

By: Representative Burnett

To: Gaming; Ways and Means

HOUSE BILL NO. 53

1 AN ACT TO AMEND SECTIONS 27-115-55 AND 67-1-51, MISSISSIPPI  
2 CODE OF 1972, TO CLARIFY THAT A RETAIL LIQUOR STORE SHALL BE  
3 ELIGIBLE TO APPLY TO BECOME A LOTTERY RETAILER; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 27-115-55, Mississippi Code of 1972, is  
7 amended as follows:

8 27-115-55. (1) The Legislature hereby recognizes that to  
9 conduct a successful lottery, the corporation must develop and  
10 maintain a statewide network of lottery retailers that will serve  
11 the public convenience and promote the sale of tickets, while  
12 ensuring the integrity of the lottery operations, games and  
13 activities.

14 (2) To govern the selection of lottery retailers, the board  
15 shall, by administrative rules and regulations, develop a list of  
16 objective criteria upon which the selection of lottery retailers  
17 shall be based. In developing these criteria, the board shall  
18 consider such factors as the applicant's financial responsibility,  
19 location and security of the applicant's place of business or



20 activity, integrity, and reputation; however, the board shall not  
21 consider political affiliation, activities or monetary  
22 contributions to political organizations or candidates for any  
23 public office. The criteria shall include, but not be limited to,  
24 the following:

25 (a) The applicant shall be current in payment of all  
26 taxes, interest and penalties owed to any taxing political  
27 subdivision where the lottery retailer will sell lottery tickets.

28 (b) The applicant shall be current in filing all  
29 applicable tax returns and in payment of all taxes, interest and  
30 penalties owed to the State of Mississippi, excluding items under  
31 formal appeal pursuant to applicable statutes, before a license is  
32 issued and before each renewal.

33 (c) No person shall be selected as a lottery retailer  
34 for the sale of lottery tickets who:

35 (i) Has been convicted of a criminal offense  
36 related to the security or integrity of the lottery in this or any  
37 other jurisdiction.

38 (ii) Has been convicted of any illegal gambling  
39 activity, false statements, false swearing or perjury in this or  
40 any other jurisdiction, or convicted of a felony.

41 (iii) Has been found to have violated the  
42 provisions of this chapter or any administrative rules and  
43 regulations adopted under this chapter, unless either ten (10)



44 years have passed since the violation, or the president and the  
45 board find the violation both minor and unintentional in nature.

46 (iv) Is a vendor or an employee or agent of any  
47 vendor doing business with the corporation.

48 (v) Resides in the same household as an officer or  
49 board member of the corporation.

50 (vi) Has made a statement of material fact to the  
51 corporation, knowing such statement to be false.

52 (d) A retail liquor store shall be eligible to apply to  
53 become a lottery retailer.

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

56 67-1-51. (1) Permits which may be issued by the department  
57 shall be as follows:

58 (a) **Manufacturer's permit.** A manufacturer's permit  
59 shall permit the manufacture, importation in bulk, bottling and  
60 storage of alcoholic liquor and its distribution and sale to  
61 manufacturers holding permits under this article in this state and  
62 to persons outside the state who are authorized by law to purchase  
63 the same, and to sell as provided by this article.

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

65 Class 1. Distiller's and/or rectifier's permit, which shall  
66 authorize the holder thereof to operate a distillery for the  
67 production of distilled spirits by distillation or redistillation  
68 and/or to operate a rectifying plant for the purifying, refining,



69 mixing, blending, flavoring or reducing in proof of distilled  
70 spirits and alcohol.

