibles, not to be consumed on the  
408 premises where sold. Alcoholic beverages shall not be sold by any  
409 retailer in any package or container containing less than fifty  
410 (50) milliliters by liquid measure. A package retailer's permit,  
411 with prior approval from the department, shall authorize the  
412 holder thereof to sample new product furnished by a manufacturer's



413 representative or his employees at the permitted place of business  
414 so long as the sampling otherwise complies with this article and  
415 applicable department regulations. Such samples may not be  
416 provided to customers at the permitted place of business. In  
417 addition to the sale at retail of packages of alcoholic beverages,  
418 the holder of a package retailer's permit is authorized to sell at  
419 retail corkscrews, wine glasses, soft drinks, ice, juices,  
420 mixers, \* \* \* other beverages commonly used to mix with alcoholic  
421 beverages, and fruits and foods that have been submerged in  
422 alcohol and are commonly referred to as edibles. Nonalcoholic  
423 beverages sold by the holder of a package retailer's permit shall  
424 not be consumed on the premises where sold.

425           (c) **On-premises retailer's permit.** Except as otherwise  
426 provided in subsection (5) of this section, an on-premises  
427 retailer's permit shall authorize the sale of alcoholic beverages,  
428 including native wines and native spirits, for consumption on the  
429 licensed premises only; however, a patron of the permit holder may  
430 remove one (1) bottle of wine from the licensed premises if: (i)  
431 the patron consumed a portion of the bottle of wine in the course  
432 of consuming a meal purchased on the licensed premises; (ii) the  
433 permit holder securely reseals the bottle; (iii) the bottle is  
434 placed in a bag that is secured in a manner so that it will be  
435 visibly apparent if the bag is opened; and (iv) a dated receipt  
436 for the wine and the meal is available. Additionally, as part of  
437 a carryout order, a permit holder may sell one (1) bottle of wine  
438 to be removed from the licensed premises for every two (2) entrees

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

461 (d) **Solicitor's permit.** A solicitor's permit shall  
462 authorize the holder thereof to act as salesman for a manufacturer  
463 or wholesaler holding a proper permit, to solicit on behalf of his  
464 employer orders for alcoholic beverages, and to otherwise promote

465 his employer's products in a legitimate manner. Such a permit  
466 shall authorize the representation of and employment by one (1)  
467 principal only. However, the permittee may also, in the  
468 discretion of the department, be issued additional permits to  
469 represent other principals. No such permittee shall buy or sell  
470 alcoholic beverages for his own account, and no such beverage  
471 shall be brought into this state in pursuance of the exercise of  
472 such permit otherwise than through a permit issued to a wholesaler  
473 or manufacturer in the state.

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

489           (f) **Temporary retailer's permit.** Except as otherwise  
490 provided in subsection (5) of this section, a temporary retailer's

491 permit shall permit the purchase and resale of alcoholic  
492 beverages, including native wines and native spirits, during legal  
493 hours on the premises described in the temporary permit only.

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

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

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

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

535           Class 3. A temporary one-day permit may be issued to a  
536 retail establishment authorizing the complimentary distribution of  
537 wine, including native wine, to patrons of the retail  
538 establishment at an open house or promotional event, for  
539 consumption only on the premises described in the temporary  
540 permit. A Class 3 permit may be issued only to an applicant  
541 demonstrating to the department, by a statement signed under  
542 penalty of perjury submitted ten (10) days before the proposed

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

565           (g) **Caterer's permit.** A caterer's permit shall permit  
566 the purchase of alcoholic beverages by a person engaging in  
567 business as a caterer and the resale of alcoholic beverages by  
568 such person in conjunction with such catering business. No person

569 shall qualify as a caterer unless forty percent (40%) or more of  
570 the revenue derived from such catering business shall be from the  
571 serving of prepared food and not from the sale of alcoholic  
572 beverages and unless such person has obtained a permit for such  
573 business from the Department of Health. A caterer's permit shall  
574 not authorize the sale of alcoholic beverages on the premises of  
575 the person engaging in business as a caterer; however, the holder  
576 of an on-premises retailer's permit may hold a caterer's permit.  
577 When the holder of an on-premises retailer's permit or an  
578 affiliated entity of the holder also holds a caterer's permit, the  
579 caterer's permit shall not authorize the service of alcoholic  
580 beverages on a consistent, recurring basis at a separate, fixed  
581 location owned or operated by the caterer, on-premises retailer or  
582 affiliated entity and an on-premises retailer's permit shall be  
583 required for the separate location. All sales of alcoholic  
584 beverages by holders of a caterer's permit shall be made at the  
585 location being catered by the caterer, and, except as otherwise  
586 provided in subsection (5) of this section, such sales may be made  
587 only for consumption at the catered location. The location being  
588 catered may be anywhere within a county or judicial district that  
589 has voted to come out from under the dry laws or in which the sale  
590 and distribution of alcoholic beverages is otherwise authorized by  
591 law. Such sales shall be made pursuant to any other conditions  
592 and restrictions which apply to sales made by on-premises retail  
593 permittees. The holder of a caterer's permit or his employees  
594 shall remain at the catered location as long as alcoholic

