

By: Representatives Zuber, Yates, Powell,  
McGee

To: State Affairs

## HOUSE BILL NO. 430

1 AN ACT TO AUTHORIZE A PERSON WHO IS LICENSED OR PERMITTED  
2 OUTSIDE OF THIS STATE TO ENGAGE IN THE ACTIVITY OF SELLING AND  
3 SHIPPING WINE DIRECTLY TO RESIDENTS IN ANY OTHER STATE, TO SELL  
4 AND SHIP WINE DIRECTLY TO RESIDENTS IN THIS STATE, IF THE PERSON  
5 OBTAINS A DIRECT WINE SHIPPER'S PERMIT FROM THE DEPARTMENT OF  
6 REVENUE; TO PROVIDE FOR THE ISSUANCE OF DIRECT WINE SHIPPER'S  
7 PERMITS; TO REQUIRE THE HOLDER OF A DIRECT WINE SHIPPER'S PERMIT  
8 TO KEEP CERTAIN RECORDS; TO PROHIBIT THE HOLDER OF A DIRECT WINE  
9 SHIPPER'S PERMIT FROM SELLING OR SHIPPING LIGHT WINE, LIGHT SPIRIT  
10 PRODUCTS OR BEER OR ANY ALCOHOLIC BEVERAGE OTHER THAN WINE; TO  
11 PROHIBIT THE HOLDER OF A DIRECT WINE SHIPPER'S PERMIT FROM SELLING  
12 OR SHIPPING WINE THAT IS AVAILABLE THROUGH THE ALCOHOLIC BEVERAGE  
13 CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; TO PROVIDE FOR THE  
14 ANNUAL RENEWAL OF DIRECT WINE SHIPPER'S PERMITS; TO PROVIDE THAT  
15 PERSONS PURCHASING OR RECEIVING A DIRECT SHIPMENT OF WINE FROM A  
16 DIRECT WINE SHIPPER MUST BE AT LEAST TWENTY-ONE YEARS OF AGE; TO  
17 PROVIDE THAT PERSONS RECEIVING A DIRECT SHIPMENT OF WINE FROM A  
18 DIRECT WINE SHIPPER SHALL USE THE WINE FOR PERSONAL CONSUMPTION  
19 ONLY AND MAY NOT RESELL IT; TO AUTHORIZE THE COMMISSIONER OF  
20 REVENUE TO ADOPT ANY RULES OR REGULATIONS AS NECESSARY TO CARRY  
21 OUT THIS ACT; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO  
22 AMEND SECTIONS 27-71-5, 27-71-7, 27-71-15 AND 27-71-29,  
23 MISSISSIPPI CODE OF 1972, TO PROVIDE THE PRIVILEGE TAX REQUIRED  
24 FOR THE ISSUANCE OF A DIRECT WINE SHIPPER'S PERMIT; TO LEVY A TAX  
25 UPON THE SALES AND SHIPMENTS OF WINE MADE BY A DIRECT WINE  
26 SHIPPER; TO REQUIRE A CERTAIN AMOUNT OF THE TAXES LEVIED TO BE  
27 DEPOSITED INTO THE MENTAL HEALTH PROGRAMS FUND; TO AMEND SECTIONS  
28 67-1-41, 67-1-45, 67-1-53, 67-1-55, 67-1-57, 67-1-73, 97-31-47 AND  
29 97-31-49, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE FOREGOING  
30 PROVISIONS OF THIS ACT; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE  
31 OF 1972, IN CONFORMITY TO THE FOREGOING PROVISIONS OF THIS ACT;  
32 AND FOR RELATED PURPOSES.

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



34           **SECTION 1.** As used in Sections 1 through 9 of this act, the  
35 following words shall have the meanings as defined in this section  
36 unless the context otherwise requires:

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

38           (b) "Direct wine shipper" means the holder of a direct  
39 wine shipper's permit issued by the department under Sections 1  
40 through 9 of this act.

41           (c) "Permit" means a direct wine shipper's permit  
42 issued by the department under Sections 1 through 9 of this act.

43           (d) "Wine" means any product obtained from the  
44 alcoholic fermentation of the juice of sound, ripe grapes, fruits  
45 or berries, made in accordance with the revenue laws of the United  
46 States, and containing more than five percent (5%) of alcohol by  
47 weight.

48           In addition, the definitions in Section 67-1-5 shall be  
49 applicable to the terms used in Sections 1 through 9 of this act  
50 unless the context otherwise requires.

51           **SECTION 2.** A person must hold a permit as a direct wine  
52 shipper issued by the department before the person may engage in  
53 selling and shipping wine directly to a resident in this state. A  
54 direct wine shipper may sell and ship wine directly to residents  
55 in this state without being required to transact the sale and  
56 shipment through the Alcoholic Beverage Control Division of the  
57 department.



58           **SECTION 3.** To qualify for a permit, an applicant shall be a  
59 person licensed or permitted outside of this state to engage in  
60 the activity of selling and shipping wine directly to residents in  
61 any other state.

62           **SECTION 4.** (1) An applicant for a permit shall:

63                   (a) Submit to the department a completed application on  
64 a form provided by the department, containing all information that  
65 is required by the department;

66                   (b) Provide to the department a copy of the applicant's  
67 current license or permit to engage in the activity of selling and  
68 shipping wine directly to residents in any other state; and

69                   (c) Pay to the department the tax prescribed in Section  
70 27-71-5.