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

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

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

80 (b) **Package retailer's permit.** Except as otherwise  
81 provided in this paragraph and Section 67-1-52, a package  
82 retailer's permit shall authorize the holder thereof to operate a  
83 store exclusively for the sale at retail in original sealed and  
84 unopened packages of alcoholic beverages, including native wines,  
85 native spirits and edibles, not to be consumed on the premises  
86 where sold. Alcoholic beverages shall not be sold by any retailer  
87 in any package or container containing less than fifty (50)  
88 milliliters by liquid measure. A package retailer's permit, with  
89 prior approval from the department, shall authorize the holder  
90 thereof to sample new product furnished by a manufacturer's  
91 representative or his employees at the permitted place of business  
92 so long as the sampling otherwise complies with this article and  
93 applicable department regulations. Such samples may not be



94 provided to customers at the permitted place of business. In  
95 addition to the sale at retail of packages of alcoholic beverages,  
96 the holder of a package retailer's permit is authorized to sell at  
97 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,  
98 other beverages commonly used to mix with alcoholic beverages,  
99 fruits and foods that have been submerged in alcohol and are  
100 commonly referred to as edibles, and lottery tickets sold in  
101 accordance with the Alyce G. Clarke Mississippi Lottery Law.  
102 Nonalcoholic beverages sold by the holder of a package retailer's  
103 permit shall not be consumed on the premises where sold.

104 (c) **On-premises retailer's permit.** Except as otherwise  
105 provided in subsection (5) of this section, an on-premises  
106 retailer's permit shall authorize the sale of alcoholic beverages,  
107 including native wines and native spirits, for consumption on the  
108 licensed premises only; however, a patron of the permit holder may  
109 remove one (1) bottle of wine from the licensed premises if: (i)  
110 the patron consumed a portion of the bottle of wine in the course  
111 of consuming a meal purchased on the licensed premises; (ii) the  
112 permit holder securely reseals the bottle; (iii) the bottle is  
113 placed in a bag that is secured in a manner so that it will be  
114 visibly apparent if the bag is opened; and (iv) a dated receipt  
115 for the wine and the meal is available. Additionally, as part of  
116 a carryout order, a permit holder may sell one (1) bottle of wine  
117 to be removed from the licensed premises for every two (2) entrees  
118 ordered. In addition, an on-premises retailer's permittee at a



119 permitted premises located on Jefferson Davis Avenue within  
120 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic  
121 beverages by the glass to a patron in a vehicle using a  
122 drive-through method of delivery if the permitted premises is  
123 located in a leisure and recreation district established under  
124 Section 67-1-101. Such a sale will be considered to be made on  
125 the permitted premises. An on-premises retailer's permit shall be  
126 issued only to qualified hotels, restaurants and clubs, small  
127 craft breweries, microbreweries, and to common carriers with  
128 adequate facilities for serving passengers. In resort areas,  
129 whether inside or outside of a municipality, the department, in  
130 its discretion, may issue on-premises retailer's permits to such  
131 establishments as it deems proper. An on-premises retailer's  
132 permit when issued to a common carrier shall authorize the sale  
133 and serving of alcoholic beverages aboard any licensed vehicle  
134 while moving through any county of the state; however, the sale of  
135 such alcoholic beverages shall not be permitted while such vehicle  
136 is stopped in a county that has not legalized such sales. If an  
137 on-premises retailer's permit is applied for by a common carrier  
138 operating solely in the water, such common carrier must, along  
139 with all other qualifications for a permit, (i) be certified to  
140 carry at least one hundred fifty (150) passengers and/or provide  
141 overnight accommodations for at least fifty (50) passengers and  
142 (ii) operate primarily in the waters within the State of  
143 Mississippi which lie adjacent to the State of Mississippi south



144 of the three (3) most southern counties in the State of  
145 Mississippi and/or on the Mississippi River or navigable waters  
146 within any county bordering on the Mississippi River.

147 (d) **Solicitor's permit.** A solicitor's permit shall  
148 authorize the holder thereof to act as salesman for a manufacturer  
149 or wholesaler holding a proper permit, to solicit on behalf of his  
150 employer orders for alcoholic beverages, and to otherwise promote  
151 his employer's products in a legitimate manner. Such a permit  
152 shall authorize the representation of and employment by one (1)  
153 principal only. However, the permittee may also, in the  
154 discretion of the department, be issued additional permits to  
155 represent other principals. No such permittee shall buy or sell  
156 alcoholic beverages for his own account, and no such beverage  
157 shall be brought into this state in pursuance of the exercise of  
158 such permit otherwise than through a permit issued to a wholesaler  
159 or manufacturer in the state.

