

By: Representatives Zuber, Yates, Powell,
McGee

To: State Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 430

1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF CLASS 1 OR
2 CLASS 2 MANUFACTURER'S PERMIT UNDER THE LOCAL OPTION ALCOHOLIC
3 BEVERAGE CONTROL LAW, OR WHO IS LICENSED OR PERMITTED OUTSIDE OF
4 THE STATE TO ENGAGE IN THE ACTIVITY OF MANUFACTURING WINE AND/OR
5 DISTILLED SPIRITS TO SELL AND SHIP WINE AND DISTILLED SPIRITS
6 DIRECTLY TO RESIDENTS IN THIS STATE, IF THE PERSON OBTAINS A
7 DIRECT SHIPPER'S PERMIT FROM THE DEPARTMENT OF REVENUE; TO PROVIDE
8 FOR THE ISSUANCE OF DIRECT SHIPPER'S PERMITS AND THE ISSUANCE OF
9 WINE AND DISTILLED SPIRITS FULFILLMENT PROVIDER PERMITS; TO
10 REQUIRE THE HOLDER OF A DIRECT SHIPPER'S PERMIT TO KEEP CERTAIN
11 RECORDS; TO REQUIRE THE HOLDER OF A WINE AND DISTILLED SPIRITS
12 FULFILLMENT PROVIDER PERMIT TO KEEP CERTAIN RECORDS; TO PROHIBIT
13 THE HOLDER OF A DIRECT SHIPPER'S PERMIT FROM SELLING OR SHIPPING
14 LIGHT WINE, LIGHT SPIRIT PRODUCTS OR BEER OR ANY ALCOHOLIC
15 BEVERAGE OTHER THAN WINE OR DISTILLED SPIRITS; TO LIMIT THE AMOUNT
16 OF WINE AND DISTILLED SPIRITS THAT A HOLDER OF A DIRECT SHIPPER'S
17 PERMIT MAY SELL OR SHIP TO AN INDIVIDUAL EACH YEAR; TO PROHIBIT
18 THE HOLDER OF A DIRECT SHIPPER'S PERMIT FROM SELLING OR SHIPPING
19 WINE OR DISTILLED SPIRITS THAT IS AVAILABLE THROUGH THE ALCOHOLIC
20 BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; TO PROVIDE
21 FOR THE ANNUAL RENEWAL OF DIRECT SHIPPER'S PERMITS; TO PROVIDE
22 THAT PERSONS PURCHASING OR RECEIVING A DIRECT SHIPMENT OF WINE OR
23 DISTILLED SPIRITS FROM A DIRECT SHIPPER MUST BE AT LEAST
24 TWENTY-ONE YEARS OF AGE; TO PROVIDE THAT PERSONS RECEIVING A
25 DIRECT SHIPMENT OF WINE AND/OR DISTILLED SPIRITS FROM A DIRECT
26 SHIPPER SHALL USE THE WINE OR DISTILLED SPIRITS FOR PERSONAL USE
27 ONLY AND MAY NOT RESELL IT; TO IMPOSE CERTAIN REQUIREMENTS
28 RELATING THE SHIPMENT OF WINE AND DISTILLED SPIRITS INTO THIS
29 STATE; TO AUTHORIZE THE COMMISSIONER OF REVENUE TO ADOPT ANY RULES
30 OR REGULATIONS AS NECESSARY TO CARRY OUT THIS ACT; TO PROVIDE
31 PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS 27-71-5,
32 27-71-7, 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972, TO
33 PROVIDE THE PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A DIRECT
34 SHIPPER'S PERMIT AND FOR THE PRIVILEGE TAX REQUIRED FOR THE



35 ISSUANCE OF A WINE AND DISTILLED SPIRITS FULFILLMENT PROVIDER
36 PERMIT; TO LEVY A TAX UPON THE SALES AND SHIPMENTS OF WINE AND
37 DISTILLED SPIRITS MADE BY A DIRECT SHIPPER; TO REQUIRE A CERTAIN
38 AMOUNT OF THE TAXES LEVIED TO BE DEPOSITED INTO THE MENTAL HEALTH
39 PROGRAMS FUND; TO AMEND SECTIONS 67-1-41, 67-1-45, 67-1-51,
40 67-1-53, 67-1-55, 67-1-57, 67-1-73, 97-31-47 AND 97-31-49,
41 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
42 ACT; AND FOR RELATED PURPOSES.

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

44 **SECTION 1.** As used in Sections 1 through 12 of this act, the
45 following words shall have the meanings as defined in this section
46 unless the context otherwise requires:

47 (a) "Department" means the Department of Revenue.

48 (b) "Direct shipper" means the holder of a direct
49 shipper's permit issued by the department under Sections 1 through
50 12 of this act.

51 (c) "Common carrier" means a person that holds itself
52 out to the general public as engaged in the business of
53 transporting goods for a fee and is engaged in the business of
54 transporting and delivering alcoholic beverages from a direct
55 shipper's permittee directly to consumers in this state who are
56 twenty-one (21) years of age or older.

57 (d) "Fulfillment provider" means a person who acts on
58 behalf of a holder of a direct shipper's permit to ship wine
59 and/or distilled spirits to a consumer and arranges for transport
60 by an eligible common carrier to the consumer.

61 (e) "Wine and distilled spirits fulfillment provider
62 permit" means a permit issued by the department that authorizes a



63 fulfillment provider to ship wine and/or distilled spirits to a
64 consumer on behalf of a holder of a direct shipper's permit.

65 (f) "Wine" means any product obtained from the
66 alcoholic fermentation of the juice of sound, ripe grapes, fruits
67 or berries, made in accordance with the revenue laws of the United
68 States, and containing more than five percent (5%) of alcohol by
69 weight.

70 In addition, the definitions in Section 67-1-5 shall be
71 applicable to the terms used in Sections 1 through 12 of this act
72 unless the context otherwise requires.

73 **SECTION 2.** A person must hold a permit as a direct shipper
74 issued by the department before the person may engage in selling
75 and shipping wine and/or distilled spirits directly to a resident
76 in this state. A direct shipper may sell and ship wine and/or
77 distilled spirits directly to residents in this state without
78 being required to transact the sale and shipment through the
79 Alcoholic Beverage Control Division of the department.

80 **SECTION 3.** To qualify for a direct shipper's permit, an
81 applicant shall be a holder of a Class 1 or Class 2 manufacturer's
82 permit issued in accordance with Section 67-1-51, or a person
83 licensed or permitted outside of this state to engage in the
84 activity of manufacturing wine and/or distilled spirits in any
85 other state.

86 **SECTION 4.** (1) An applicant for a direct shipper's permit
87 shall:



88 (a) Submit to the department a completed application on
89 a form provided by the department, containing all information that
90 is required by the department;

91 (b) Provide to the department a copy of the applicant's
92 current license or permit to engage in the activity of
93 manufacturing wine and/or distilled spirits in this or any other
94 state; and

95 (c) Pay to the department the tax prescribed in Section
96 27-71-5.

97 (2) After a person complies with the provisions of
98 subsection (1) of this section, the department may conduct any
99 investigation as it considers necessary regarding the issuance of
100 a permit, and the department shall issue a permit to the applicant
101 if the requirements of Sections 1 through 12 of this act are met.

102 **SECTION 5.** (1) A direct shipper shall:

103 (a) Ensure that all containers of wine and/or distilled
104 spirits sold and shipped directly to a resident in this state are
105 conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE
106 OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY";

107 (b) Report to the department on an annual basis in a
108 manner prescribed by the department all of the following
109 information for each wine and/or distilled spirits shipment into
110 the state pursuant to Sections 1 through 12 of this act:

111 (i) The name and address of the Mississippi
112 resident who placed the order;



113 (ii) For each completed shipment, evidence of
114 signature by an individual age twenty-one (21) years or older;
115 (iii) The name and license number of the common or
116 permit carrier engaged in the shipment;
117 (iv) For each shipment by a holder of a wine or
118 distilled spirits fulfillment provider permit on behalf of the
119 direct shipper, the name and license number of the wine or
120 distilled spirits fulfillment provider permittee engaged in the
121 shipment;
122 (v) The date of shipment;
123 (vi) The carrier tracking number; and
124 (vii) The quantity of wine and/or distilled
125 spirits in the shipment;
126 (c) Maintain for at least three (3) years all records
127 that allow the department to ascertain the truthfulness of the
128 information filed under Sections 1 through 12 of this act;
129 (d) Allow the department to perform an audit of the
130 direct shipper's records upon request; and
131 (e) Be deemed to have consented to the jurisdiction of
132 the department or any other state agency and the state courts
133 concerning enforcement of Sections 1 through 12 of this act and
134 any related laws, rules or regulations.
135 (2) A direct shipper shall not:



136 (a) Sell or ship any light wine, light spirit products
137 or beer that is regulated under Section 67-3-1 et seq. or any
138 alcoholic beverage other than wine and/or distilled spirits;

139 (b) Sell or ship wine and/or distilled spirits that is
140 available through the Alcoholic Beverage Control Division of the
141 department (wine or distilled spirits for which the annual
142 allotment through the Alcoholic Beverage Control Division of the
143 department has been distributed to retailers will not be
144 considered to be available through the division);

145 (c) Ship wine and/or distilled spirits to an address in
146 a county that has not voted in favor of coming out from under the
147 dry law;

148 (d) Sell or ship more than fifteen hundred (1,500)
149 nine-liter cases, or thirteen thousand five hundred (13,500)
150 liters, in total of wine or distilled spirits in a calendar year
151 to Mississippi consumers;

152 (e) Sell or ship any wine to any residential household
153 address in Mississippi that has already received a total of nine
154 (9) nine-liter cases of wine in the calendar year. Prior to
155 shipping any wine, the direct shipper shall validate that the
156 consumer has not received their total case limit of wine for the
157 calendar year and is therefore eligible to receive a shipment of
158 wine;

159 (f) Sell or ship any distilled spirits to any
160 residential household address in Mississippi that has already



161 received a total of nine (9) nine-liter cases of distilled spirits
162 in the calendar year. Prior to shipping any distilled spirits,
163 the direct shipper shall validate that the consumer has not
164 received their total case limit of distilled spirits for the
165 calendar year and is therefore eligible to receive a shipment of
166 distilled spirits;

167 (g) Sell or ship wine and/or distilled spirits to any
168 nonresidential address, including lockers or post office boxes;

169 (h) Sell or ship wine and/or distilled spirits to any
170 address or property of a public or private elementary, secondary,
171 or post-secondary educational school, including any dormitory,
172 housing, or common space located on the campus of any elementary,
173 secondary, or post-secondary educational school.

174 **SECTION 6.** A direct shipper may annually renew his or her
175 permit, if the direct shipper:

176 (a) Is otherwise entitled to receive a permit;

177 (b) Provides to the department a copy of his or her
178 current license or permit to engage in the activity of
179 manufacturing wine and/or distilled spirits in this or any other
180 state; and

181 (c) Pays to the department a privilege license tax as
182 prescribed in Section 27-71-5.