71           (2) After a person complies with the provisions of  
72 subsection (1) of this section, the department may conduct any  
73 investigation as it considers necessary regarding the issuance of  
74 a permit, and the department shall issue a permit to the applicant  
75 if the requirements of Sections 1 through 9 of this act are met.

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

77                   (a) Ensure that all containers of wine sold and shipped  
78 directly to a resident in this state are conspicuously labeled  
79 with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21  
80 YEARS OR OLDER REQUIRED FOR DELIVERY";



81 (b) Report to the department annually the total amount  
82 of wine, by type, sold and shipped into or within the state the  
83 preceding calendar year;

84 (c) Maintain for at least three (3) years all records  
85 that allow the department to ascertain the truthfulness of the  
86 information filed under Sections 1 through 9 of this act;

87 (d) Allow the department to perform an audit of the  
88 direct wine shipper's records upon request; and

89 (e) Be deemed to have consented to the jurisdiction of  
90 the department or any other state agency and the state courts  
91 concerning enforcement of Sections 1 through 9 of this act and any  
92 related laws, rules or regulations.

93 (2) A direct wine shipper may not:

94 (a) Sell or ship any light wine, light spirit products  
95 or beer that is regulated under Section 67-3-1 et seq. or any  
96 alcoholic beverage other than wine;

97 (b) Sell or ship wine that is available through the  
98 Alcoholic Beverage Control Division of the department; or

99 (c) Ship wine to an address in a county that has not  
100 voted in favor of coming out from under the dry law.

101 **SECTION 6.** A direct wine shipper may annually renew his or  
102 her permit, if the direct wine shipper:

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



104 (b) Provides to the department a copy of his or her  
105 current license or permit to engage in the activity of selling and  
106 shipping wine directly to residents in any other state; and

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

109 **SECTION 7.** (1) To purchase and receive a direct shipment of  
110 wine from a direct wine shipper, a resident of this state must be  
111 at least twenty-one (21) years of age, and a person who is at  
112 least twenty-one (21) years of age must sign for any wine shipped  
113 from a direct wine shipper.

114 (2) A shipment of wine may be ordered or purchased from a  
115 direct wine shipper through a computer network.

116 (3) A person who receives a direct shipment of wine from a  
117 direct wine shipper shall use the wine for personal consumption  
118 only and may not resell it.

119 **SECTION 8.** The department may adopt any rules or regulations  
120 as necessary to carry out Sections 1 through 9 of this act. All  
121 of the enforcement provisions of Section 67-1-1 et seq., that are  
122 not in conflict with Sections 1 through 9 of this act may be used  
123 by the department to enforce the provisions of Sections 1 through  
124 9 of this act.

125 **SECTION 9.** (1) Any person who makes, participates in,  
126 transports, imports or receives a sale or shipment of wine in  
127 violation of Sections 1 through 9 of this act is guilty of a  
128 misdemeanor and, upon conviction thereof, shall be punished by a



129 fine not exceeding One Thousand Dollars (\$1,000.00) or  
130 imprisonment in the county jail for not more than six (6) months,  
131 or both. Each sale or shipment in violation of Sections 1 through  
132 9 of this act shall constitute a separate offense.

133 (2) If any holder of a direct wine shipper's permit violates  
134 any provision of Sections 1 through 9 of this act, the department  
135 may suspend or revoke the permit and impose civil penalties as  
136 authorized under Section 67-1-1 et seq.

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

139 27-71-5. (1) Upon each person approved for a permit under  
140 the provisions of the Alcoholic Beverage Control Law and  
141 amendments thereto, there is levied and imposed for each location  
142 for the privilege of engaging and continuing in this state in the  
143 business authorized by such permit, an annual privilege license  
144 tax in the amount provided in the following schedule:

145 (a) Except as otherwise provided in this subsection  
146 (1), manufacturer's permit, Class 1, distiller's and/or  
147 rectifier's:

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

150 (ii) For a permittee with annual production under five thousand  
151 (5,000) gallons.....\$2,800.00

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



154 (c) Manufacturer's permit, Class 3, native wine  
 155 manufacturer per ten thousand (10,000) gallons or part thereof  
 156 produced.....\$ 10.00  
 157 (d) Manufacturer's permit, Class 4, native spirit  
 158 manufacturer per one thousand (1,000) gallons or part thereof  
 159 produced.....\$ 300.00  
 160 (e) Native wine retailer's permit.....\$ 50.00  
 161 (f) Package retailer's permit, each.....\$ 900.00  
 162 (g) On-premises retailer's permit, except for clubs and  
 163 common carriers, each.....\$ 450.00  
 164 (h) On-premises retailer's permit for wine of more than  
 165 five percent (5%) alcohol by weight, but not more than twenty-one  
 166 percent (21%) alcohol by weight, each.....\$ 225.00  
 167 (i) On-premises retailer's permit for clubs...\$ 225.00  
 168 (j) On-premises retailer's permit for common carriers,  
 169 per car, plane, or other vehicle.....\$ 120.00  
 170 (k) Solicitor's permit, regardless of any other  
 171 provision of law, solicitor's permits shall be issued only in the  
 172 discretion of the department.....\$ 100.00  
 173 (l) Filing fee for each application except for an  
 174 employee identification card.....\$ 25.00  
 175 (m) Temporary permit, Class 1, each.....\$ 10.00  
 176 (n) Temporary permit, Class 2, each.....\$ 50.00  
 177 (o) (i) Caterer's permit.....\$ 600.00