160 (e) **Native wine retailer's permit.** Except as otherwise  
161 provided in subsection (5) of this section, a native wine  
162 retailer's permit shall be issued only to a holder of a Class 3  
163 manufacturer's permit, and shall authorize the holder thereof to  
164 make retail sales of native wines to consumers for on-premises  
165 consumption or to consumers in originally sealed and unopened  
166 containers at an establishment located on the premises of or in  
167 the immediate vicinity of a native winery. When selling to  
168 consumers for on-premises consumption, a holder of a native wine



169 retailer's permit may add to the native wine alcoholic beverages  
170 not produced on the premises, so long as the total volume of  
171 foreign beverage components does not exceed twenty percent (20%)  
172 of the mixed beverage. Hours of sale shall be the same as those  
173 authorized for on-premises permittees in the city or county in  
174 which the native wine retailer is located.

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

180 Temporary retailer's permits shall be of the following  
181 classes:

182 Class 1. A temporary one-day permit may be issued to bona  
183 fide nonprofit civic or charitable organizations authorizing the  
184 sale of alcoholic beverages, including native wine and native  
185 spirit, for consumption on the premises described in the temporary  
186 permit only. Class 1 permits may be issued only to applicants  
187 demonstrating to the department, by a statement signed under  
188 penalty of perjury submitted ten (10) days prior to the proposed  
189 date or such other time as the department may determine, that they  
190 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
191 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
192 Class 1 permittees shall obtain all alcoholic beverages from  
193 package retailers located in the county in which the temporary





194 permit is issued. Alcoholic beverages remaining in stock upon  
195 expiration of the temporary permit may be returned by the  
196 permittee to the package retailer for a refund of the purchase  
197 price upon consent of the package retailer or may be kept by the  
198 permittee exclusively for personal use and consumption, subject to  
199 all laws pertaining to the illegal sale and possession of  
200 alcoholic beverages. The department, following review of the  
201 statement provided by the applicant and the requirements of the  
202 applicable statutes and regulations, may issue the permit.

203       Class 2. A temporary permit, not to exceed seventy (70)  
204 days, may be issued to prospective permittees seeking to transfer  
205 a permit authorized in paragraph (c) of this subsection. A Class  
206 2 permit may be issued only to applicants demonstrating to the  
207 department, by a statement signed under the penalty of perjury,  
208 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
209 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
210 67-1-59. The department, following a preliminary review of the  
211 statement provided by the applicant and the requirements of the  
212 applicable statutes and regulations, may issue the permit.

213       Class 2 temporary permittees must purchase their alcoholic  
214 beverages directly from the department or, with approval of the  
215 department, purchase the remaining stock of the previous  
216 permittee. If the proposed applicant of a Class 1 or Class 2  
217 temporary permit falsifies information contained in the  
218 application or statement, the applicant shall never again be



219 eligible for a retail alcohol beverage permit and shall be subject  
220 to prosecution for perjury.

221       Class 3. A temporary one-day permit may be issued to a  
222 retail establishment authorizing the complimentary distribution of  
223 wine, including native wine, to patrons of the retail  
224 establishment at an open house or promotional event, for  
225 consumption only on the premises described in the temporary  
226 permit. A Class 3 permit may be issued only to an applicant  
227 demonstrating to the department, by a statement signed under  
228 penalty of perjury submitted ten (10) days before the proposed  
229 date or such other time as the department may determine, that it  
230 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
231 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
232 A Class 3 permit holder shall obtain all alcoholic beverages from  
233 the holder(s) of a package retailer's permit located in the county  
234 in which the temporary permit is issued. Wine remaining in stock  
235 upon expiration of the temporary permit may be returned by the  
236 Class 3 temporary permit holder to the package retailer for a  
237 refund of the purchase price, with consent of the package  
238 retailer, or may be kept by the Class 3 temporary permit holder  
239 exclusively for personal use and consumption, subject to all laws  
240 pertaining to the illegal sale and possession of alcoholic  
241 beverages. The department, following review of the statement  
242 provided by the applicant and the requirements of the applicable  
243 statutes and regulations, may issue the permit. No retailer may