595 beverages are being sold pursuant to the permit issued under this  
596 paragraph (g), and the permittee shall have at the location the  
597 identification card issued by the Alcoholic Beverage Control  
598 Division of the department. No unsold alcoholic beverages may be  
599 left at the catered location by the permittee upon the conclusion  
600 of his business at that location. Appropriate law enforcement  
601 officers and Alcoholic Beverage Control Division personnel may  
602 enter a catered location on private property in order to enforce  
603 laws governing the sale or serving of alcoholic beverages.

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

611           (i) **Alcohol processing permit.** An alcohol processing  
612 permit shall authorize the holder thereof to purchase, transport  
613 and possess alcoholic beverages for the exclusive use in cooking,  
614 processing or manufacturing products which contain alcoholic  
615 beverages as an integral ingredient. An alcohol processing permit  
616 shall not authorize the sale of alcoholic beverages on the  
617 premises of the person engaging in the business of cooking,  
618 processing or manufacturing products which contain alcoholic  
619 beverages. The amounts of alcoholic beverages allowed under an  
620 alcohol processing permit shall be set by the department.



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

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

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

641           (m) **Temporary alcoholic beverages charitable auction**  
642 **permit.** A temporary permit, not to exceed five (5) days, may be  
643 issued to a qualifying charitable nonprofit organization that is  
644 exempt from taxation under Section 501(c)(3) or (4) of the  
645 Internal Revenue Code of 1986. The permit shall authorize the  
646 holder to sell alcoholic beverages for the limited purpose of

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

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

673 majority of its revenue from event-related fees, including, but  
674 not limited to, admission fees or ticket sales for live  
675 entertainment in the building. "Event-related fees" do not  
676 include alcohol, beer or light wine sales or any fee which may be  
677 construed to cover the cost of alcohol, beer or light wine. This  
678 determination shall be made on a per event basis. An event may  
679 not last longer than two (2) consecutive days per week.

680           (o) **Temporary theatre permit.** A temporary theatre  
681 permit, not to exceed five (5) days, may be issued to a charitable  
682 nonprofit organization that is exempt from taxation under Section  
683 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
684 a theatre facility that features plays and other theatrical  
685 performances and productions. Except as otherwise provided in  
686 subsection (5) of this section, the permit shall authorize the  
687 holder to sell alcoholic beverages, including native wines and  
688 native spirits, to patrons of the theatre during performances and  
689 productions at the theatre facility for consumption during such  
690 performances and productions on the premises of the facility  
691 described in the permit. A temporary theatre permit holder shall  
692 obtain all alcoholic beverages from package retailers located in  
693 the county in which the permit is issued. Alcoholic beverages  
694 remaining in stock upon expiration of the temporary theatre permit  
695 may be returned by the permittee to the package retailer for a  
696 refund of the purchase price upon consent of the package retailer  
697 or may be kept by the permittee exclusively for personal use and

698 consumption, subject to all laws pertaining to the illegal sale  
699 and possession of alcoholic beverages.

700           (p) **Charter ship operator's permit.** Subject to the  
701 provisions of this paragraph (p), a charter ship operator's permit  
702 shall authorize the holder thereof and its employees to serve,  
703 monitor, store and otherwise control the serving and availability  
704 of alcoholic beverages to customers of the permit holder during  
705 private charters under contract provided by the permit holder. A  
706 charter ship operator's permit shall authorize such action by the  
707 permit holder and its employees only as to alcoholic beverages  
708 brought onto the permit holder's ship by customers of the permit  
709 holder as part of such a private charter. All such alcoholic  
710 beverages must be removed from the charter ship at the conclusion  
711 of each private charter. A charter ship operator's permit shall  
712 not authorize the permit holder to sell, charge for or otherwise  
713 supply alcoholic beverages to customers, except as authorized in  
714 this paragraph (p). For the purposes of this paragraph (p),  
715 "charter ship operator" means a common carrier that (i) is  
716 certified to carry at least one hundred fifty (150) passengers  
717 and/or provide overnight accommodations for at least fifty (50)  
718 passengers, (ii) operates only in the waters within the State of  
719 Mississippi, which lie adjacent to the State of Mississippi south  
720 of the three (3) most southern counties in the State of  
721 Mississippi, and (iii) provides charters under contract for tours  
722 and trips in such waters.