178	(ii) Caterer's permit for holders of on-premises	
179	retailer's permit.....	\$ 150.00
180	(p) Research permit.....	\$ 100.00
181	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
182	(r) Special service permit.....	\$ 225.00
183	(s) Merchant permit.....	\$ 225.00
184	(t) Temporary alcoholic beverages charitable auction	
185	permit.....	\$ 10.00
186	(u) Event venue retailer's permit.....	\$ 225.00
187	(v) Temporary theatre permit, each.....	\$ 10.00
188	(w) Charter ship operator's permit.....	\$ 100.00
189	(x) Distillery retailer's permit.....	\$ 450.00
190	(y) Festival wine permit.....	\$ 10.00
191	(z) Charter vessel operator's permit.....	\$ 100.00
192	(aa) Native spirit retailer's permit.....	\$ 50.00
193	(bb) Delivery service permit.....	\$ 500.00
194	(cc) Food truck permit.....	\$ 100.00
195	<u>(dd) Direct wine shipper's permit.....</u>	<u>\$ 100.00</u>

196 In addition to the filing fee imposed by paragraph (1) of  
197 this subsection, a fee to be determined by the Department of  
198 Revenue may be charged to defray costs incurred to process  
199 applications. The additional fees shall be paid into the State  
200 Treasury to the credit of a special fund account, which is hereby  
201 created, and expenditures therefrom shall be made only to defray  
202 the costs incurred by the Department of Revenue in processing





203 alcoholic beverage applications. Any unencumbered balance  
204 remaining in the special fund account on June 30 of any fiscal  
205 year shall lapse into the State General Fund.

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

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

214 (2) (a) There is imposed and shall be collected from each  
215 permittee, except a common carrier, solicitor, a temporary  
216 permittee, holder of a direct wine shipper's permit or a delivery  
217 service permittee, by the department, an additional license tax  
218 equal to the amounts imposed under subsection (1) of this section  
219 for the privilege of doing business within any municipality or  
220 county in which the licensee is located.

221 (b) (i) In addition to the tax imposed in paragraph  
222 (a) of this subsection, there is imposed and shall be collected by  
223 the department from each permittee described in subsection (1)(g),  
224 (h), (i), (n) and (u) of this section, an additional license tax  
225 for the privilege of doing business within any municipality or  
226 county in which the licensee is located in the amount of Two  
227 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five



228 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars  
229 (\$225.00) for each additional purchase of Five Thousand Dollars  
230 (\$5,000.00), or fraction thereof.

231 (ii) In addition to the tax imposed in paragraph  
232 (a) of this subsection, there is imposed and shall be collected by  
233 the department from each permittee described in subsection (1)(o)  
234 and (s) of this section, an additional license tax for the  
235 privilege of doing business within any municipality or county in  
236 which the licensee is located in the amount of Two Hundred Fifty  
237 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars  
238 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each  
239 additional purchase of Five Thousand Dollars (\$5,000.00), or  
240 fraction thereof.

241 (iii) Any person who has paid the additional  
242 privilege license tax imposed by this paragraph, and whose permit  
243 is renewed, may add any unused fraction of Five Thousand Dollars  
244 (\$5,000.00) purchases to the first Five Thousand Dollars  
245 (\$5,000.00) purchases authorized by the renewal permit, and no  
246 additional license tax will be required until purchases exceed the  
247 sum of the two (2) figures.

248 (c) If the licensee is located within a municipality,  
249 the department shall pay the amount of additional license tax  
250 collected under this section to the municipality, and if outside a  
251 municipality the department shall pay the additional license tax  
252 to the county in which the licensee is located. Payments by the



253 department to the respective local government subdivisions shall  
254 be made once each month for any collections during the preceding  
255 month.

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

262 (4) The number of permits issued by the department shall not  
263 be restricted or limited on a population basis; however, the  
264 foregoing limitation shall not be construed to preclude the right  
265 of the department to refuse to issue a permit because of the  
266 undesirability of the proposed location.

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

275 (6) It shall be unlawful for any person to consume alcoholic  
276 beverages on the premises of any hotel restaurant, restaurant,  
277 club or the interior of any public place defined in Chapter 1,



278 Title 67, Mississippi Code of 1972, when the owner or manager  
279 thereof displays in several conspicuous places inside the  
280 establishment and at the entrances of establishment a sign  
281 containing the following language: NO ALCOHOLIC BEVERAGES  
282 ALLOWED.

283 **SECTION 11.** Section 27-71-7, Mississippi Code of 1972, is  
284 amended as follows:

285 27-71-7. (1) There is hereby levied and assessed an excise  
286 tax upon each case of alcoholic beverages sold by the department  
287 to be collected from each retail licensee at the time of sale in  
288 accordance with the following schedule:

289 (a) Distilled spirits.....\$2.50 per  
290 gallon

291 (b) Sparkling wine and champagne.....\$1.00 per  
292 gallon

293 (c) Other wines, including native wines...\$ .35 per  
294 gallon

295 (2) (a) In addition to the tax levied by subsection (1) of  
296 this section, and in addition to any other markup collected, the  
297 Alcoholic Beverage Control Division shall collect a markup of  
298 three percent (3%) on all alcoholic beverages, as defined in  
299 Section 67-1-5, Mississippi Code of 1972, which are sold by the  
300 division. The proceeds of the markup shall be collected by the  
301 division from each purchaser at the time of purchase.