244 receive more than twelve (12) Class 3 temporary permits in a  
245 calendar year. A Class 3 temporary permit shall not be issued to  
246 a retail establishment that either holds a merchant permit issued  
247 under paragraph (1) of this subsection, or holds a permit issued  
248 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
249 the holder to engage in the business of a retailer of light wine  
250 or beer.

251 (g) **Caterer's permit.** A caterer's permit shall permit  
252 the purchase of alcoholic beverages by a person engaging in  
253 business as a caterer and the resale of alcoholic beverages by  
254 such person in conjunction with such catering business. No person  
255 shall qualify as a caterer unless forty percent (40%) or more of  
256 the revenue derived from such catering business shall be from the  
257 serving of prepared food and not from the sale of alcoholic  
258 beverages and unless such person has obtained a permit for such  
259 business from the Department of Health. A caterer's permit shall  
260 not authorize the sale of alcoholic beverages on the premises of  
261 the person engaging in business as a caterer; however, the holder  
262 of an on-premises retailer's permit may hold a caterer's permit.  
263 When the holder of an on-premises retailer's permit or an  
264 affiliated entity of the holder also holds a caterer's permit, the  
265 caterer's permit shall not authorize the service of alcoholic  
266 beverages on a consistent, recurring basis at a separate, fixed  
267 location owned or operated by the caterer, on-premises retailer or  
268 affiliated entity and an on-premises retailer's permit shall be



269 required for the separate location. All sales of alcoholic  
270 beverages by holders of a caterer's permit shall be made at the  
271 location being catered by the caterer, and, except as otherwise  
272 provided in subsection (5) of this section, such sales may be made  
273 only for consumption at the catered location. The location being  
274 catered may be anywhere within a county or judicial district that  
275 has voted to come out from under the dry laws or in which the sale  
276 and distribution of alcoholic beverages is otherwise authorized by  
277 law. Such sales shall be made pursuant to any other conditions  
278 and restrictions which apply to sales made by on-premises retail  
279 permittees. The holder of a caterer's permit or his employees  
280 shall remain at the catered location as long as alcoholic  
281 beverages are being sold pursuant to the permit issued under this  
282 paragraph (g), and the permittee shall have at the location the  
283 identification card issued by the Alcoholic Beverage Control  
284 Division of the department. No unsold alcoholic beverages may be  
285 left at the catered location by the permittee upon the conclusion  
286 of his business at that location. Appropriate law enforcement  
287 officers and Alcoholic Beverage Control Division personnel may  
288 enter a catered location on private property in order to enforce  
289 laws governing the sale or serving of alcoholic beverages.

290 (h) **Research permit.** A research permit shall authorize  
291 the holder thereof to operate a research facility for the  
292 professional research of alcoholic beverages. Such permit shall  
293 authorize the holder of the permit to import and purchase limited



294 amounts of alcoholic beverages from the department or from  
295 importers, wineries and distillers of alcoholic beverages for  
296 professional research.

297           (i) **Alcohol processing permit.** An alcohol processing  
298 permit shall authorize the holder thereof to purchase, transport  
299 and possess alcoholic beverages for the exclusive use in cooking,  
300 processing or manufacturing products which contain alcoholic  
301 beverages as an integral ingredient. An alcohol processing permit  
302 shall not authorize the sale of alcoholic beverages on the  
303 premises of the person engaging in the business of cooking,  
304 processing or manufacturing products which contain alcoholic  
305 beverages. The amounts of alcoholic beverages allowed under an  
306 alcohol processing permit shall be set by the department.