183 **SECTION 7.** (1) To purchase and receive a direct shipment of
184 wine and/or distilled spirits from a direct shipper, a resident of
185 this state must be at least twenty-one (21) years of age, and a



186 person who is at least twenty-one (21) years of age must sign for
187 any wine and/or distilled spirits shipped from a direct shipper.

188 (2) A shipment of wine and/or distilled spirits may be
189 ordered or purchased from a direct shipper through a computer
190 network.

191 (3) A person who receives a direct shipment of wine and/or
192 distilled spirits from a direct shipper shall use the wine and/or
193 distilled spirits for personal consumption only and may not resell
194 it.

195 (4) A resident of this state shall not order, purchase, or
196 receive more than a total of nine (9) nine-liter cases of wine and
197 nine (9) nine-liter cases of distilled spirits in a calendar year
198 to their residential household address. A holder of a direct
199 shipper's permit shall not ship any wine or distilled spirits to
200 any household in this state that has already received direct
201 shipments of nine (9) nine-liter cases of wine and nine (9)
202 nine-liter cases of distilled spirits in the calendar year.

203 (5) A resident of this state who causes shipment of more
204 than the allowable total of nine (9) nine-liter cases of wine
205 and/or nine (9) nine-liter cases of distilled spirits in a
206 calendar year to their residential household address, is guilty of
207 a misdemeanor and, upon conviction thereof, shall be punished by a
208 fine not exceeding One Thousand Dollars (\$1,000.00) or
209 imprisonment in the county jail for not more than six (6) months,
210 or both. Each sale or shipment in violation of this section and



211 Sections 1 through 12 of this act shall constitute a separate
212 offense.

213 **SECTION 8.** (1) Any person who makes, participates in,
214 transports, imports or receives a sale or shipment of wine and/or
215 distilled spirits in violation of Sections 1 through 12 of this
216 act is guilty of a misdemeanor and, upon conviction thereof, shall
217 be punished by a fine not exceeding One Thousand Dollars
218 (\$1,000.00) or imprisonment in the county jail for not more than
219 six (6) months, or both. Each sale or shipment in violation of
220 Sections 1 through 12 of this act shall constitute a separate
221 offense.

222 (2) If any holder of a direct shipper's permit violates any
223 provision of Sections 1 through 12 of this act, the department
224 shall suspend or revoke the permit and impose civil penalties as
225 authorized under Section 67-1-1 et seq.

226 **SECTION 9.** (1) Any person who is not a common or permit
227 carrier and who does not hold a direct shipper, wholesaler,
228 retailer, manufacturer, or importer permit issued by the
229 department and who is not owned or controlled by a common or
230 permit carrier or a direct shipper, wholesaler, retailer,
231 manufacturer, or importer permittee of the department may obtain a
232 wine and distilled spirits fulfillment provider permit from the
233 department as provided in this section. A holder of a wine and
234 distilled spirits fulfillment provider permit, subject to
235 compliance with all terms and provisions of Sections 1 through 12



236 of this act, may contract with a common or permit carrier for the
237 shipment of unopened containers of wine and/or distilled spirits
238 on behalf of the holder of a direct shipper's permit directly to a
239 Mississippi resident who is at least twenty-one (21) years of age,
240 for personal use by the individual and not for resale.

241 (2) A person shall obtain a separate wine and distilled
242 spirits fulfillment provider permit for each physical premises
243 that is to be used as a wine or distilled spirits fulfillment
244 provider before shipping wine and/or distilled spirits to any
245 Mississippi resident from that premises, and shall pay an annual
246 license fee of Five Hundred Dollars (\$500.00), plus an additional
247 One Hundred Dollars (\$100.00) for each additional premises from
248 which shipments to Mississippi residents will be made.

249 (3) The holder of a wine and distilled spirits fulfillment
250 provider permit may only provide logistics services of
251 warehousing, packaging, order fulfillment, and shipment of wine
252 and/or distilled spirits for a direct shipper permittee for which
253 the wine and distilled spirits fulfillment provider permittee is
254 the bailee of the wine and/or distilled spirits. Wine and/or
255 distilled spirits held in bailment by a wine and distilled spirits
256 fulfillment provider permittee shall remain the property of the
257 direct shipper permittee until loaded on conveyance for direct
258 shipment to a Mississippi resident.



259 (4) A wine and distilled spirits fulfillment provider
260 permittee shall not ship wine and/or distilled spirits into or
261 within the state from, or on behalf of, any of the following:

262 (a) An unlicensed direct shipper of wine and/or
263 distilled spirits, either in-state or out-of-state;

264 (b) A retailer licensed by the department;

265 (c) An out-of-state retailer; or

266 (d) A person that does not hold a direct shipper's
267 permit in the State of Mississippi.

268 (5) A wine and distilled spirits fulfillment provider permit
269 applicant shall provide all of the following information to the
270 department as part of its application:

271 (a) The precise location or locations at which the
272 permittee will engage in logistics services for wine and/or
273 distilled spirits to be shipped into the state; and

274 (b) Any other information required by the department.

275 (6) A wine and distilled spirits fulfillment provider
276 permittee shall do all of the following:

277 (a) Annually renew its wine and distilled spirits
278 fulfillment provider permit in a manner as established by rule of
279 the department and pay any initial and annual license fees;

280 (b) Enter into a contract with a direct wine shipper
281 permittee designating the wine and distilled spirits fulfillment
282 provider permittee as the agent of the direct wine shipper
283 permittee for purposes of Sections 1 through 12 of this act. A



284 wine and distilled spirits fulfillment provider permittee may not
285 avoid liability under this section by subcontracting with a third
286 party to perform its obligations pursuant to this section;

287 (c) Maintain a compliance program documenting that all
288 wine and/or distilled spirits shipped by each direct shipper
289 permittee through the wine and distilled spirits fulfillment
290 provider permittee satisfies the requirements set forth in
291 Sections 1 through 12 of this act and any other requirements set
292 forth by the department;

293 (d) Make all commercially reasonable efforts to verify
294 the validity of each direct shipper permit prior to making any
295 shipment on behalf of the direct shipper permittee;

296 (e) Ensure all containers of wine and/or distilled
297 spirits shipped by the wine and distilled spirits fulfillment
298 provider permittee to a Mississippi resident are conspicuously
299 labeled with the following words: "CONTAINS ALCOHOL: SIGNATURE OF
300 PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY";

301 (f) Report to the department on an annual basis in a
302 manner prescribed by the department all of the following
303 information for each wine and/or distilled spirits shipment into
304 the state pursuant to this section:

305 (i) The name, address, and license number of the
306 direct shipper permittee and the point of origin of shipment from
307 which the wine and distilled spirits fulfillment provider



308 permittee received the wine and/or distilled spirits, if different
309 from the address of the direct shipper permittee;

310 (ii) The name and address of the Mississippi
311 resident who placed the order;

312 (iii) For each completed shipment, evidence of
313 signature by an individual age twenty-one (21) years or older;

314 (iv) The name and license number of the common or
315 permit carrier engaged in the shipment;

316 (v) The date of shipment;

317 (vi) The carrier tracking number; and

318 (vii) The quantity of wine and/or distilled
319 spirits in the shipment; and

320 (g) Maintain for a minimum of three (3) years from the
321 date of receipt from a direct shipper permittee or the date of
322 shipment to a Mississippi resident, as applicable, and permit the
323 department and any of its designees to inspect, verify, or perform
324 an audit of all of the information listed in paragraph (f) of this
325 subsection;

326 (h) Upon violation of Sections 1 through 12 of this act
327 or a rule of the department, be subject to a civil penalty imposed
328 by the department by administrative proceedings that apply to
329 alcoholic beverage licenses, as follows:

330 (i) For the first violation, a civil penalty not
331 to exceed Five Hundred Dollars (\$500.00);



332 (ii) For a second violation, a civil penalty not
333 to exceed Three Thousand Dollars (\$3,000.00);

334 (iii) For a third or any subsequent violation, a
335 civil penalty not to exceed Six Thousand Dollars (\$6,000.00); and

336 (i) Be deemed to have consented to the jurisdiction of
337 the department and the other state agencies and the state courts
338 concerning enforcement of Sections 1 through 12 of this act.

339 (7) Any fines or fees received by the department under this
340 section shall be used by the department in order to perform its
341 regulatory duties.

342 **SECTION 10.** (1) Shipments of wine and/or distilled spirits
343 into this state under Sections 1 through 12 of this act shall be
344 made by a duly licensed carrier. A common carrier shall not
345 deliver a shipment of wine and/or distilled spirits to a consumer
346 unless the carrier has verified the validity of the direct
347 shipper's permit and fulfillment provider's permit prior to
348 accepting shipment. A carrier may consider a direct shipper's
349 permit to be valid for the remainder of the stated permit period
350 unless notified otherwise by the department. Any failure to
351 verify the validity of a direct shipper's permit may result in the
352 suspension of the common carrier's license to operate in the state
353 or the imposition of any other penalty as follows: (i) for the
354 first violation, a civil penalty not to exceed Five Hundred
355 Dollars (\$500.00); (ii) for a second violation, a civil penalty
356 not to exceed Three Thousand Dollars (\$3,000.00); (iii) for a



357 third or any subsequent violation, a civil penalty not to exceed
358 Six Thousand Dollars (\$6,000.00).

359 (2) It shall be the duty of every common or contract
360 carrier, and of every firm or corporation that shall bring, carry
361 or transport wine and/or distilled spirits from outside the state
362 for delivery inside the state to consumers to prepare and file
363 reports with the department, on a schedule as determined by the
364 department, of known wine and/or distilled spirits shipments.
365 Such reports shall contain: (a) the name of the common or
366 contract carrier, firm or corporation making the report; (b) the
367 period of time covered by said report; (c) the name and business
368 address of the person who directed the common carrier to make the
369 shipment; (d) the name and permit number of the direct shipper;
370 (e) the name and address of each consignee receiving such wine
371 and/or distilled spirits; (f) the weight of the shipment delivered
372 to each consignee; (g) the common carrier's unique tracking number
373 for the package; and (h) the date of delivery. Reports received
374 by the department shall be made available by the department to the
375 public via the Mississippi Public Records Act process in the same
376 manner as other state alcohol filings.

377 (3) Upon the department's request, any records supporting
378 the report shall be made available to the department within a
379 reasonable time after the department makes a written request for
380 such records. Any records containing information relating to such
381 reports, including the signatures of the individual who physically



382 received the shipment, shall be kept and preserved for a period of
383 three (3) years, unless their destruction sooner is authorized, in
384 writing, by the department, and shall be open and available to
385 inspection by the department upon the department's written
386 request. Reports shall also be made available to any law
387 enforcement or regulatory body in the state in which the railroad
388 company, express company, common or contract carrier making the
389 report resides or does business.

390 (4) Any common or contract carrier that willfully fails to
391 make reports, as provided by this section or any of the rules and
392 regulations of the department for the administration and
393 enforcement of this section, is subject to a notification of
394 violation. In the case of a continuing failure to make reports,
395 the common or contract carrier is subject to possible license
396 suspension and revocation at the department's discretion.