302 (b) Until June 30, 1987, the revenue derived from this  
303 three percent (3%) markup shall be deposited by the division in  
304 the State Treasury to the credit of the "Alcoholism Treatment and  
305 Rehabilitation Fund," a special fund which is hereby created in  
306 the State Treasury, and shall be used by the Division of Alcohol  
307 and Drug Abuse of the State Department of Mental Health and public  
308 or private centers or organizations solely for funding of  
309 treatment and rehabilitation programs for alcoholics and alcohol  
310 abusers which are sponsored by the division or public or private  
311 centers or organizations in such amounts as the Legislature may  
312 appropriate to the division for use by the division or public or  
313 private centers or organizations for such programs. Any tax  
314 revenue in the fund which is not encumbered at the end of the  
315 fiscal year shall lapse to the General Fund. It is the intent of  
316 the Legislature that the State Department of Mental Health shall  
317 continue to seek funds from other sources and shall use the funds  
318 appropriated for the purposes of this section and Section 27-71-29  
319 to match all federal funds which may be available for alcoholism  
320 treatment and rehabilitation.

321 From and after July 1, 1987, the revenue derived from this  
322 three percent (3%) markup shall be deposited by the division in  
323 the State Treasury to the credit of the "Mental Health Programs  
324 Fund," a special fund which is hereby created in the State  
325 Treasury and shall be used by the State Department of Mental  
326 Health for the service programs of the department. Any revenue in



327 the "Alcoholism Treatment and Rehabilitation Fund" which is not  
328 encumbered at the end of Fiscal Year 1987 shall be deposited to  
329 the credit of the "Mental Health Programs Fund."

330 (3) There is levied and assessed upon the holder of a direct  
331 wine shipper's permit, a tax in the amount of thirty-four percent  
332 (34%) of the sales price of each sale and shipment of wine made to  
333 a resident in this state. The holder of a direct wine shipper's  
334 permit shall file a monthly report with the department along with  
335 a copy of the invoice for each sale and shipment of wine and remit  
336 any taxes due; however, no report shall be required for months in  
337 which no sales or shipments were made into this state. The  
338 report, together with copies of the invoices and the payment of  
339 all taxes, shall be filed with the department not later than the  
340 twentieth day of the month following the month in which the  
341 shipment was made. Permittees who fail to timely file and pay  
342 taxes as required by this subsection shall pay a late fee in the  
343 amount of Fifty Dollars (\$50.00), in addition to any other penalty  
344 authorized by this article.

345 **SECTION 12.** Section 27-71-15, Mississippi Code of 1972, is  
346 amended as follows:

347 27-71-15. Except as otherwise provided in Section 67-9-1 for  
348 the transportation of limited amounts of alcoholic beverages for  
349 the use of an alcohol processing permittee, and in Sections 1  
350 through 9 of this act for the sale and shipment of wine by the  
351 holder of a direct wine shipper's permit, if transportation



352 requires passage through a county which has not authorized the  
353 sale of alcoholic beverages, such transportation shall be by a  
354 sealed vehicle. Such seal shall remain unbroken until the vehicle  
355 shall reach the place of business operated by the permittee. The  
356 operator of any vehicle transporting alcoholic beverages shall  
357 have in his possession an invoice issued by the \* \* \* department  
358 at the time of the wholesale sale covering the merchandise  
359 transported by the vehicle. The \* \* \* department is authorized to  
360 issue regulations controlling the transportation of alcoholic  
361 beverages.

362 When the restrictions imposed by this section and by the  
363 regulation of the \* \* \* department have not been violated, the  
364 person transporting alcoholic beverages through a county wherein  
365 the sale of alcoholic beverages is prohibited shall not be guilty  
366 of unlawful possession and such merchandise shall be immune from  
367 seizure.

368 **SECTION 13.** Section 27-71-29, Mississippi Code of 1972, is  
369 amended as follows:

370 27-71-29. (1) All taxes levied by this article shall be  
371 paid to the Department of Revenue in cash or by personal check,  
372 cashier's check, bank exchange, post office money order or express  
373 money order and shall be deposited by the department in the State  
374 Treasury on the same day collected, but no remittances other than  
375 cash shall be a final discharge of liability for the tax herein



376 imposed and levied unless and until it has been paid in cash to  
377 the department.

378 All taxes levied under Section 27-71-7(1) and received by the  
379 department under this article shall be paid into the General Fund,  
380 and the three percent (3%) levied under Section 27-71-7(2) and  
381 received by the department under this article shall be paid into  
382 the special fund in the State Treasury designated as the  
383 "Alcoholism Treatment and Rehabilitation Fund" as required by law.  
384 Any funds derived from the sale of alcoholic beverages in excess  
385 of inventory requirements shall be paid not less often than  
386 annually into the General Fund, except for a portion of the  
387 twenty-seven and one-half percent (27-1/2%) markup provided for in  
388 Section 27-71-11, as specified in subsection (2) of this section,  
389 and except for fees charged by the department for the defraying of  
390 costs associated with shipping alcoholic beverages. The revenue  
391 derived from these fees shall be deposited by the department into  
392 a special fund, hereby created in the State Treasury, which is  
393 designated the "ABC Shipping Fund." The monies in this special  
394 fund shall be earmarked for use by the department for any  
395 expenditure made to ship alcoholic beverages. Any net proceeds  
396 remaining in the special fund on August 1 of any fiscal year shall  
397 lapse into the General Fund. "Net proceeds" in this section means  
398 the total of all fees collected by the department to defray the  
399 costs of shipping less the actual costs of shipping.