307           (j) **Hospitality cart permit.** A hospitality cart permit  
308 shall authorize the sale of alcoholic beverages from a mobile cart  
309 on a golf course that is the holder of an on-premises retailer's  
310 permit. The alcoholic beverages sold from the cart must be  
311 consumed within the boundaries of the golf course.

312           (k) **Special service permit.** A special service permit  
313 shall authorize the holder to sell commercially sealed alcoholic  
314 beverages to the operator of a commercial or private aircraft for  
315 en route consumption only by passengers. A special service permit  
316 shall be issued only to a fixed-base operator who contracts with  
317 an airport facility to provide fueling and other associated  
318 services to commercial and private aircraft.



319 (1) **Merchant permit.** Except as otherwise provided in  
320 subsection (5) of this section, a merchant permit shall be issued  
321 only to the owner of a spa facility, an art studio or gallery, or  
322 a cooking school, and shall authorize the holder to serve  
323 complimentary by the glass wine only, including native wine, at  
324 the holder's spa facility, art studio or gallery, or cooking  
325 school. A merchant permit holder shall obtain all wine from the  
326 holder of a package retailer's permit.

327 (m) **Temporary alcoholic beverages charitable auction**  
328 **permit.** A temporary permit, not to exceed five (5) days, may be  
329 issued to a qualifying charitable nonprofit organization that is  
330 exempt from taxation under Section 501(c)(3) or (4) of the  
331 Internal Revenue Code of 1986. The permit shall authorize the  
332 holder to sell alcoholic beverages for the limited purpose of  
333 raising funds for the organization during a live or silent auction  
334 that is conducted by the organization and that meets the following  
335 requirements: (i) the auction is conducted in an area of the  
336 state where the sale of alcoholic beverages is authorized; (ii) if  
337 the auction is conducted on the premises of an on-premises  
338 retailer's permit holder, then the alcoholic beverages to be  
339 auctioned must be stored separately from the alcoholic beverages  
340 sold, stored or served on the premises, must be removed from the  
341 premises immediately following the auction, and may not be  
342 consumed on the premises; (iii) the permit holder may not conduct  
343 more than two (2) auctions during a calendar year; (iv) the permit



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

346           (n) **Event venue retailer's permit.** An event venue  
347 retailer's permit shall authorize the holder thereof to purchase  
348 and resell alcoholic beverages, including native wines and native  
349 spirits, for consumption on the premises during legal hours during  
350 events held on the licensed premises if food is being served at  
351 the event by a caterer who is not affiliated with or related to  
352 the permittee. The caterer must serve at least three (3) entrees.  
353 The permit may only be issued for venues that can accommodate two  
354 hundred (200) persons or more. The number of persons a venue may  
355 accommodate shall be determined by the local fire department and  
356 such determination shall be provided in writing and submitted  
357 along with all other documents required to be provided for an  
358 on-premises retailer's permit. The permittee must derive the  
359 majority of its revenue from event-related fees, including, but  
360 not limited to, admission fees or ticket sales for live  
361 entertainment in the building. "Event-related fees" do not  
362 include alcohol, beer or light wine sales or any fee which may be  
363 construed to cover the cost of alcohol, beer or light wine. This  
364 determination shall be made on a per event basis. An event may  
365 not last longer than two (2) consecutive days per week.

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



369 501(c) (3) or (4) of the Internal Revenue Code and owns or operates  
370 a theatre facility that features plays and other theatrical  
371 performances and productions. Except as otherwise provided in  
372 subsection (5) of this section, the permit shall authorize the  
373 holder to sell alcoholic beverages, including native wines and  
374 native spirits, to patrons of the theatre during performances and  
375 productions at the theatre facility for consumption during such  
376 performances and productions on the premises of the facility  
377 described in the permit. A temporary theatre permit holder shall  
378 obtain all alcoholic beverages from package retailers located in  
379 the county in which the permit is issued. Alcoholic beverages  
380 remaining in stock upon expiration of the temporary theatre permit  
381 may be returned by the permittee to the package retailer for a  
382 refund of the purchase price upon consent of the package retailer  
383 or may be kept by the permittee exclusively for personal use and  
384 consumption, subject to all laws pertaining to the illegal sale  
385 and possession of alcoholic beverages.