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

738                   The holder shall not sell at retail more than ten percent  
739 (10%) of the alcoholic beverages produced annually at its  
740 distillery. The holder shall not make retail sales of more than  
741 two and twenty-five one-hundredths (2.25) liters, in the  
742 aggregate, of the alcoholic beverages produced at its distillery  
743 to any one (1) individual for consumption off the premises of the  
744 distillery within a twenty-four-hour period. The hours of sale  
745 shall be the same as those hours for package retailers under this  
746 article. The holder of a distillery retailer's permit is not  
747 required to purchase the alcoholic beverages authorized to be sold  
748 by this paragraph from the department's liquor distribution

749 warehouse; however, if the holder does not purchase the alcoholic  
750 beverages from the department's liquor distribution warehouse, the  
751 holder shall pay to the department all taxes, fees and surcharges  
752 on the alcoholic beverages that are imposed upon the sale of  
753 alcoholic beverages shipped by the department or its warehouse  
754 operator. In addition to alcoholic beverages, the holder of a  
755 distillery retailer's permit may sell at retail promotional  
756 products from the same retail location, including shirts, hats,  
757 glasses, and other promotional products customarily sold by  
758 alcoholic beverage manufacturers.

759           (r) **Festival Wine Permit.** Any wine manufacturer or  
760 native wine producer permitted by Mississippi or any other state  
761 is eligible to obtain a Festival Wine Permit. This permit  
762 authorizes the entity to transport product manufactured by it to  
763 festivals held within the State of Mississippi and sell sealed,  
764 unopened bottles to festival participants. The holder of this  
765 permit may provide samples at no charge to participants.  
766 "Festival" means any event at which three (3) or more vendors are  
767 present at a location for the sale or distribution of goods. The  
768 holder of a Festival Wine Permit is not required to purchase the  
769 alcoholic beverages authorized to be sold by this paragraph from  
770 the department's liquor distribution warehouse. However, if the  
771 holder does not purchase the alcoholic beverages from the  
772 department's liquor distribution warehouse, the holder of this  
773 permit shall pay to the department all taxes, fees and surcharges  
774 on the alcoholic beverages sold at such festivals that are imposed

775 upon the sale of alcoholic beverages shipped by the Alcoholic  
776 Beverage Control Division of the Department of Revenue.  
777 Additionally, the entity shall file all applicable reports and  
778 returns as prescribed by the department. This permit is issued  
779 per festival and provides authority to sell for two (2)  
780 consecutive days during the hours authorized for on-premises  
781 permittees' sales in that county or city. The holder of the  
782 permit shall be required to maintain all requirements set by Local  
783 Option Law for the service and sale of alcoholic beverages. This  
784 permit may be issued to entities participating in festivals at  
785 which a Class 1 temporary permit is in effect.

786 \* \* \*

787 (s) **Charter vessel operator's permit.** Subject to the  
788 provisions of this paragraph (s), a charter vessel operator's  
789 permit shall authorize the holder thereof and its employees to  
790 sell and serve alcoholic beverages to passengers of the permit  
791 holder during public tours, historical tours, ecological tours and  
792 sunset cruises provided by the permit holder. The permit shall  
793 authorize the holder to only sell alcoholic beverages, including  
794 native wines, to passengers of the charter vessel operator during  
795 public tours, historical tours, ecological tours and sunset  
796 cruises provided by the permit holder aboard the charter vessel  
797 operator for consumption during such tours and cruises on the  
798 premises of the charter vessel operator described in the permit.  
799 For the purposes of this paragraph (s), "charter vessel operator"  
800 means a common carrier that (i) is certified to carry at least

801 forty-nine (49) passengers, (ii) operates only in the waters  
802 within the State of Mississippi, which lie south of Interstate 10  
803 in the three (3) most southern counties in the State of  
804 Mississippi, and lie adjacent to the State of Mississippi south of  
805 the three (3) most southern counties in the State of Mississippi,  
806 extending not further than one (1) mile south of such counties,  
807 and (iii) provides vessel services for tours and cruises in such  
808 waters as provided in this paragraph (s).

809           (t) **Native spirit retailer's permit.** Except as  
810 otherwise provided in subsection (5) of this section, a native  
811 spirit retailer's permit shall be issued only to a holder of a  
812 Class 4 manufacturer's permit, and shall authorize the holder  
813 thereof to make retail sales of native spirits to consumers for  
814 on-premises consumption or to consumers in originally sealed and  
815 unopened containers at an establishment located on the premises of  
816 or in the immediate vicinity of a native distillery. When selling  
817 to consumers for on-premises consumption, a holder of a native  
818 spirit retailer's permit may add to the native spirit alcoholic  
819 beverages not produced on the premises, so long as the total  
820 volume of foreign beverage components does not exceed twenty  
821 percent (20%) of the mixed beverage. Hours of sale shall be the  
822 same as those authorized for on-premises permittees in the city or  
823 county in which the native spirit retailer is located.