400 (2) If the special bond sinking fund created in Section 7(3)  
401 of Chapter 483, Laws of 2022 has a balance below the minimum  
402 amount specified in the resolution providing for the issuance of  
403 the bonds, or below one and one-half (1-1/2) times the amount  
404 needed to pay the annual debt obligations related to the bonds  
405 issued under Section 7 of Chapter 483, Laws of 2022, whichever is  
406 the lesser amount, the Commissioner of Revenue shall transfer the  
407 deficit amount to the bond sinking fund from revenue derived from  
408 the twenty-seven and one-half percent (27-1/2%) markup provided  
409 for in Section 27-71-11.

410 (3) All taxes levied under Section 27-71-7(3) and received  
411 by the department under this article shall be paid into the  
412 General Fund, except for an amount equivalent to the three percent  
413 (3%) levied under Section 27-71-7(2), which shall be paid into the  
414 special fund in the State Treasury designated as the "Mental  
415 Health Programs Fund" as required by law.

416 **SECTION 14.** Section 67-1-41, Mississippi Code of 1972, is  
417 amended as follows:

418 67-1-41. (1) The department is hereby created a wholesale  
419 distributor and seller of alcoholic beverages, not including malt  
420 liquors, within the State of Mississippi. It is granted the right  
421 to import and sell alcoholic beverages at wholesale within the  
422 state, and no person who is granted the right to sell, distribute  
423 or receive alcoholic beverages at retail shall purchase any  
424 alcoholic beverages from any source other than the department,



425 except as authorized in subsections (4), (9) and (12) of this  
426 section and Sections 1 through 9 of this act. The department may  
427 establish warehouses, and the department may purchase alcoholic  
428 beverages in such quantities and from such sources as it may deem  
429 desirable and sell the alcoholic beverages to authorized  
430 permittees within the state including, at the discretion of the  
431 department, any retail distributors operating within any military  
432 post or qualified resort areas within the boundaries of the state,  
433 keeping a correct and accurate record of all such transactions and  
434 exercising such control over the distribution of alcoholic  
435 beverages as seem right and proper in keeping with the provisions  
436 or purposes of this article.

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

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

447 (4) The department may promulgate rules and regulations  
448 which authorize on-premises retailers to purchase limited amounts  
449 of alcoholic beverages from package retailers and for package



450 retailers to purchase limited amounts of alcoholic beverages from  
451 other package retailers. The department shall develop and provide  
452 forms to be completed by the on-premises retailers and the package  
453 retailers verifying the transaction. The completed forms shall be  
454 forwarded to the department within a period of time prescribed by  
455 the department.

456 (5) The department may promulgate rules which authorize the  
457 holder of a package retailer's permit to permit individual retail  
458 purchasers of packages of alcoholic beverages to return, for  
459 exchange, credit or refund, limited amounts of original sealed and  
460 unopened packages of alcoholic beverages purchased by the  
461 individual from the package retailer.

462 (6) The department shall maintain all forms to be completed  
463 by applicants necessary for licensure by the department at all  
464 district offices of the department.

465 (7) The department may promulgate rules which authorize the  
466 manufacturer of an alcoholic beverage or wine to import, transport  
467 and furnish or give a sample of alcoholic beverages or wines to  
468 the holders of package retailer's permits, on-premises retailer's  
469 permits, native wine or native spirit retailer's permits and  
470 temporary retailer's permits who have not previously purchased the  
471 brand of that manufacturer from the department. For each holder  
472 of the designated permits, the manufacturer may furnish not more  
473 than five hundred (500) milliliters of any brand of alcoholic  
474 beverage and not more than three (3) liters of any brand of wine.



475           (8) The department may promulgate rules disallowing open  
476 product sampling of alcoholic beverages or wines by the holders of  
477 package retailer's permits and permitting open product sampling of  
478 alcoholic beverages by the holders of on-premises retailer's  
479 permits. Permitted sample products shall be plainly identified  
480 "sample" and the actual sampling must occur in the presence of the  
481 manufacturer's representatives during the legal operating hours of  
482 on-premises retailers.

483           (9) The department may promulgate rules and regulations that  
484 authorize the holder of a research permit to import and purchase  
485 limited amounts of alcoholic beverages from importers, wineries  
486 and distillers of alcoholic beverages or from the department. The  
487 department shall develop and provide forms to be completed by the  
488 research permittee verifying each transaction. The completed  
489 forms shall be forwarded to the department within a period of time  
490 prescribed by the department. The records and inventory of  
491 alcoholic beverages shall be open to inspection at any time by the  
492 Director of the Alcoholic Beverage Control Division or any duly  
493 authorized agent.

494           (10) The department may promulgate rules facilitating a  
495 retailer's on-site pickup of alcoholic beverages sold by the  
496 department or as authorized by the department, including, but not  
497 limited to, native wines and native spirits, so that those  
498 alcoholic beverages may be delivered to the retailer at the



499 manufacturer's location instead of via shipment from the  
500 department's warehouse.