386 (p) **Charter ship operator's permit.** Subject to the  
387 provisions of this paragraph (p), a charter ship operator's permit  
388 shall authorize the holder thereof and its employees to serve,  
389 monitor, store and otherwise control the serving and availability  
390 of alcoholic beverages to customers of the permit holder during  
391 private charters under contract provided by the permit holder. A  
392 charter ship operator's permit shall authorize such action by the  
393 permit holder and its employees only as to alcoholic beverages





394 brought onto the permit holder's ship by customers of the permit  
395 holder as part of such a private charter. All such alcoholic  
396 beverages must be removed from the charter ship at the conclusion  
397 of each private charter. A charter ship operator's permit shall  
398 not authorize the permit holder to sell, charge for or otherwise  
399 supply alcoholic beverages to customers, except as authorized in  
400 this paragraph (p). For the purposes of this paragraph (p),  
401 "charter ship operator" means a common carrier that (i) is  
402 certified to carry at least one hundred fifty (150) passengers  
403 and/or provide overnight accommodations for at least fifty (50)  
404 passengers, (ii) operates only in the waters within the State of  
405 Mississippi, which lie adjacent to the State of Mississippi south  
406 of the three (3) most southern counties in the State of  
407 Mississippi, and (iii) provides charters under contract for tours  
408 and trips in such waters.

409           (q) **Distillery retailer's permit.** The holder of a  
410 Class 1 manufacturer's permit may obtain a distillery retailer's  
411 permit. A distillery retailer's permit shall authorize the holder  
412 thereof to sell at retail alcoholic beverages to consumers for  
413 on-premises consumption, or to consumers by the sealed and  
414 unopened bottle from a retail location at the distillery for  
415 off-premises consumption. The holder may only sell product  
416 manufactured by the manufacturer at the distillery described in  
417 the permit. However, when selling to consumers for on-premises  
418 consumption, a holder of a distillery retailer's permit may add



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

424 The holder shall not sell at retail more than ten percent  
425 (10%) of the alcoholic beverages produced annually at its  
426 distillery. The holder shall not make retail sales of more than  
427 two and twenty-five one-hundredths (2.25) liters, in the  
428 aggregate, of the alcoholic beverages produced at its distillery  
429 to any one (1) individual for consumption off the premises of the  
430 distillery within a twenty-four-hour period. The hours of sale  
431 shall be the same as those hours for package retailers under this  
432 article. The holder of a distillery retailer's permit is not  
433 required to purchase the alcoholic beverages authorized to be sold  
434 by this paragraph from the department's liquor distribution  
435 warehouse; however, if the holder does not purchase the alcoholic  
436 beverages from the department's liquor distribution warehouse, the  
437 holder shall pay to the department all taxes, fees and surcharges  
438 on the alcoholic beverages that are imposed upon the sale of  
439 alcoholic beverages shipped by the department or its warehouse  
440 operator. In addition to alcoholic beverages, the holder of a  
441 distillery retailer's permit may sell at retail promotional  
442 products from the same retail location, including shirts, hats,



443 glasses, and other promotional products customarily sold by  
444 alcoholic beverage manufacturers.