397 **SECTION 11.** The department may adopt any rules or
398 regulations as necessary to carry out Sections 1 through 12 of
399 this act. All of the enforcement provisions of Section 67-1-1 et
400 seq., that are not in conflict with Sections 1 through 12 of this
401 act may be used by the department to enforce the provisions of
402 Sections 1 through 12 of this act.

403 **SECTION 12.** If any provision of this act, or its application
404 to any person or circumstance, is determined by a court to be
405 invalid or unconstitutional, the remaining provisions shall be
406 construed in accordance with the intent of the Legislature to



407 further limit rather than expand commerce in alcoholic beverages
408 to protect the health, safety, and welfare of the state's
409 residents, and to enhance strict regulatory control over taxation,
410 distribution and sale of alcoholic beverages through the
411 three-tier regulatory system imposed by this article upon all
412 alcoholic beverages to curb relationships and practices calculated
413 to stimulate sales and impair the state's policy favoring trade
414 stability and the promotion of temperance.

415 **SECTION 13.** Section 27-71-5, Mississippi Code of 1972, is
416 amended as follows:

417 27-71-5. (1) Upon each person approved for a permit under
418 the provisions of the Alcoholic Beverage Control Law and
419 amendments thereto, there is levied and imposed for each location
420 for the privilege of engaging and continuing in this state in the
421 business authorized by such permit, an annual privilege license
422 tax in the amount provided in the following schedule:

423 (a) Except as otherwise provided in this subsection
424 (1), manufacturer's permit, Class 1, distiller's and/or
425 rectifier's:

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

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

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



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

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

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

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

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

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

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

446 (j) On-premises retailer's permit for common carriers,
447 per car, plane, or other vehicle.....\$ 120.00

448 (k) Solicitor's permit, regardless of any other
449 provision of law, solicitor's permits shall be issued only in the
450 discretion of the department.....\$ 100.00

451 (l) Filing fee for each application except for an
452 employee identification card.....\$ 25.00

453 (m) Temporary permit, Class 1, each.....\$ 10.00

454 (n) Temporary permit, Class 2, each.....\$ 50.00

455 (o) (i) Caterer's permit.....\$ 600.00



456	(ii) Caterer's permit for holders of on-premises	
457	retailer's permit.....	\$ 150.00
458	(p) Research permit.....	\$ 100.00
459	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
460	(r) Special service permit.....	\$ 225.00
461	(s) Merchant permit.....	\$ 225.00
462	(t) Temporary alcoholic beverages charitable auction	
463	permit.....	\$ 10.00
464	(u) Event venue retailer's permit.....	\$ 225.00
465	(v) Temporary theatre permit, each.....	\$ 10.00
466	(w) Charter ship operator's permit.....	\$ 100.00
467	(x) Distillery retailer's permit.....	\$ 450.00
468	(y) Festival wine permit.....	\$ 10.00
469	(z) Charter vessel operator's permit.....	\$ 100.00
470	(aa) Native spirit retailer's permit.....	\$ 50.00
471	(bb) Delivery service permit.....	\$ 500.00
472	(cc) Food truck permit.....	\$ 100.00
473	<u>(dd) Direct shipper's permit.....</u>	<u>\$ 100.00</u>
474	<u>(ee) Wine and distilled spirits fulfillment provider</u>	
475	<u>permit.....</u>	<u>\$ 500.00</u>

476 In addition to the filing fee imposed by paragraph (l) of
477 this subsection, a fee to be determined by the Department of
478 Revenue may be charged to defray costs incurred to process
479 applications. The additional fees shall be paid into the State
480 Treasury to the credit of a special fund account, which is hereby



481 created, and expenditures therefrom shall be made only to defray
482 the costs incurred by the Department of Revenue in processing
483 alcoholic beverage applications. Any unencumbered balance
484 remaining in the special fund account on June 30 of any fiscal
485 year shall lapse into the State General Fund.

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

492 Paragraph (y) of this subsection shall stand repealed from
493 and after July 1, 2026.

494 (2) (a) There is imposed and shall be collected from each
495 permittee, except a common carrier, solicitor, a temporary
496 permittee, holder of a direct shipper's permit or a delivery
497 service permittee, by the department, an additional license tax
498 equal to the amounts imposed under subsection (1) of this section
499 for the privilege of doing business within any municipality or
500 county in which the licensee is located.

501 (b) (i) In addition to the tax imposed in paragraph
502 (a) of this subsection, there is imposed and shall be collected by
503 the department from each permittee described in subsection (1)(g),
504 (h), (i), (n) and (u) of this section, an additional license tax
505 for the privilege of doing business within any municipality or



506 county in which the licensee is located in the amount of Two
507 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
508 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
509 (\$225.00) for each additional purchase of Five Thousand Dollars
510 (\$5,000.00), or fraction thereof.

511 (ii) In addition to the tax imposed in paragraph
512 (a) of this subsection, there is imposed and shall be collected by
513 the department from each permittee described in subsection (1)(o)
514 and (s) of this section, an additional license tax for the
515 privilege of doing business within any municipality or county in
516 which the licensee is located in the amount of Two Hundred Fifty
517 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
518 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
519 additional purchase of Five Thousand Dollars (\$5,000.00), or
520 fraction thereof.

521 (iii) Any person who has paid the additional
522 privilege license tax imposed by this paragraph, and whose permit
523 is renewed, may add any unused fraction of Five Thousand Dollars
524 (\$5,000.00) purchases to the first Five Thousand Dollars
525 (\$5,000.00) purchases authorized by the renewal permit, and no
526 additional license tax will be required until purchases exceed the
527 sum of the two (2) figures.

528 (c) If the licensee is located within a municipality,
529 the department shall pay the amount of additional license tax
530 collected under this section to the municipality, and if outside a



531 municipality the department shall pay the additional license tax
532 to the county in which the licensee is located. Payments by the
533 department to the respective local government subdivisions shall
534 be made once each month for any collections during the preceding
535 month.

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

542 (4) The number of permits issued by the department shall not
543 be restricted or limited on a population basis; however, the
544 foregoing limitation shall not be construed to preclude the right
545 of the department to refuse to issue a permit because of the
546 undesirability of the proposed location.

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



555 (6) It shall be unlawful for any person to consume alcoholic
556 beverages on the premises of any hotel restaurant, restaurant,
557 club or the interior of any public place defined in Chapter 1,
558 Title 67, Mississippi Code of 1972, when the owner or manager
559 thereof displays in several conspicuous places inside the
560 establishment and at the entrances of establishment a sign
561 containing the following language: NO ALCOHOLIC BEVERAGES
562 ALLOWED.

563 **SECTION 14.** Section 27-71-7, Mississippi Code of 1972, is
564 amended as follows:

565 27-71-7. (1) There is hereby levied and assessed an excise
566 tax upon each case of alcoholic beverages sold by the department
567 to be collected from each retail licensee at the time of sale in
568 accordance with the following schedule:

569 (a) Distilled spirits.....\$2.50 per
570 gallon

571 (b) Sparkling wine and champagne.....\$1.00 per
572 gallon

573 (c) Other wines, including native wines...\$.35 per
574 gallon

575 (2) (a) In addition to the tax levied by subsection (1) of
576 this section, and in addition to any other markup collected, the
577 Alcoholic Beverage Control Division shall collect a markup of
578 three percent (3%) on all alcoholic beverages, as defined in
579 Section 67-1-5, Mississippi Code of 1972, which are sold by the



580 division. The proceeds of the markup shall be collected by the
581 division from each purchaser at the time of purchase.

582 (b) Until June 30, 1987, the revenue derived from this
583 three percent (3%) markup shall be deposited by the division in
584 the State Treasury to the credit of the "Alcoholism Treatment and
585 Rehabilitation Fund," a special fund which is hereby created in
586 the State Treasury, and shall be used by the Division of Alcohol
587 and Drug Abuse of the State Department of Mental Health and public
588 or private centers or organizations solely for funding of
589 treatment and rehabilitation programs for alcoholics and alcohol
590 abusers which are sponsored by the division or public or private
591 centers or organizations in such amounts as the Legislature may
592 appropriate to the division for use by the division or public or
593 private centers or organizations for such programs. Any tax
594 revenue in the fund which is not encumbered at the end of the
595 fiscal year shall lapse to the General Fund. It is the intent of
596 the Legislature that the State Department of Mental Health shall
597 continue to seek funds from other sources and shall use the funds
598 appropriated for the purposes of this section and Section 27-71-29
599 to match all federal funds which may be available for alcoholism
600 treatment and rehabilitation.

601 From and after July 1, 1987, the revenue derived from this
602 three percent (3%) markup shall be deposited by the division in
603 the State Treasury to the credit of the "Mental Health Programs
604 Fund," a special fund which is hereby created in the State



605 Treasury and shall be used by the State Department of Mental
606 Health for the service programs of the department. Any revenue in
607 the "Alcoholism Treatment and Rehabilitation Fund" which is not
608 encumbered at the end of Fiscal Year 1987 shall be deposited to
609 the credit of the "Mental Health Programs Fund."

610 (3) There is levied and assessed upon the holder of a direct
611 shipper's permit, a tax in the amount of fifteen and one-half
612 percent (15-1/2%) of the sales price of each sale and shipment of
613 wine or distilled spirits made to a resident in this state. The
614 holder of a direct shipper's permit shall file a monthly report
615 with the department along with a copy of the invoice for each sale
616 and shipment of wine or distilled spirits and remit any taxes due;
617 however, no report shall be required for months in which no sales
618 or shipments were made into this state. The report, together with
619 copies of the invoices and the payment of all taxes, shall be
620 filed with the department not later than the twentieth day of the
621 month following the month in which the shipment was made.
622 Permittees who fail to timely file and pay taxes as required by
623 this subsection shall pay a late fee in the amount of Five Hundred
624 Dollars (\$500.00), and the department shall suspend the direct
625 shipper's permit until all outstanding taxes are paid in full, for
626 a first offense. Upon a second offense, the department shall
627 revoke the direct shipper's permit.

628 **SECTION 15.** Section 27-71-15, Mississippi Code of 1972, is
629 amended as follows:



630 27-71-15. Except as otherwise provided in Section 67-9-1 for
631 the transportation of limited amounts of alcoholic beverages for
632 the use of an alcohol processing permittee, and in Sections 1
633 through 12 of this act for the sale and shipment of wine by the
634 holder of a direct shipper's permit, if transportation requires
635 passage through a county which has not authorized the sale of
636 alcoholic beverages, such transportation shall be by a sealed
637 vehicle. Such seal shall remain unbroken until the vehicle shall
638 reach the place of business operated by the permittee. The
639 operator of any vehicle transporting alcoholic beverages shall
640 have in his possession an invoice issued by the * * * department
641 at the time of the wholesale sale covering the merchandise
642 transported by the vehicle. The * * * department is authorized to
643 issue regulations controlling the transportation of alcoholic
644 beverages.

645 When the restrictions imposed by this section and by the
646 regulation of the * * * department have not been violated, the
647 person transporting alcoholic beverages through a county wherein
648 the sale of alcoholic beverages is prohibited shall not be guilty
649 of unlawful possession and such merchandise shall be immune from
650 seizure.