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

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

507           (12) (a) An individual resident of this state who is at  
508 least twenty-one (21) years of age may purchase wine from a winery  
509 and have the purchase shipped into this state so long as it is  
510 shipped to a package retailer permittee in Mississippi; however,  
511 the permittee shall pay to the department all taxes, fees and  
512 surcharges on the wine that are imposed upon the sale of wine  
513 shipped by the department or its warehouse operator. No credit  
514 shall be provided to the permittee for any taxes paid to another  
515 state as a result of the transaction. Package retailers may  
516 charge a service fee for receiving and handling shipments from  
517 wineries on behalf of the purchasers. The department shall  
518 develop and provide forms to be completed by the package retailer  
519 permittees verifying the transaction. The completed forms shall  
520 be forwarded to the department within a period of time prescribed  
521 by the department.

522           (b) The purchaser of wine that is to be shipped to a  
523 package retailer's store shall be required to get the prior



524 approval of the package retailer before any wine is shipped to the  
525 package retailer. A purchaser is limited to no more than ten (10)  
526 cases of wine per year to be shipped to a package retailer. A  
527 package retailer shall notify a purchaser of wine within two (2)  
528 days after receiving the shipment of wine. If the purchaser of  
529 the wine does not pick up or take the wine from the package  
530 retailer within thirty (30) days after being notified by the  
531 package retailer, the package retailer may sell the wine as part  
532 of his inventory.

533 (c) Shipments of wine into this state under this  
534 section shall be made by a duly licensed carrier. It shall be the  
535 duty of every common or contract carrier, and of every firm or  
536 corporation that shall bring, carry or transport wine from outside  
537 the state for delivery inside the state to package retailer  
538 permittees on behalf of consumers, to prepare and file with the  
539 department, on a schedule as determined by the department, of  
540 known wine shipments containing the name of the common or contract  
541 carrier, firm or corporation making the report, the period of time  
542 covered by said report, the name and permit number of the winery,  
543 the name and permit number of the package retailer permittee  
544 receiving such wine, the weight of the package delivered to each  
545 package retailer permittee, a unique tracking number, and the date  
546 of delivery. Reports received by the department shall be made  
547 available by the department to the public via the Mississippi



548 Public Records Act process in the same manner as other state  
549 alcohol filings.

550       Upon the department's request, any records supporting the  
551 report shall be made available to the department within a  
552 reasonable time after the department makes a written request for  
553 such records. Any records containing information relating to such  
554 reports shall be kept and preserved for a period of two (2) years,  
555 unless their destruction sooner is authorized, in writing, by the  
556 department, and shall be open and available to inspection by the  
557 department upon the department's written request. Reports shall  
558 also be made available to any law enforcement or regulatory body  
559 in the state in which the railroad company, express company,  
560 common or contract carrier making the report resides or does  
561 business.

562       Any common or contract carrier that willfully fails to make  
563 reports, as provided by this section or any of the rules and  
564 regulations of the department for the administration and  
565 enforcement of this section, is subject to a notification of  
566 violation. In the case of a continuing failure to make reports,  
567 the common or contract carrier is subject to possible license  
568 suspension and revocation at the department's discretion.

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



572 the enforcement of this section, and of any related law, rules or  
573 regulations.

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

580 (13) If any provision of this article, or its application to  
581 any person or circumstance, is determined by a court to be invalid  
582 or unconstitutional, the remaining provisions shall be construed  
583 in accordance with the intent of the Legislature to further limit  
584 rather than expand commerce in alcoholic beverages to protect the  
585 health, safety, and welfare of the state's residents, and to  
586 enhance strict regulatory control over taxation, distribution and  
587 sale of alcoholic beverages through the three-tier regulatory  
588 system imposed by this article upon all alcoholic beverages to  
589 curb relationships and practices calculated to stimulate sales and  
590 impair the state's policy favoring trade stability and the  
591 promotion of temperance.

592 **SECTION 15.** Section 67-1-45, Mississippi Code of 1972, is  
593 amended as follows:

594 67-1-45. No manufacturer, rectifier or distiller of  
595 alcoholic beverages shall sell or attempt to sell any such  
596 alcoholic beverages, except malt liquor, within the State of





597 Mississippi, except to the department, or as provided in Section  
598 67-1-41, or pursuant to Section 67-1-51. A producer of native  
599 wine or native spirit may sell native wines or native spirits,  
600 respectively, to the department or to consumers at the location of  
601 the native winery or native distillery or its immediate vicinity.  
602 The holder of a direct wine shipper's permit may sell wines  
603 directly to residents in this state as authorized by Sections 1  
604 through 9 of this act.

605 Any violation of this section by any manufacturer, rectifier  
606 or distiller shall be punished by a fine of not less than Five  
607 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars  
608 (\$2,000.00), to which may be added imprisonment in the county jail  
609 not to exceed six (6) months.

610 **SECTION 16.** Section 67-1-51, Mississippi Code of 1972, is amended  
611 as follows:

612 67-1-51. (1) Permits which may be issued by the department  
613 shall be as follows:

614 (a) **Manufacturer's permit.** A manufacturer's permit  
615 shall permit the manufacture, importation in bulk, bottling and  
616 storage of alcoholic liquor and its distribution and sale to  
617 manufacturers holding permits under this article in this state and  
618 to persons outside the state who are authorized by law to purchase  
619 the same, and to sell as provided by this article.