445 (r) **Festival Wine Permit.** Any wine manufacturer or  
446 native wine producer permitted by Mississippi or any other state  
447 is eligible to obtain a Festival Wine Permit. This permit  
448 authorizes the entity to transport product manufactured by it to  
449 festivals held within the State of Mississippi and sell sealed,  
450 unopened bottles to festival participants. The holder of this  
451 permit may provide samples at no charge to participants.  
452 "Festival" means any event at which three (3) or more vendors are  
453 present at a location for the sale or distribution of goods. The  
454 holder of a Festival Wine Permit is not required to purchase the  
455 alcoholic beverages authorized to be sold by this paragraph from  
456 the department's liquor distribution warehouse. However, if the  
457 holder does not purchase the alcoholic beverages from the  
458 department's liquor distribution warehouse, the holder of this  
459 permit shall pay to the department all taxes, fees and surcharges  
460 on the alcoholic beverages sold at such festivals that are imposed  
461 upon the sale of alcoholic beverages shipped by the Alcoholic  
462 Beverage Control Division of the Department of Revenue.  
463 Additionally, the entity shall file all applicable reports and  
464 returns as prescribed by the department. This permit is issued  
465 per festival and provides authority to sell for two (2)  
466 consecutive days during the hours authorized for on-premises  
467 permittees' sales in that county or city. The holder of the



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

472 This paragraph (r) shall stand repealed from and after July  
473 1, 2026.

474 (s) **Charter vessel operator's permit.** Subject to the  
475 provisions of this paragraph (s), a charter vessel operator's  
476 permit shall authorize the holder thereof and its employees to  
477 sell and serve alcoholic beverages to passengers of the permit  
478 holder during public tours, historical tours, ecological tours and  
479 sunset cruises provided by the permit holder. The permit shall  
480 authorize the holder to only sell alcoholic beverages, including  
481 native wines, to passengers of the charter vessel operator during  
482 public tours, historical tours, ecological tours and sunset  
483 cruises provided by the permit holder aboard the charter vessel  
484 operator for consumption during such tours and cruises on the  
485 premises of the charter vessel operator described in the permit.  
486 For the purposes of this paragraph (s), "charter vessel operator"  
487 means a common carrier that (i) is certified to carry at least  
488 forty-nine (49) passengers, (ii) operates only in the waters  
489 within the State of Mississippi, which lie south of Interstate 10  
490 in the three (3) most southern counties in the State of  
491 Mississippi, and lie adjacent to the State of Mississippi south of  
492 the three (3) most southern counties in the State of Mississippi,



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

496 (t) **Native spirit retailer's permit.** Except as  
497 otherwise provided in subsection (5) of this section, a native  
498 spirit retailer's permit shall be issued only to a holder of a  
499 Class 4 manufacturer's permit, and shall authorize the holder  
500 thereof to make retail sales of native spirits to consumers for  
501 on-premises consumption or to consumers in originally sealed and  
502 unopened containers at an establishment located on the premises of  
503 or in the immediate vicinity of a native distillery. When selling  
504 to consumers for on-premises consumption, a holder of a native  
505 spirit retailer's permit may add to the native spirit alcoholic  
506 beverages not produced on the premises, so long as the total  
507 volume of foreign beverage components does not exceed twenty  
508 percent (20%) of the mixed beverage. Hours of sale shall be the  
509 same as those authorized for on-premises permittees in the city or  
510 county in which the native spirit retailer is located.

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



518 to a person in this state who is at least twenty-one (21) years of  
519 age for the individual's use and not for resale. This permit does  
520 not authorize the delivery of alcoholic beverages, beer, light  
521 wine or light spirit product to the premises of a location with a  
522 permit for the manufacture, distribution or retail sale of  
523 alcoholic beverages, beer, light wine or light spirit product.  
524 The holder of a package retailer's permit or an on-premises  
525 retailer's permit under Section 67-1-51 or of a beer, light wine  
526 and light spirit product permit under Section 67-3-19 is  
527 authorized to apply for a delivery service permit as a privilege  
528 separate from its existing retail permit.