651 **SECTION 16.** Section 27-71-29, Mississippi Code of 1972, is
652 amended as follows:

653 27-71-29. (1) All taxes levied by this article shall be
654 paid to the Department of Revenue in cash or by personal check,



655 cashier's check, bank exchange, post office money order or express
656 money order and shall be deposited by the department in the State
657 Treasury on the same day collected, but no remittances other than
658 cash shall be a final discharge of liability for the tax herein
659 imposed and levied unless and until it has been paid in cash to
660 the department.

661 All taxes levied under Section 27-71-7(1) and received by the
662 department under this article shall be paid into the General Fund,
663 and the three percent (3%) levied under Section 27-71-7(2) and
664 received by the department under this article shall be paid into
665 the special fund in the State Treasury designated as the
666 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
667 Any funds derived from the sale of alcoholic beverages in excess
668 of inventory requirements shall be paid not less often than
669 annually into the General Fund, except for a portion of the
670 twenty-seven and one-half percent (27-1/2%) markup provided for in
671 Section 27-71-11, as specified in subsection (2) of this section,
672 and except for fees charged by the department for the defraying of
673 costs associated with shipping alcoholic beverages. The revenue
674 derived from these fees shall be deposited by the department into
675 a special fund, hereby created in the State Treasury, which is
676 designated the "ABC Shipping Fund." The monies in this special
677 fund shall be earmarked for use by the department for any
678 expenditure made to ship alcoholic beverages. Any net proceeds
679 remaining in the special fund on August 1 of any fiscal year shall



680 lapse into the General Fund. "Net proceeds" in this section means
681 the total of all fees collected by the department to defray the
682 costs of shipping less the actual costs of shipping.

683 (2) If the special bond sinking fund created in Section 7(3)
684 of Chapter 483, Laws of 2022 has a balance below the minimum
685 amount specified in the resolution providing for the issuance of
686 the bonds, or below one and one-half (1-1/2) times the amount
687 needed to pay the annual debt obligations related to the bonds
688 issued under Section 7 of Chapter 483, Laws of 2022, whichever is
689 the lesser amount, the Commissioner of Revenue shall transfer the
690 deficit amount to the bond sinking fund from revenue derived from
691 the twenty-seven and one-half percent (27-1/2%) markup provided
692 for in Section 27-71-11.

693 (3) All taxes levied under Section 27-71-7(3) and received
694 by the department under this article shall be paid into the
695 General Fund, except for an amount equivalent to the three percent
696 (3%) levied under Section 27-71-7(2), which shall be paid into the
697 special fund in the State Treasury designated as the "Mental
698 Health Programs Fund" as required by law.

699 **SECTION 17.** Section 67-1-41, Mississippi Code of 1972, is
700 amended as follows:

701 67-1-41. (1) The department is hereby created a wholesale
702 distributor and seller of alcoholic beverages, not including malt
703 liquors, within the State of Mississippi. It is granted the right
704 to import and sell alcoholic beverages at wholesale within the



705 state, and no person who is granted the right to sell, distribute
706 or receive alcoholic beverages at retail shall purchase any
707 alcoholic beverages from any source other than the department,
708 except as authorized in subsections (4), (9) and (12) of this
709 section and Sections 1 through 12 of this act. The department may
710 establish warehouses, and the department may purchase alcoholic
711 beverages in such quantities and from such sources as it may deem
712 desirable and sell the alcoholic beverages to authorized
713 permittees within the state including, at the discretion of the
714 department, any retail distributors operating within any military
715 post or qualified resort areas within the boundaries of the state,
716 keeping a correct and accurate record of all such transactions and
717 exercising such control over the distribution of alcoholic
718 beverages as seem right and proper in keeping with the provisions
719 or purposes of this article.

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

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



730 (4) The department may promulgate rules and regulations
731 which authorize on-premises retailers to purchase limited amounts
732 of alcoholic beverages from package retailers and for package
733 retailers to purchase limited amounts of alcoholic beverages from
734 other package retailers. The department shall develop and provide
735 forms to be completed by the on-premises retailers and the package
736 retailers verifying the transaction. The completed forms shall be
737 forwarded to the department within a period of time prescribed by
738 the department.

739 (5) The department may promulgate rules which authorize the
740 holder of a package retailer's permit to permit individual retail
741 purchasers of packages of alcoholic beverages to return, for
742 exchange, credit or refund, limited amounts of original sealed and
743 unopened packages of alcoholic beverages purchased by the
744 individual from the package retailer.

745 (6) The department shall maintain all forms to be completed
746 by applicants necessary for licensure by the department at all
747 district offices of the department.

748 (7) The department may promulgate rules which authorize the
749 manufacturer of an alcoholic beverage or wine to import, transport
750 and furnish or give a sample of alcoholic beverages or wines to
751 the holders of package retailer's permits, on-premises retailer's
752 permits, native wine or native spirit retailer's permits and
753 temporary retailer's permits who have not previously purchased the
754 brand of that manufacturer from the department. For each holder



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

758 (8) The department may promulgate rules disallowing open
759 product sampling of alcoholic beverages or wines by the holders of
760 package retailer's permits and permitting open product sampling of
761 alcoholic beverages by the holders of on-premises retailer's
762 permits. Permitted sample products shall be plainly identified
763 "sample" and the actual sampling must occur in the presence of the
764 manufacturer's representatives during the legal operating hours of
765 on-premises retailers.

766 (9) The department may promulgate rules and regulations that
767 authorize the holder of a research permit to import and purchase
768 limited amounts of alcoholic beverages from importers, wineries
769 and distillers of alcoholic beverages or from the department. The
770 department shall develop and provide forms to be completed by the
771 research permittee verifying each transaction. The completed
772 forms shall be forwarded to the department within a period of time
773 prescribed by the department. The records and inventory of
774 alcoholic beverages shall be open to inspection at any time by the
775 Director of the Alcoholic Beverage Control Division or any duly
776 authorized agent.

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



780 limited to, native wines and native spirits, so that those
781 alcoholic beverages may be delivered to the retailer at the
782 manufacturer's location instead of via shipment from the
783 department's warehouse.

784 (11) **[Through June 30, 2026]** This section shall not apply
785 to alcoholic beverages authorized to be sold by the holder of a
786 distillery retailer's permit or a festival wine permit.

787 (11) **[From and after July 1, 2026]** This section shall not
788 apply to alcoholic beverages authorized to be sold by the holder
789 of a distillery retailer's permit.

790 (12) (a) An individual resident of this state who is at
791 least twenty-one (21) years of age may purchase wine from a winery
792 and have the purchase shipped into this state so long as it is
793 shipped to a package retailer permittee in Mississippi; however,
794 the permittee shall pay to the department all taxes, fees and
795 surcharges on the wine that are imposed upon the sale of wine
796 shipped by the department or its warehouse operator. No credit
797 shall be provided to the permittee for any taxes paid to another
798 state as a result of the transaction. Package retailers may
799 charge a service fee for receiving and handling shipments from
800 wineries on behalf of the purchasers. The department shall
801 develop and provide forms to be completed by the package retailer
802 permittees verifying the transaction. The completed forms shall
803 be forwarded to the department within a period of time prescribed
804 by the department.



805 (b) The purchaser of wine that is to be shipped to a
806 package retailer's store shall be required to get the prior
807 approval of the package retailer before any wine is shipped to the
808 package retailer. A purchaser is limited to no more than ten (10)
809 cases of wine per year to be shipped to a package retailer. A
810 package retailer shall notify a purchaser of wine within two (2)
811 days after receiving the shipment of wine. If the purchaser of
812 the wine does not pick up or take the wine from the package
813 retailer within thirty (30) days after being notified by the
814 package retailer, the package retailer may sell the wine as part
815 of his inventory.

816 (c) Shipments of wine into this state under this
817 section shall be made by a duly licensed carrier. It shall be the
818 duty of every common or contract carrier, and of every firm or
819 corporation that shall bring, carry or transport wine from outside
820 the state for delivery inside the state to package retailer
821 permittees on behalf of consumers, to prepare and file with the
822 department, on a schedule as determined by the department, of
823 known wine shipments containing the name of the common or contract
824 carrier, firm or corporation making the report, the period of time
825 covered by said report, the name and permit number of the winery,
826 the name and permit number of the package retailer permittee
827 receiving such wine, the weight of the package delivered to each
828 package retailer permittee, a unique tracking number, and the date
829 of delivery. Reports received by the department shall be made



830 available by the department to the public via the Mississippi
831 Public Records Act process in the same manner as other state
832 alcohol filings.

833 Upon the department's request, any records supporting the
834 report shall be made available to the department within a
835 reasonable time after the department makes a written request for
836 such records. Any records containing information relating to such
837 reports shall be kept and preserved for a period of two (2) years,
838 unless their destruction sooner is authorized, in writing, by the
839 department, and shall be open and available to inspection by the
840 department upon the department's written request. Reports shall
841 also be made available to any law enforcement or regulatory body
842 in the state in which the railroad company, express company,
843 common or contract carrier making the report resides or does
844 business.

845 Any common or contract carrier that willfully fails to make
846 reports, as provided by this section or any of the rules and
847 regulations of the department for the administration and
848 enforcement of this section, is subject to a notification of
849 violation. In the case of a continuing failure to make reports,
850 the common or contract carrier is subject to possible license
851 suspension and revocation at the department's discretion.

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



855 the enforcement of this section, and of any related law, rules or
856 regulations.

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

863 (13) If any provision of this article, or its application to
864 any person or circumstance, is determined by a court to be invalid
865 or unconstitutional, the remaining provisions shall be construed
866 in accordance with the intent of the Legislature to further limit
867 rather than expand commerce in alcoholic beverages to protect the
868 health, safety, and welfare of the state's residents, and to
869 enhance strict regulatory control over taxation, distribution and
870 sale of alcoholic beverages through the three-tier regulatory
871 system imposed by this article upon all alcoholic beverages to
872 curb relationships and practices calculated to stimulate sales and
873 impair the state's policy favoring trade stability and the
874 promotion of temperance.

875 **SECTION 18.** Section 67-1-45, Mississippi Code of 1972, is
876 amended as follows:

877 67-1-45. No manufacturer, rectifier or distiller of
878 alcoholic beverages shall sell or attempt to sell any such
879 alcoholic beverages, except malt liquor, within the State of



880 Mississippi, except to the department, or as provided in Section
881 67-1-41, or pursuant to Section 67-1-51. A producer of native
882 wine or native spirit may sell native wines or native spirits,
883 respectively, to the department or to consumers at the location of
884 the native winery or native distillery or its immediate vicinity.
885 The holder of a direct shipper's permit may sell wines and/or
886 distilled spirits directly to residents in this state as
887 authorized by Sections 1 through 12 of this act.

888 Any violation of this section by any manufacturer, rectifier
889 or distiller shall be punished by a fine of not less than Five
890 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
891 (\$2,000.00), to which may be added imprisonment in the county jail
892 not to exceed six (6) months.