824           (u) **Delivery service permit.** Any individual, limited  
825 liability company, corporation or partnership registered to do  
826 business in this state is eligible to obtain a delivery service



827 permit. Subject to the provisions of Section 67-1-51.1, this  
828 permit authorizes the permittee, or its employee or an independent  
829 contractor acting on its behalf, to deliver alcoholic beverages,  
830 beer, light wine and light spirit product from a licensed retailer  
831 to a person in this state who is at least twenty-one (21) years of  
832 age for the individual's use and not for resale. This permit does  
833 not authorize the delivery of alcoholic beverages, beer, light  
834 wine or light spirit product to the premises of a location with a  
835 permit for the manufacture, distribution or retail sale of  
836 alcoholic beverages, beer, light wine or light spirit product.  
837 The holder of a package retailer's permit or an on-premises  
838 retailer's permit under Section 67-1-51 or of a beer, light wine  
839 and light spirit product permit under Section 67-3-19 is  
840 authorized to apply for a delivery service permit as a privilege  
841 separate from its existing retail permit.

842 (v) **Food truck permit.** A food truck permit shall  
843 authorize the holder of an on-premises retailer's permit to use a  
844 food truck to sell alcoholic beverages off its premises to guests  
845 who must consume the beverages in open containers. For the  
846 purposes of this paragraph (v), "food truck" means a fully encased  
847 food service establishment on a motor vehicle or on a trailer that  
848 a motor vehicle pulls to transport, and from which a vendor,  
849 standing within the frame of the establishment, prepares, cooks,  
850 sells and serves food for immediate human consumption. The term  
851 "food truck" does not include a food cart that is not motorized.  
852 Food trucks shall maintain such distance requirements from

853 schools, churches, kindergartens and funeral homes as are required  
854 for on-premises retailer's permittees under this article, and all  
855 sales must be made within a valid leisure and recreation district  
856 established under Section 67-1-101. Food trucks cannot sell or  
857 serve alcoholic beverages unless also offering food prepared and  
858 cooked within the food truck, and permittees must maintain a  
859 twenty-five percent (25%) food sale revenue requirement based on  
860 the food sold from the food truck alone. The hours allowed for  
861 sale shall be the same as those for on-premises retailer's  
862 permittees in the location. This permit will not be required for  
863 the holder of a caterer's permit issued under this article to  
864 cater an event as allowed by law. Permittees must provide notice  
865 of not less than forty-eight (48) hours to the department of each  
866 location at which alcoholic beverages will be sold.

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

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

877 (b) A church or funeral home may waive the distance  
878 restrictions imposed in this subsection in favor of allowing

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

888 (c) The distance restrictions imposed in this  
889 subsection shall not apply to the sale or storage of alcoholic  
890 beverages at a bed and breakfast inn listed in the National  
891 Register of Historic Places or to the sale or storage of alcoholic  
892 beverages in a historic district that is listed in the National  
893 Register of Historic Places, is a qualified resort area and is  
894 located in a municipality having a population greater than one  
895 hundred thousand (100,000) according to the latest federal  
896 decennial census.

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

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

905 municipal school district and used by the municipal school  
906 district as a district bus shop facility.

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

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

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

927 (4) No person, either individually or as a member of a firm,  
928 partnership, limited liability company or association, or as a  
929 stockholder, officer or director in a corporation, shall own or  
930 control any interest in more than one (1) package retailer's

931 permit, nor shall such person's spouse, if living in the same  
932 household of such person, any relative of such person, if living  
933 in the same household of such person, or any other person living  
934 in the same household with such person own any interest in any  
935 other package retailer's permit.

936 (5) (a) In addition to any other authority granted under  
937 this section, the holder of a permit issued under subsection  
938 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
939 sell or otherwise provide alcoholic beverages and/or wine to a  
940 patron of the permit holder in the manner authorized in the permit  
941 and the patron may remove an open glass, cup or other container of  
942 the alcoholic beverage and/or wine from the licensed premises and  
943 may possess and consume the alcoholic beverage or wine outside of  
944 the licensed premises if: (i) the licensed premises is located  
945 within a leisure and recreation district created under Section  
946 67-1-101 and (ii) the patron remains within the boundaries of the  
947 leisure and recreation district while in possession of the  
948 alcoholic beverage or wine.

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

953 **SECTION 5.** This act shall take effect and be in force from  
954 and after July 1, 2023, and shall stand repealed on June 30, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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

HR26\SB2006A.J

Andrew Ketchings  
Clerk of the House of Representatives