529 (v) **Food truck permit.** A food truck permit shall  
530 authorize the holder of an on-premises retailer's permit to use a  
531 food truck to sell alcoholic beverages off its premises to guests  
532 who must consume the beverages in open containers. For the  
533 purposes of this paragraph (v), "food truck" means a fully encased  
534 food service establishment on a motor vehicle or on a trailer that  
535 a motor vehicle pulls to transport, and from which a vendor,  
536 standing within the frame of the establishment, prepares, cooks,  
537 sells and serves food for immediate human consumption. The term  
538 "food truck" does not include a food cart that is not motorized.  
539 Food trucks shall maintain such distance requirements from  
540 schools, churches, kindergartens and funeral homes as are required  
541 for on-premises retailer's permittees under this article, and all  
542 sales must be made within a valid leisure and recreation district



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

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

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

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



568 manufacturing, sale or storage of alcoholic beverages which would  
569 otherwise be prohibited under the minimum distance criterion.  
570 Such waiver shall be in written form from the owner, the governing  
571 body, or the appropriate officer of the church or funeral home  
572 having the authority to execute such a waiver, and the waiver  
573 shall be filed with and verified by the department before becoming  
574 effective.

575           (c) The distance restrictions imposed in this  
576 subsection shall not apply to the sale or storage of alcoholic  
577 beverages at a bed and breakfast inn listed in the National  
578 Register of Historic Places or to the sale or storage of alcoholic  
579 beverages in a historic district that is listed in the National  
580 Register of Historic Places, is a qualified resort area and is  
581 located in a municipality having a population greater than one  
582 hundred thousand (100,000) according to the latest federal  
583 decennial census.

584           (d) The distance restrictions imposed in this  
585 subsection shall not apply to the sale or storage of alcoholic  
586 beverages at a qualified resort area as defined in Section  
587 67-1-5(o)(iii)32.

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





592 municipal school district and used by the municipal school  
593 district as a district bus shop facility.

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

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

605 (h) The distance restrictions imposed in this  
606 subsection shall not apply to the sale or storage of alcoholic  
607 beverages at a theatre facility that features plays and other  
608 theatrical performances and productions and (i) is capable of  
609 seating more than seven hundred fifty (750) people, (ii) is owned  
610 by a municipality which has a population greater than ten thousand  
611 (10,000) according to the latest federal decennial census, (iii)  
612 was constructed prior to 1930, (iv) is on the National Register of  
613 Historic Places, and (v) is located in a historic district.

614 (i) The distance restrictions imposed in this  
615 subsection shall not apply to the sale or storage of alcoholic  
616 beverages at a licensed premises in a building located



617 approximately one and six-tenths (1.6) miles north of the  
618 intersection of Mississippi Highway 15 and Mississippi Highway 4  
619 on the west side of Mississippi Highway 15.

620 (4) No person, either individually or as a member of a firm,  
621 partnership, limited liability company or association, or as a  
622 stockholder, officer or director in a corporation, shall own or  
623 control any interest in more than one (1) package retailer's  
624 permit, nor shall such person's spouse, if living in the same  
625 household of such person, any relative of such person, if living  
626 in the same household of such person, or any other person living  
627 in the same household with such person own any interest in any  
628 other package retailer's permit.

629 (5) (a) In addition to any other authority granted under  
630 this section, the holder of a permit issued under subsection  
631 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
632 sell or otherwise provide alcoholic beverages and/or wine to a  
633 patron of the permit holder in the manner authorized in the permit  
634 and the patron may remove an open glass, cup or other container of  
635 the alcoholic beverage and/or wine from the licensed premises and  
636 may possess and consume the alcoholic beverage or wine outside of  
637 the licensed premises if: (i) the licensed premises is located  
638 within a leisure and recreation district created under Section  
639 67-1-101 and (ii) the patron remains within the boundaries of the  
640 leisure and recreation district while in possession of the  
641 alcoholic beverage or wine.



642                   (b) Nothing in this subsection shall be construed to  
643 allow a person to bring any alcoholic beverages into a permitted  
644 premises except to the extent otherwise authorized by this  
645 article.

646                   **SECTION 3.** This act shall take effect and be in force from  
647 and after its passage.