893 **SECTION 19.** Section 67-1-51, Mississippi Code of 1972, is amended
894 as follows:

895 67-1-51. (1) Permits which may be issued by the department
896 shall be as follows:

897 (a) **Manufacturer's permit.** A manufacturer's permit
898 shall permit the manufacture, importation in bulk, bottling and
899 storage of alcoholic liquor and its distribution and sale to
900 manufacturers holding permits under this article in this state and
901 to persons outside the state who are authorized by law to purchase
902 the same, and to sell as provided by this article.

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



904 Class 1. Distiller's and/or rectifier's permit, which shall
905 authorize the holder thereof to operate a distillery for the
906 production of distilled spirits by distillation or redistillation
907 and/or to operate a rectifying plant for the purifying, refining,
908 mixing, blending, flavoring or reducing in proof of distilled
909 spirits and alcohol.

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

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

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

919 (b) **Package retailer's permit.** Except as otherwise
920 provided in this paragraph and Section 67-1-52, a package
921 retailer's permit shall authorize the holder thereof to operate a
922 store exclusively for the sale at retail in original sealed and
923 unopened packages of alcoholic beverages, including native wines,
924 native spirits and edibles, not to be consumed on the premises
925 where sold. Alcoholic beverages shall not be sold by any retailer
926 in any package or container containing less than fifty (50)
927 milliliters by liquid measure. A package retailer's permit, with
928 prior approval from the department, shall authorize the holder



929 thereof to sample new product furnished by a manufacturer's
930 representative or his employees at the permitted place of business
931 so long as the sampling otherwise complies with this article and
932 applicable department regulations. Such samples may not be
933 provided to customers at the permitted place of business. In
934 addition to the sale at retail of packages of alcoholic beverages,
935 the holder of a package retailer's permit is authorized to sell at
936 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
937 other beverages commonly used to mix with alcoholic beverages, and
938 fruits and foods that have been submerged in alcohol and are
939 commonly referred to as edibles. Nonalcoholic beverages sold by
940 the holder of a package retailer's permit shall not be consumed on
941 the premises where sold.

942 (c) **On-premises retailer's permit.** Except as otherwise
943 provided in subsection (5) of this section, an on-premises
944 retailer's permit shall authorize the sale of alcoholic beverages,
945 including native wines and native spirits, for consumption on the
946 licensed premises only; however, a patron of the permit holder may
947 remove one (1) bottle of wine from the licensed premises if: (i)
948 the patron consumed a portion of the bottle of wine in the course
949 of consuming a meal purchased on the licensed premises; (ii) the
950 permit holder securely reseals the bottle; (iii) the bottle is
951 placed in a bag that is secured in a manner so that it will be
952 visibly apparent if the bag is opened; and (iv) a dated receipt
953 for the wine and the meal is available. Additionally, as part of



954 a carryout order, a permit holder may sell one (1) bottle of wine
955 to be removed from the licensed premises for every two (2) entrees
956 ordered. In addition, an on-premises retailer's permittee at a
957 permitted premises located on Jefferson Davis Avenue within
958 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
959 beverages by the glass to a patron in a vehicle using a
960 drive-through method of delivery if the permitted premises is
961 located in a leisure and recreation district established under
962 Section 67-1-101. Such a sale will be considered to be made on
963 the permitted premises. An on-premises retailer's permit shall be
964 issued only to qualified hotels, restaurants and clubs, small
965 craft breweries, microbreweries, and to common carriers with
966 adequate facilities for serving passengers. In resort areas,
967 whether inside or outside of a municipality, the department, in
968 its discretion, may issue on-premises retailer's permits to such
969 establishments as it deems proper. An on-premises retailer's
970 permit when issued to a common carrier shall authorize the sale
971 and serving of alcoholic beverages aboard any licensed vehicle
972 while moving through any county of the state; however, the sale of
973 such alcoholic beverages shall not be permitted while such vehicle
974 is stopped in a county that has not legalized such sales. If an
975 on-premises retailer's permit is applied for by a common carrier
976 operating solely in the water, such common carrier must, along
977 with all other qualifications for a permit, (i) be certified to
978 carry at least one hundred fifty (150) passengers and/or provide



979 overnight accommodations for at least fifty (50) passengers and
980 (ii) operate primarily in the waters within the State of
981 Mississippi which lie adjacent to the State of Mississippi south
982 of the three (3) most southern counties in the State of
983 Mississippi and/or on the Mississippi River or navigable waters
984 within any county bordering on the Mississippi River.

985 (d) **Solicitor's permit.** A solicitor's permit shall
986 authorize the holder thereof to act as salesman for a manufacturer
987 or wholesaler holding a proper permit, to solicit on behalf of his
988 employer orders for alcoholic beverages, and to otherwise promote
989 his employer's products in a legitimate manner. Such a permit
990 shall authorize the representation of and employment by one (1)
991 principal only. However, the permittee may also, in the
992 discretion of the department, be issued additional permits to
993 represent other principals. No such permittee shall buy or sell
994 alcoholic beverages for his own account, and no such beverage
995 shall be brought into this state in pursuance of the exercise of
996 such permit otherwise than through a permit issued to a wholesaler
997 or manufacturer in the state.

998 (e) **Native wine retailer's permit.** Except as otherwise
999 provided in subsection (5) of this section, a native wine
1000 retailer's permit shall be issued only to a holder of a Class 3
1001 manufacturer's permit, and shall authorize the holder thereof to
1002 make retail sales of native wines to consumers for on-premises
1003 consumption or to consumers in originally sealed and unopened



1004 containers at an establishment located on the premises of or in
1005 the immediate vicinity of a native winery. When selling to
1006 consumers for on-premises consumption, a holder of a native wine
1007 retailer's permit may add to the native wine alcoholic beverages
1008 not produced on the premises, so long as the total volume of
1009 foreign beverage components does not exceed twenty percent (20%)
1010 of the mixed beverage. Hours of sale shall be the same as those
1011 authorized for on-premises permittees in the city or county in
1012 which the native wine retailer is located.

1013 (f) **Temporary retailer's permit.** Except as otherwise
1014 provided in subsection (5) of this section, a temporary retailer's
1015 permit shall permit the purchase and resale of alcoholic
1016 beverages, including native wines and native spirits, during legal
1017 hours on the premises described in the temporary permit only.

1018 Temporary retailer's permits shall be of the following
1019 classes:

1020 Class 1. A temporary one-day permit may be issued to bona
1021 fide nonprofit civic or charitable organizations authorizing the
1022 sale of alcoholic beverages, including native wine and native
1023 spirit, for consumption on the premises described in the temporary
1024 permit only. Class 1 permits may be issued only to applicants
1025 demonstrating to the department, by a statement signed under
1026 penalty of perjury submitted ten (10) days prior to the proposed
1027 date or such other time as the department may determine, that they
1028 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)



1029 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1030 Class 1 permittees shall obtain all alcoholic beverages from
1031 package retailers located in the county in which the temporary
1032 permit is issued. Alcoholic beverages remaining in stock upon
1033 expiration of the temporary permit may be returned by the
1034 permittee to the package retailer for a refund of the purchase
1035 price upon consent of the package retailer or may be kept by the
1036 permittee exclusively for personal use and consumption, subject to
1037 all laws pertaining to the illegal sale and possession of
1038 alcoholic beverages. The department, following review of the
1039 statement provided by the applicant and the requirements of the
1040 applicable statutes and regulations, may issue the permit.

1041 Class 2. A temporary permit, not to exceed seventy (70)
1042 days, may be issued to prospective permittees seeking to transfer
1043 a permit authorized in paragraph (c) of this subsection. A Class
1044 2 permit may be issued only to applicants demonstrating to the
1045 department, by a statement signed under the penalty of perjury,
1046 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1047 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1048 67-1-59. The department, following a preliminary review of the
1049 statement provided by the applicant and the requirements of the
1050 applicable statutes and regulations, may issue the permit.

1051 Class 2 temporary permittees must purchase their alcoholic
1052 beverages directly from the department or, with approval of the
1053 department, purchase the remaining stock of the previous



1054 permittee. If the proposed applicant of a Class 1 or Class 2
1055 temporary permit falsifies information contained in the
1056 application or statement, the applicant shall never again be
1057 eligible for a retail alcohol beverage permit and shall be subject
1058 to prosecution for perjury.

1059 Class 3. A temporary one-day permit may be issued to a
1060 retail establishment authorizing the complimentary distribution of
1061 wine, including native wine, to patrons of the retail
1062 establishment at an open house or promotional event, for
1063 consumption only on the premises described in the temporary
1064 permit. A Class 3 permit may be issued only to an applicant
1065 demonstrating to the department, by a statement signed under
1066 penalty of perjury submitted ten (10) days before the proposed
1067 date or such other time as the department may determine, that it
1068 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1069 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1070 A Class 3 permit holder shall obtain all alcoholic beverages from
1071 the holder(s) of a package retailer's permit located in the county
1072 in which the temporary permit is issued. Wine remaining in stock
1073 upon expiration of the temporary permit may be returned by the
1074 Class 3 temporary permit holder to the package retailer for a
1075 refund of the purchase price, with consent of the package
1076 retailer, or may be kept by the Class 3 temporary permit holder
1077 exclusively for personal use and consumption, subject to all laws
1078 pertaining to the illegal sale and possession of alcoholic



1079 beverages. The department, following review of the statement
1080 provided by the applicant and the requirements of the applicable
1081 statutes and regulations, may issue the permit. No retailer may
1082 receive more than twelve (12) Class 3 temporary permits in a
1083 calendar year. A Class 3 temporary permit shall not be issued to
1084 a retail establishment that either holds a merchant permit issued
1085 under paragraph (1) of this subsection, or holds a permit issued
1086 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1087 the holder to engage in the business of a retailer of light wine
1088 or beer.

1089 (g) **Caterer's permit.** A caterer's permit shall permit
1090 the purchase of alcoholic beverages by a person engaging in
1091 business as a caterer and the resale of alcoholic beverages by
1092 such person in conjunction with such catering business. No person
1093 shall qualify as a caterer unless forty percent (40%) or more of
1094 the revenue derived from such catering business shall be from the
1095 serving of prepared food and not from the sale of alcoholic
1096 beverages and unless such person has obtained a permit for such
1097 business from the Department of Health. A caterer's permit shall
1098 not authorize the sale of alcoholic beverages on the premises of
1099 the person engaging in business as a caterer; however, the holder
1100 of an on-premises retailer's permit may hold a caterer's permit.
1101 When the holder of an on-premises retailer's permit or an
1102 affiliated entity of the holder also holds a caterer's permit, the
1103 caterer's permit shall not authorize the service of alcoholic



1104 beverages on a consistent, recurring basis at a separate, fixed
1105 location owned or operated by the caterer, on-premises retailer or
1106 affiliated entity and an on-premises retailer's permit shall be
1107 required for the separate location. All sales of alcoholic
1108 beverages by holders of a caterer's permit shall be made at the
1109 location being catered by the caterer, and, except as otherwise
1110 provided in subsection (5) of this section, such sales may be made
1111 only for consumption at the catered location. The location being
1112 catered may be anywhere within a county or judicial district that
1113 has voted to come out from under the dry laws or in which the sale
1114 and distribution of alcoholic beverages is otherwise authorized by
1115 law. Such sales shall be made pursuant to any other conditions
1116 and restrictions which apply to sales made by on-premises retail
1117 permittees. The holder of a caterer's permit or his employees
1118 shall remain at the catered location as long as alcoholic
1119 beverages are being sold pursuant to the permit issued under this
1120 paragraph (g), and the permittee shall have at the location the
1121 identification card issued by the Alcoholic Beverage Control
1122 Division of the department. No unsold alcoholic beverages may be
1123 left at the catered location by the permittee upon the conclusion
1124 of his business at that location. Appropriate law enforcement
1125 officers and Alcoholic Beverage Control Division personnel may
1126 enter a catered location on private property in order to enforce
1127 laws governing the sale or serving of alcoholic beverages.