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



621           Class 1. Distiller's and/or rectifier's permit, which shall  
622 authorize the holder thereof to operate a distillery for the  
623 production of distilled spirits by distillation or redistillation  
624 and/or to operate a rectifying plant for the purifying, refining,  
625 mixing, blending, flavoring or reducing in proof of distilled  
626 spirits and alcohol.

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

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

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

636           (b) **Package retailer's permit.** Except as otherwise  
637 provided in this paragraph and Section 67-1-52, a package  
638 retailer's permit shall authorize the holder thereof to operate a  
639 store exclusively for the sale at retail in original sealed and  
640 unopened packages of alcoholic beverages, including native wines,  
641 native spirits and edibles, not to be consumed on the premises  
642 where sold. Alcoholic beverages shall not be sold by any retailer  
643 in any package or container containing less than fifty (50)  
644 milliliters by liquid measure. A package retailer's permit, with  
645 prior approval from the department, shall authorize the holder



646 thereof to sample new product furnished by a manufacturer's  
647 representative or his employees at the permitted place of business  
648 so long as the sampling otherwise complies with this article and  
649 applicable department regulations. Such samples may not be  
650 provided to customers at the permitted place of business. In  
651 addition to the sale at retail of packages of alcoholic beverages,  
652 the holder of a package retailer's permit is authorized to sell at  
653 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,  
654 other beverages commonly used to mix with alcoholic beverages, and  
655 fruits and foods that have been submerged in alcohol and are  
656 commonly referred to as edibles. Nonalcoholic beverages sold by  
657 the holder of a package retailer's permit shall not be consumed on  
658 the premises where sold.

659 (c) **On-premises retailer's permit.** Except as otherwise  
660 provided in subsection (5) of this section, an on-premises  
661 retailer's permit shall authorize the sale of alcoholic beverages,  
662 including native wines and native spirits, for consumption on the  
663 licensed premises only; however, a patron of the permit holder may  
664 remove one (1) bottle of wine from the licensed premises if: (i)  
665 the patron consumed a portion of the bottle of wine in the course  
666 of consuming a meal purchased on the licensed premises; (ii) the  
667 permit holder securely reseals the bottle; (iii) the bottle is  
668 placed in a bag that is secured in a manner so that it will be  
669 visibly apparent if the bag is opened; and (iv) a dated receipt  
670 for the wine and the meal is available. Additionally, as part of



671 a carryout order, a permit holder may sell one (1) bottle of wine  
672 to be removed from the licensed premises for every two (2) entrees  
673 ordered. In addition, an on-premises retailer's permittee at a  
674 permitted premises located on Jefferson Davis Avenue within  
675 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic  
676 beverages by the glass to a patron in a vehicle using a  
677 drive-through method of delivery if the permitted premises is  
678 located in a leisure and recreation district established under  
679 Section 67-1-101. Such a sale will be considered to be made on  
680 the permitted premises. An on-premises retailer's permit shall be  
681 issued only to qualified hotels, restaurants and clubs, small  
682 craft breweries, microbreweries, and to common carriers with  
683 adequate facilities for serving passengers. In resort areas,  
684 whether inside or outside of a municipality, the department, in  
685 its discretion, may issue on-premises retailer's permits to such  
686 establishments as it deems proper. An on-premises retailer's  
687 permit when issued to a common carrier shall authorize the sale  
688 and serving of alcoholic beverages aboard any licensed vehicle  
689 while moving through any county of the state; however, the sale of  
690 such alcoholic beverages shall not be permitted while such vehicle  
691 is stopped in a county that has not legalized such sales. If an  
692 on-premises retailer's permit is applied for by a common carrier  
693 operating solely in the water, such common carrier must, along  
694 with all other qualifications for a permit, (i) be certified to  
695 carry at least one hundred fifty (150) passengers and/or provide



696 overnight accommodations for at least fifty (50) passengers and  
697 (ii) operate primarily in the waters within the State of  
698 Mississippi which lie adjacent to the State of Mississippi south  
699 of the three (3) most southern counties in the State of  
700 Mississippi and/or on the Mississippi River or navigable waters  
701 within any county bordering on the Mississippi River.

702 (d) **Solicitor's permit.** A solicitor's permit shall  
703 authorize the holder thereof to act as salesman for a manufacturer  
704 or wholesaler holding a proper permit, to solicit on behalf of his  
705 employer orders for alcoholic beverages, and to otherwise promote  
706 his employer's products in a legitimate manner. Such a permit  
707 shall authorize the representation of and employment by one (1)  
708 principal only. However, the permittee may also, in the  
709 discretion of the department, be issued additional permits to  
710 represent other principals. No such permittee shall buy or sell  
711 alcoholic beverages for his own account, and no such beverage  
712 shall be brought into this state in pursuance of the exercise of  
713 such permit otherwise than through a permit issued to a wholesaler  
714 or manufacturer in the state.

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



721 containers at an establishment located on the premises of or in  
722 the immediate vicinity of a native winery. When selling to  
723 consumers for on-premises consumption, a holder of a native wine  
724 retailer's permit may add to the native wine alcoholic beverages  
725 not produced on the premises, so long as the total volume of  
726 foreign beverage components does not exceed twenty percent (20%)  
727 of the mixed beverage. Hours of sale shall be the same as those  
728 authorized for on-premises permittees in the city or county in  
729 which the native wine retailer is located.