1128 (h) **Research permit.** A research permit shall authorize
1129 the holder thereof to operate a research facility for the
1130 professional research of alcoholic beverages. Such permit shall
1131 authorize the holder of the permit to import and purchase limited
1132 amounts of alcoholic beverages from the department or from
1133 importers, wineries and distillers of alcoholic beverages for
1134 professional research.

1135 (i) **Alcohol processing permit.** An alcohol processing
1136 permit shall authorize the holder thereof to purchase, transport
1137 and possess alcoholic beverages for the exclusive use in cooking,
1138 processing or manufacturing products which contain alcoholic
1139 beverages as an integral ingredient. An alcohol processing permit
1140 shall not authorize the sale of alcoholic beverages on the
1141 premises of the person engaging in the business of cooking,
1142 processing or manufacturing products which contain alcoholic
1143 beverages. The amounts of alcoholic beverages allowed under an
1144 alcohol processing permit shall be set by the department.

1145 (j) **Hospitality cart permit.** A hospitality cart permit
1146 shall authorize the sale of alcoholic beverages from a mobile cart
1147 on a golf course that is the holder of an on-premises retailer's
1148 permit. The alcoholic beverages sold from the cart must be
1149 consumed within the boundaries of the golf course.

1150 (k) **Special service permit.** A special service permit
1151 shall authorize the holder to sell commercially sealed alcoholic
1152 beverages to the operator of a commercial or private aircraft for



1153 en route consumption only by passengers. A special service permit
1154 shall be issued only to a fixed-base operator who contracts with
1155 an airport facility to provide fueling and other associated
1156 services to commercial and private aircraft.

1157 (1) **Merchant permit.** Except as otherwise provided in
1158 subsection (5) of this section, a merchant permit shall be issued
1159 only to the owner of a spa facility, an art studio or gallery, or
1160 a cooking school, and shall authorize the holder to serve
1161 complimentary by the glass wine only, including native wine, at
1162 the holder's spa facility, art studio or gallery, or cooking
1163 school. A merchant permit holder shall obtain all wine from the
1164 holder of a package retailer's permit.

1165 (m) **Temporary alcoholic beverages charitable auction**
1166 **permit.** A temporary permit, not to exceed five (5) days, may be
1167 issued to a qualifying charitable nonprofit organization that is
1168 exempt from taxation under Section 501(c)(3) or (4) of the
1169 Internal Revenue Code of 1986. The permit shall authorize the
1170 holder to sell alcoholic beverages for the limited purpose of
1171 raising funds for the organization during a live or silent auction
1172 that is conducted by the organization and that meets the following
1173 requirements: (i) the auction is conducted in an area of the
1174 state where the sale of alcoholic beverages is authorized; (ii) if
1175 the auction is conducted on the premises of an on-premises
1176 retailer's permit holder, then the alcoholic beverages to be
1177 auctioned must be stored separately from the alcoholic beverages



1178 sold, stored or served on the premises, must be removed from the
1179 premises immediately following the auction, and may not be
1180 consumed on the premises; (iii) the permit holder may not conduct
1181 more than two (2) auctions during a calendar year; (iv) the permit
1182 holder may not pay a commission or promotional fee to any person
1183 to arrange or conduct the auction.

1184 (n) **Event venue retailer's permit.** An event venue
1185 retailer's permit shall authorize the holder thereof to purchase
1186 and resell alcoholic beverages, including native wines and native
1187 spirits, for consumption on the premises during legal hours during
1188 events held on the licensed premises if food is being served at
1189 the event by a caterer who is not affiliated with or related to
1190 the permittee. The caterer must serve at least three (3) entrees.
1191 The permit may only be issued for venues that can accommodate two
1192 hundred (200) persons or more. The number of persons a venue may
1193 accommodate shall be determined by the local fire department and
1194 such determination shall be provided in writing and submitted
1195 along with all other documents required to be provided for an
1196 on-premises retailer's permit. The permittee must derive the
1197 majority of its revenue from event-related fees, including, but
1198 not limited to, admission fees or ticket sales for live
1199 entertainment in the building. "Event-related fees" do not
1200 include alcohol, beer or light wine sales or any fee which may be
1201 construed to cover the cost of alcohol, beer or light wine. This



1202 determination shall be made on a per event basis. An event may
1203 not last longer than two (2) consecutive days per week.

1204 (o) **Temporary theatre permit.** A temporary theatre
1205 permit, not to exceed five (5) days, may be issued to a charitable
1206 nonprofit organization that is exempt from taxation under Section
1207 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
1208 a theatre facility that features plays and other theatrical
1209 performances and productions. Except as otherwise provided in
1210 subsection (5) of this section, the permit shall authorize the
1211 holder to sell alcoholic beverages, including native wines and
1212 native spirits, to patrons of the theatre during performances and
1213 productions at the theatre facility for consumption during such
1214 performances and productions on the premises of the facility
1215 described in the permit. A temporary theatre permit holder shall
1216 obtain all alcoholic beverages from package retailers located in
1217 the county in which the permit is issued. Alcoholic beverages
1218 remaining in stock upon expiration of the temporary theatre permit
1219 may be returned by the permittee to the package retailer for a
1220 refund of the purchase price upon consent of the package retailer
1221 or may be kept by the permittee exclusively for personal use and
1222 consumption, subject to all laws pertaining to the illegal sale
1223 and possession of alcoholic beverages.

1224 (p) **Charter ship operator's permit.** Subject to the
1225 provisions of this paragraph (p), a charter ship operator's permit
1226 shall authorize the holder thereof and its employees to serve,



1227 monitor, store and otherwise control the serving and availability
1228 of alcoholic beverages to customers of the permit holder during
1229 private charters under contract provided by the permit holder. A
1230 charter ship operator's permit shall authorize such action by the
1231 permit holder and its employees only as to alcoholic beverages
1232 brought onto the permit holder's ship by customers of the permit
1233 holder as part of such a private charter. All such alcoholic
1234 beverages must be removed from the charter ship at the conclusion
1235 of each private charter. A charter ship operator's permit shall
1236 not authorize the permit holder to sell, charge for or otherwise
1237 supply alcoholic beverages to customers, except as authorized in
1238 this paragraph (p). For the purposes of this paragraph (p),
1239 "charter ship operator" means a common carrier that (i) is
1240 certified to carry at least one hundred fifty (150) passengers
1241 and/or provide overnight accommodations for at least fifty (50)
1242 passengers, (ii) operates only in the waters within the State of
1243 Mississippi, which lie adjacent to the State of Mississippi south
1244 of the three (3) most southern counties in the State of
1245 Mississippi, and (iii) provides charters under contract for tours
1246 and trips in such waters.

1247 (q) **Distillery retailer's permit.** The holder of a
1248 Class 1 manufacturer's permit may obtain a distillery retailer's
1249 permit. A distillery retailer's permit shall authorize the holder
1250 thereof to sell at retail alcoholic beverages to consumers for
1251 on-premises consumption, or to consumers by the sealed and



1252 unopened bottle from a retail location at the distillery for
1253 off-premises consumption. The holder may only sell product
1254 manufactured by the manufacturer at the distillery described in
1255 the permit. However, when selling to consumers for on-premises
1256 consumption, a holder of a distillery retailer's permit may add
1257 other beverages, alcoholic or not, so long as the total volume of
1258 other beverage components containing alcohol does not exceed
1259 twenty percent (20%). Hours of sale shall be the same as those
1260 authorized for on-premises permittees in the city or county in
1261 which the distillery retailer is located.

1262 The holder shall not sell at retail more than ten percent
1263 (10%) of the alcoholic beverages produced annually at its
1264 distillery. The holder shall not make retail sales of more than
1265 two and twenty-five one-hundredths (2.25) liters, in the
1266 aggregate, of the alcoholic beverages produced at its distillery
1267 to any one (1) individual for consumption off the premises of the
1268 distillery within a twenty-four-hour period. The hours of sale
1269 shall be the same as those hours for package retailers under this
1270 article. The holder of a distillery retailer's permit is not
1271 required to purchase the alcoholic beverages authorized to be sold
1272 by this paragraph from the department's liquor distribution
1273 warehouse; however, if the holder does not purchase the alcoholic
1274 beverages from the department's liquor distribution warehouse, the
1275 holder shall pay to the department all taxes, fees and surcharges
1276 on the alcoholic beverages that are imposed upon the sale of



1277 alcoholic beverages shipped by the department or its warehouse
1278 operator. In addition to alcoholic beverages, the holder of a
1279 distillery retailer's permit may sell at retail promotional
1280 products from the same retail location, including shirts, hats,
1281 glasses, and other promotional products customarily sold by
1282 alcoholic beverage manufacturers.

1283 (r) **Festival Wine Permit.** Any wine manufacturer or
1284 native wine producer permitted by Mississippi or any other state
1285 is eligible to obtain a Festival Wine Permit. This permit
1286 authorizes the entity to transport product manufactured by it to
1287 festivals held within the State of Mississippi and sell sealed,
1288 unopened bottles to festival participants. The holder of this
1289 permit may provide samples at no charge to participants.
1290 "Festival" means any event at which three (3) or more vendors are
1291 present at a location for the sale or distribution of goods. The
1292 holder of a Festival Wine Permit is not required to purchase the
1293 alcoholic beverages authorized to be sold by this paragraph from
1294 the department's liquor distribution warehouse. However, if the
1295 holder does not purchase the alcoholic beverages from the
1296 department's liquor distribution warehouse, the holder of this
1297 permit shall pay to the department all taxes, fees and surcharges
1298 on the alcoholic beverages sold at such festivals that are imposed
1299 upon the sale of alcoholic beverages shipped by the Alcoholic
1300 Beverage Control Division of the Department of Revenue.
1301 Additionally, the entity shall file all applicable reports and



1302 returns as prescribed by the department. This permit is issued
1303 per festival and provides authority to sell for two (2)
1304 consecutive days during the hours authorized for on-premises
1305 permittees' sales in that county or city. The holder of the
1306 permit shall be required to maintain all requirements set by Local
1307 Option Law for the service and sale of alcoholic beverages. This
1308 permit may be issued to entities participating in festivals at
1309 which a Class 1 temporary permit is in effect.

1310 This paragraph (r) shall stand repealed from and after July
1311 1, 2026.

1312 (s) **Charter vessel operator's permit.** Subject to the
1313 provisions of this paragraph (s), a charter vessel operator's
1314 permit shall authorize the holder thereof and its employees to
1315 sell and serve alcoholic beverages to passengers of the permit
1316 holder during public tours, historical tours, ecological tours and
1317 sunset cruises provided by the permit holder. The permit shall
1318 authorize the holder to only sell alcoholic beverages, including
1319 native wines, to passengers of the charter vessel operator during
1320 public tours, historical tours, ecological tours and sunset
1321 cruises provided by the permit holder aboard the charter vessel
1322 operator for consumption during such tours and cruises on the
1323 premises of the charter vessel operator described in the permit.
1324 For the purposes of this paragraph (s), "charter vessel operator"
1325 means a common carrier that (i) is certified to carry at least
1326 forty-nine (49) passengers, (ii) operates only in the waters



1327 within the State of Mississippi, which lie south of Interstate 10
1328 in the three (3) most southern counties in the State of
1329 Mississippi, and lie adjacent to the State of Mississippi south of
1330 the three (3) most southern counties in the State of Mississippi,
1331 extending not further than one (1) mile south of such counties,
1332 and (iii) provides vessel services for tours and cruises in such
1333 waters as provided in this paragraph(s).

1334 (t) **Native spirit retailer's permit.** Except as
1335 otherwise provided in subsection (5) of this section, a native
1336 spirit retailer's permit shall be issued only to a holder of a
1337 Class 4 manufacturer's permit, and shall authorize the holder
1338 thereof to make retail sales of native spirits to consumers for
1339 on-premises consumption or to consumers in originally sealed and
1340 unopened containers at an establishment located on the premises of
1341 or in the immediate vicinity of a native distillery. When selling
1342 to consumers for on-premises consumption, a holder of a native
1343 spirit retailer's permit may add to the native spirit alcoholic
1344 beverages not produced on the premises, so long as the total
1345 volume of foreign beverage components does not exceed twenty
1346 percent (20%) of the mixed beverage. Hours of sale shall be the
1347 same as those authorized for on-premises permittees in the city or
1348 county in which the native spirit retailer is located.

1349 (u) **Delivery service permit.** Any individual, limited
1350 liability company, corporation or partnership registered to do
1351 business in this state is eligible to obtain a delivery service



1352 permit. Subject to the provisions of Section 67-1-51.1, this
1353 permit authorizes the permittee, or its employee or an independent
1354 contractor acting on its behalf, to deliver alcoholic beverages,
1355 beer, light wine and light spirit product from a licensed retailer
1356 to a person in this state who is at least twenty-one (21) years of
1357 age for the individual's use and not for resale. This permit does
1358 not authorize the delivery of alcoholic beverages, beer, light
1359 wine or light spirit product to the premises of a location with a
1360 permit for the manufacture, distribution or retail sale of
1361 alcoholic beverages, beer, light wine or light spirit product.
1362 The holder of a package retailer's permit or an on-premises
1363 retailer's permit under Section 67-1-51 or of a beer, light wine
1364 and light spirit product permit under Section 67-3-19 is
1365 authorized to apply for a delivery service permit as a privilege
1366 separate from its existing retail permit.

1367 (v) **Food truck permit.** A food truck permit shall
1368 authorize the holder of an on-premises retailer's permit to use a
1369 food truck to sell alcoholic beverages off its premises to guests
1370 who must consume the beverages in open containers. For the
1371 purposes of this paragraph (v), "food truck" means a fully encased
1372 food service establishment on a motor vehicle or on a trailer that
1373 a motor vehicle pulls to transport, and from which a vendor,
1374 standing within the frame of the establishment, prepares, cooks,
1375 sells and serves food for immediate human consumption. The term
1376 "food truck" does not include a food cart that is not motorized.



1377 Food trucks shall maintain such distance requirements from
1378 schools, churches, kindergartens and funeral homes as are required
1379 for on-premises retailer's permittees under this article, and all
1380 sales must be made within a valid leisure and recreation district
1381 established under Section 67-1-101. Food trucks cannot sell or
1382 serve alcoholic beverages unless also offering food prepared and
1383 cooked within the food truck, and permittees must maintain a
1384 twenty-five percent (25%) food sale revenue requirement based on
1385 the food sold from the food truck alone. The hours allowed for
1386 sale shall be the same as those for on-premises retailer's
1387 permittees in the location. This permit will not be required for
1388 the holder of a caterer's permit issued under this article to
1389 cater an event as allowed by law. Permittees must provide notice
1390 of not less than forty-eight (48) hours to the department of each
1391 location at which alcoholic beverages will be sold.

1392 (w) **Direct shipper's permit.** A direct shipper's permit
1393 shall authorize the holder to sell and ship wine directly to
1394 residents in this state in accordance with the provisions of
1395 Sections 1 through 12 of this act, without being required to
1396 transact the sale and shipment of those wines and/or distilled
1397 spirits through the Alcoholic Beverage Control Division of the
1398 department.

1399 (x) **Wine and Distilled Spirits Fulfillment Provider**
1400 **Permit.** A wine and distilled spirits fulfillment provider permit
1401 shall authorize the holder to only provide logistics services of



1402 warehousing, packaging, order fulfillment, and shipment of wine
1403 and/or distilled spirits for a direct shipper permittee for which
1404 the wine and distilled spirits fulfillment provider permittee is
1405 the bailee of the wine and/or distilled spirits under Sections 1
1406 through 12 of this act. Wine and/or distilled spirits held in
1407 bailment by a wine and distilled spirits fulfillment provider
1408 permittee shall remain the property of the direct shipper
1409 permittee until loaded on conveyance for direct shipment to a
1410 Mississippi resident.

1411 (2) Except as otherwise provided in subsection (4) of this
1412 section, retail permittees may hold more than one (1) retail
1413 permit, at the discretion of the department.

1414 (3) (a) Except as otherwise provided in this subsection, no
1415 authority shall be granted to any person to manufacture, sell or
1416 store for sale any intoxicating liquor as specified in this
1417 article within four hundred (400) feet of any church, school,
1418 kindergarten or funeral home. However, within an area zoned
1419 commercial or business, such minimum distance shall be not less
1420 than one hundred (100) feet.

1421 (b) A church or funeral home may waive the distance
1422 restrictions imposed in this subsection in favor of allowing
1423 issuance by the department of a permit, pursuant to subsection (1)
1424 of this section, to authorize activity relating to the
1425 manufacturing, sale or storage of alcoholic beverages which would
1426 otherwise be prohibited under the minimum distance criterion.



1427 Such waiver shall be in written form from the owner, the governing
1428 body, or the appropriate officer of the church or funeral home
1429 having the authority to execute such a waiver, and the waiver
1430 shall be filed with and verified by the department before becoming
1431 effective.

1432 (c) The distance restrictions imposed in this
1433 subsection shall not apply to the sale or storage of alcoholic
1434 beverages at a bed and breakfast inn listed in the National
1435 Register of Historic Places or to the sale or storage of alcoholic
1436 beverages in a historic district that is listed in the National
1437 Register of Historic Places, is a qualified resort area and is
1438 located in a municipality having a population greater than one
1439 hundred thousand (100,000) according to the latest federal
1440 decennial census.

1441 (d) The distance restrictions imposed in this
1442 subsection shall not apply to the sale or storage of alcoholic
1443 beverages at a qualified resort area as defined in Section
1444 67-1-5(o)(iii)32.

1445 (e) The distance restrictions imposed in this
1446 subsection shall not apply to the sale or storage of alcoholic
1447 beverages at a licensed premises in a building formerly owned by a
1448 municipality and formerly leased by the municipality to a
1449 municipal school district and used by the municipal school
1450 district as a district bus shop facility.



1451 (f) The distance restrictions imposed in this
1452 subsection shall not apply to the sale or storage of alcoholic
1453 beverages at a licensed premises in a building consisting of at
1454 least five thousand (5,000) square feet and located approximately
1455 six hundred (600) feet from the intersection of Mississippi
1456 Highway 15 and Mississippi Highway 4.

1457 (g) The distance restrictions imposed in this
1458 subsection shall not apply to the sale or storage of alcoholic
1459 beverages at a licensed premises in a building located at or near
1460 the intersection of Ward and Tate Streets and adjacent properties
1461 in the City of Senatobia, Mississippi.

1462 (h) The distance restrictions imposed in this
1463 subsection shall not apply to the sale or storage of alcoholic
1464 beverages at a theatre facility that features plays and other
1465 theatrical performances and productions and (i) is capable of
1466 seating more than seven hundred fifty (750) people, (ii) is owned
1467 by a municipality which has a population greater than ten thousand
1468 (10,000) according to the latest federal decennial census, (iii)
1469 was constructed prior to 1930, (iv) is on the National Register of
1470 Historic Places, and (v) is located in a historic district.

1471 (i) The distance restrictions imposed in this
1472 subsection shall not apply to the sale or storage of alcoholic
1473 beverages at a licensed premises in a building located
1474 approximately one and six-tenths (1.6) miles north of the



1475 intersection of Mississippi Highway 15 and Mississippi Highway 4
1476 on the west side of Mississippi Highway 15.

1477 (4) No person, either individually or as a member of a firm,
1478 partnership, limited liability company or association, or as a
1479 stockholder, officer or director in a corporation, shall own or
1480 control any interest in more than one (1) package retailer's
1481 permit, nor shall such person's spouse, if living in the same
1482 household of such person, any relative of such person, if living
1483 in the same household of such person, or any other person living
1484 in the same household with such person own any interest in any
1485 other package retailer's permit.

1486 (5) (a) In addition to any other authority granted under
1487 this section, the holder of a permit issued under subsection
1488 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1489 sell or otherwise provide alcoholic beverages and/or wine to a
1490 patron of the permit holder in the manner authorized in the permit
1491 and the patron may remove an open glass, cup or other container of
1492 the alcoholic beverage and/or wine from the licensed premises and
1493 may possess and consume the alcoholic beverage or wine outside of
1494 the licensed premises if: (i) the licensed premises is located
1495 within a leisure and recreation district created under Section
1496 67-1-101 and (ii) the patron remains within the boundaries of the
1497 leisure and recreation district while in possession of the
1498 alcoholic beverage or wine.



1499 (b) Nothing in this subsection shall be construed to
1500 allow a person to bring any alcoholic beverages into a permitted
1501 premises except to the extent otherwise authorized by this
1502 article.

1503 **SECTION 20.** Section 67-1-53, Mississippi Code of 1972, is
1504 amended as follows:

1505 67-1-53. (1) Application for permits shall be in such form
1506 and shall contain such information as shall be required by the
1507 regulations of the * * * department; however, no regulation of
1508 the * * * department shall require personal financial information
1509 from any officer of a corporation applying for an on-premises
1510 retailer's permit to sell alcoholic beverages unless such officer
1511 owns ten percent (10%) or more of the stock of such corporation.

1512 (2) Every applicant for each type of permit authorized by
1513 Section 67-1-51 shall give notice of such application by
1514 publication for two (2) consecutive issues in a newspaper of
1515 general circulation published in the city or town in which
1516 applicant's place of business is located. However, in instances
1517 where no newspaper is published in the city or town, then the
1518 notice shall be published in a newspaper of general circulation
1519 published in the county where the applicant's business is located.
1520 If no newspaper is published in the county, the notice shall be
1521 published in a qualified newspaper which is published in the
1522 closest neighboring county and circulated in the county of
1523 applicant's residence. The notice shall be printed in ten-point



1524 black face type and shall set forth the type of permit to be
1525 applied for, the exact location of the place of business, the name
1526 of the owner or owners thereof, and if operating under an assumed
1527 name, the trade name together with the names of all owners, and if
1528 a corporation, the names and titles of all officers. The cost of
1529 such notice shall be borne by the applicant. The provisions of
1530 this subsection (2) shall not apply to applicants for a direct
1531 shipper's permit under Sections 1 through 12 of this act.

1532 (3) Each application or filing made under this section shall
1533 include the social security number(s) of the applicant in
1534 accordance with Section 93-11-64, Mississippi Code of 1972.

1535 **SECTION 21.** Section 67-1-55, Mississippi Code of 1972, is
1536 amended as follows:

1537 67-1-55. No permit of any type shall be issued by the * * *
1538 department until the applicant has first filed with the * * *
1539 department a sworn statement disclosing all persons who are
1540 financially involved in the operation of the business for which
1541 the permit is sought. If an applicant is an individual, he will
1542 swear that he owns one hundred percent (100%) of the business for
1543 which he is seeking a permit. If the applicant is a partnership,
1544 all partners and their addresses shall be disclosed and the extent
1545 of their interest in the partnership shall be disclosed. If the
1546 applicant is a corporation, the total stock in the corporation
1547 shall be disclosed and each shareholder and his address and the
1548 amount of stock in the corporation owned by him shall be



1549 disclosed. If the applicant is a limited liability company, each
1550 member and their addresses shall be disclosed and the extent of
1551 their interest in the limited liability company shall be
1552 disclosed. If the applicant is a trust, the trustee and all
1553 beneficiaries and their addresses shall be disclosed. If the
1554 applicant is a combination of any of the above, all information
1555 required to be disclosed above shall be required.

1556 All the disclosures shall be in writing and kept on file at
1557 the * * * department and shall be available to the public.

1558 Every applicant must, when applying for a renewal of his
1559 permit, disclose any change in the ownership of the business or
1560 any change in the beneficiaries of the income from the business.

1561 Any person who willfully fails to fully disclose the
1562 information required by this section, or who gives false
1563 information, shall be guilty of a misdemeanor and, upon conviction
1564 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1565 (\$500.00) or imprisoned for not more than one (1) year, or both,
1566 and the person or applicant shall never again be eligible for any
1567 permit pertaining to alcoholic beverages.

1568 The provisions of this section shall not apply to applicants
1569 for a direct shipper's permit under Sections 1 through 12 of this
1570 act.

1571 **SECTION 22.** Section 67-1-57, Mississippi Code of 1972, is
1572 amended as follows:



1573 67-1-57. Before a permit is issued the department shall
1574 satisfy itself:

1575 (a) That the applicant, if an individual, or if a
1576 partnership, each of the members of the partnership, or if a
1577 corporation, each of its principal officers and directors, or if a
1578 limited liability company, each member of the limited liability
1579 company, is of good moral character and, in addition, enjoys a
1580 reputation of being a peaceable, law-abiding citizen of the
1581 community in which he resides, and is generally fit for the trust
1582 to be reposed in him, is not less than twenty-one (21) years of
1583 age, and has not been convicted of a felony in any state or
1584 federal court.

1585 (b) That, except in the case of an application for a
1586 solicitor's permit, the applicant is the true and actual owner of
1587 the business for which the permit is desired, and that he intends
1588 to carry on the business authorized for himself and not as the
1589 agent of any other person, and that he intends to superintend in
1590 person the management of the business or that he will designate a
1591 manager to manage the business for him. Except for managers
1592 employed by the holder of a direct shipper's permit, all managers
1593 must be approved by the department prior to completing any
1594 managerial tasks on behalf of the permittee and must possess all
1595 of the qualifications required of a permittee; however, a felony
1596 conviction, other than a crime of violence, does not automatically
1597 disqualify a person from being approved as a manager if the person



1598 was released from incarceration at least three (3) years prior to
1599 application for approval as a manager. A felony conviction, other
1600 than a crime of violence, may be considered by the department in
1601 determining whether all other qualifications are met.

1602 (c) That the applicant for a package retailer's permit,
1603 if an individual, is a resident of the State of Mississippi. If
1604 the applicant is a partnership, each member of the partnership
1605 must be a resident of the state. If the applicant is a limited
1606 liability company, each member of the limited liability company
1607 must be a resident of the state. If the applicant is a
1608 corporation, the designated manager of the corporation must be a
1609 resident of the state.

1610 (d) That the place for which the permit is to be issued
1611 is an appropriate one considering the character of the premises
1612 and the surrounding neighborhood.

1613 (e) That the place for which the permit is to be issued
1614 is within the corporate limits of an incorporated municipality or
1615 qualified resort area or club which comes within the provisions of
1616 this article.

1617 (f) That the applicant is not indebted to the state for
1618 any taxes, fees or payment of penalties imposed by any law of the
1619 State of Mississippi or by any rule or regulation of the * * *
1620 department.

1621 (g) That the applicant is not in the habit of using
1622 alcoholic beverages to excess and is not physically or mentally



1623 incapacitated, and that the applicant has the ability to read and
1624 write the English language.

1625 (h) That the * * * department does not believe and has
1626 no reason to believe that the applicant will sell or knowingly
1627 permit any agent, servant or employee to unlawfully sell liquor in
1628 a dry area or in any other manner contrary to law.

1629 (i) That the applicant is not residentially domiciled
1630 with any person whose permit or license has been cancelled for
1631 cause within the twelve (12) months next preceding the date of the
1632 present application for a permit.

1633 (j) That the * * * department has not, in the exercise
1634 of its discretion which is reserved and preserved to it, refused
1635 to grant permits under the restrictions of this section, as well
1636 as under any other pertinent provision of this article.

1637 (k) That there are not sufficient legal reasons to deny
1638 a permit on the ground that the premises for which the permit is
1639 sought has previously been operated, used or frequented for any
1640 purpose or in any manner that is lewd, immoral or offensive to
1641 public decency. In the granting or withholding of any permit to
1642 sell alcoholic beverages at retail, the * * * department in
1643 forming its conclusions may give consideration to any
1644 recommendations made in writing by the district or county attorney
1645 or county, circuit or chancery judge of the county, or the sheriff
1646 of the county, or the mayor or chief of police of an incorporated
1647 city or town wherein the applicant proposes to conduct his



1648 business and to any recommendations made by representatives of
1649 the * * * department.

1650 (1) That the applicant and the applicant's key
1651 employees, as determined by the * * * department, do not have a
1652 disqualifying criminal record. In order to obtain a criminal
1653 record history check, the applicant shall submit to the commission
1654 a set of fingerprints from any local law enforcement agency for
1655 each person for whom the records check is required. The * * *
1656 department shall forward the fingerprints to the Mississippi
1657 Department of Public Safety. If no disqualifying record is
1658 identified at the state level, the Department of Public Safety
1659 shall forward the fingerprints to the Federal Bureau of
1660 Investigation for a national criminal history record check. Costs
1661 for processing the set or sets of fingerprints shall be borne by
1662 the applicant. The department may waive the fingerprint
1663 requirement in the case of an applicant for a direct shipper's
1664 permit. The * * * department shall not deny employment to an
1665 employee of the applicant prior to the identification of a
1666 disqualifying record or other disqualifying information.

1667 **SECTION 23.** Section 67-1-73, Mississippi Code of 1972, is
1668 amended as follows:

1669 67-1-73. (1) Except as otherwise provided in subsection (3)
1670 of this section, every manufacturer, including native wine or
1671 native spirit producers, within or without the state, and every
1672 other shipper of alcoholic beverages who sells any alcoholic



1673 beverage, including native wine or native spirit, within the
1674 state, shall, at the time of making such sale, file with the
1675 department a copy of the invoice of such sale showing in detail
1676 the kind of alcoholic beverage sold, the quantities of each, the
1677 size of the container and the weight of the contents, the
1678 alcoholic content, and the name and address of the person to whom
1679 sold.

1680 (2) Except as otherwise provided in subsection (3) of this
1681 section, every person transporting alcoholic beverages, including
1682 native wine or native spirit, within this state to a point within
1683 this state, whether such transportation originates within or
1684 without this state, shall, within five (5) days after delivery of
1685 such shipment, furnish the department a copy of the bill of lading
1686 or receipt, showing the name or consignor or consignee, date,
1687 place received, destination, and quantity of alcoholic beverages
1688 delivered. Upon failure to comply with the provisions of this
1689 section, such person shall be deemed guilty of a misdemeanor and,
1690 upon conviction thereof, shall be fined in the sum of Fifty
1691 Dollars (\$50.00) for each offense.

1692 (3) Information regarding the sales, shipment, delivery and
1693 transportation of wine and/or distilled spirits in this state by
1694 the holder of a direct shipper's permit under Sections 1 through
1695 12 of this act shall be in such form and content as prescribed by
1696 the department.



1697 **SECTION 24.** Section 97-31-47, Mississippi Code of 1972, is
1698 amended as follows:

1699 97-31-47. It shall be unlawful for any transportation
1700 company, or any agent, employee, or officer of such company, or
1701 any other person, or corporation to transport into or deliver in
1702 this state in any manner or by any means any spirituous, vinous,
1703 malt, or other intoxicating liquors or drinks, or for any such
1704 person, company, or corporation to transport any spirituous, malt,
1705 vinous, or intoxicating liquors or drinks from one place within
1706 this state to another place within the state, or from one (1)
1707 point within this state to any point without the state, except in
1708 cases where this chapter * * *, Section 67-9-1, or Sections 1
1709 through 12 of this act authorizes the transportation.

1710 **SECTION 25.** Section 97-31-49, Mississippi Code of 1972, is
1711 amended as follows:

1712 97-31-49. Except as otherwise provided in Sections 1 through
1713 12 of this act, it shall be unlawful for any person, firm or
1714 corporation in this state, in person, by letter, circular, or
1715 other printed or written matter, or in any other manner, to
1716 solicit or take order in this state for any liquors, bitters or
1717 drinks prohibited by the laws of this state to be sold, bartered,
1718 or otherwise disposed of. The inhibition of this section shall
1719 apply to such liquors, bitters and drinks, whether the parties
1720 intend that the same shall be shipped into this state from outside
1721 of the state, or from one (1) point in this state to another point



1722 in this state. If such order be in writing, parol evidence
1723 thereof is admissible without producing or accounting for the
1724 absence of the original; and the taking or soliciting of such
1725 orders is within the inhibition of this section, although the
1726 orders are subject to approval by some other person, and no part
1727 of the price is paid, nor any part of the goods is delivered when
1728 the order is taken.

1729 **SECTION 26.** This act shall take effect and be in force from
1730 and after July 1, 2024.