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

735 Temporary retailer's permits shall be of the following  
736 classes:

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



746 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
747 Class 1 permittees shall obtain all alcoholic beverages from  
748 package retailers located in the county in which the temporary  
749 permit is issued. Alcoholic beverages remaining in stock upon  
750 expiration of the temporary permit may be returned by the  
751 permittee to the package retailer for a refund of the purchase  
752 price upon consent of the package retailer or may be kept by the  
753 permittee exclusively for personal use and consumption, subject to  
754 all laws pertaining to the illegal sale and possession of  
755 alcoholic beverages. The department, following review of the  
756 statement provided by the applicant and the requirements of the  
757 applicable statutes and regulations, may issue the permit.

758 Class 2. A temporary permit, not to exceed seventy (70)  
759 days, may be issued to prospective permittees seeking to transfer  
760 a permit authorized in paragraph (c) of this subsection. A Class  
761 2 permit may be issued only to applicants demonstrating to the  
762 department, by a statement signed under the penalty of perjury,  
763 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
764 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
765 67-1-59. The department, following a preliminary review of the  
766 statement provided by the applicant and the requirements of the  
767 applicable statutes and regulations, may issue the permit.

768 Class 2 temporary permittees must purchase their alcoholic  
769 beverages directly from the department or, with approval of the  
770 department, purchase the remaining stock of the previous



771 permittee. If the proposed applicant of a Class 1 or Class 2  
772 temporary permit falsifies information contained in the  
773 application or statement, the applicant shall never again be  
774 eligible for a retail alcohol beverage permit and shall be subject  
775 to prosecution for perjury.

776 Class 3. A temporary one-day permit may be issued to a  
777 retail establishment authorizing the complimentary distribution of  
778 wine, including native wine, to patrons of the retail  
779 establishment at an open house or promotional event, for  
780 consumption only on the premises described in the temporary  
781 permit. A Class 3 permit may be issued only to an applicant  
782 demonstrating to the department, by a statement signed under  
783 penalty of perjury submitted ten (10) days before the proposed  
784 date or such other time as the department may determine, that it  
785 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
786 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
787 A Class 3 permit holder shall obtain all alcoholic beverages from  
788 the holder(s) of a package retailer's permit located in the county  
789 in which the temporary permit is issued. Wine remaining in stock  
790 upon expiration of the temporary permit may be returned by the  
791 Class 3 temporary permit holder to the package retailer for a  
792 refund of the purchase price, with consent of the package  
793 retailer, or may be kept by the Class 3 temporary permit holder  
794 exclusively for personal use and consumption, subject to all laws  
795 pertaining to the illegal sale and possession of alcoholic





796 beverages. The department, following review of the statement  
797 provided by the applicant and the requirements of the applicable  
798 statutes and regulations, may issue the permit. No retailer may  
799 receive more than twelve (12) Class 3 temporary permits in a  
800 calendar year. A Class 3 temporary permit shall not be issued to  
801 a retail establishment that either holds a merchant permit issued  
802 under paragraph (1) of this subsection, or holds a permit issued  
803 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
804 the holder to engage in the business of a retailer of light wine  
805 or beer.

806 (g) **Caterer's permit.** A caterer's permit shall permit  
807 the purchase of alcoholic beverages by a person engaging in  
808 business as a caterer and the resale of alcoholic beverages by  
809 such person in conjunction with such catering business. No person  
810 shall qualify as a caterer unless forty percent (40%) or more of  
811 the revenue derived from such catering business shall be from the  
812 serving of prepared food and not from the sale of alcoholic  
813 beverages and unless such person has obtained a permit for such  
814 business from the Department of Health. A caterer's permit shall  
815 not authorize the sale of alcoholic beverages on the premises of  
816 the person engaging in business as a caterer; however, the holder  
817 of an on-premises retailer's permit may hold a caterer's permit.  
818 When the holder of an on-premises retailer's permit or an  
819 affiliated entity of the holder also holds a caterer's permit, the  
820 caterer's permit shall not authorize the service of alcoholic



821 beverages on a consistent, recurring basis at a separate, fixed  
822 location owned or operated by the caterer, on-premises retailer or  
823 affiliated entity and an on-premises retailer's permit shall be  
824 required for the separate location. All sales of alcoholic  
825 beverages by holders of a caterer's permit shall be made at the  
826 location being catered by the caterer, and, except as otherwise  
827 provided in subsection (5) of this section, such sales may be made  
828 only for consumption at the catered location. The location being  
829 catered may be anywhere within a county or judicial district that  
830 has voted to come out from under the dry laws or in which the sale  
831 and distribution of alcoholic beverages is otherwise authorized by  
832 law. Such sales shall be made pursuant to any other conditions  
833 and restrictions which apply to sales made by on-premises retail  
834 permittees. The holder of a caterer's permit or his employees  
835 shall remain at the catered location as long as alcoholic  
836 beverages are being sold pursuant to the permit issued under this  
837 paragraph (g), and the permittee shall have at the location the  
838 identification card issued by the Alcoholic Beverage Control  
839 Division of the department. No unsold alcoholic beverages may be  
840 left at the catered location by the permittee upon the conclusion  
841 of his business at that location. Appropriate law enforcement  
842 officers and Alcoholic Beverage Control Division personnel may  
843 enter a catered location on private property in order to enforce  
844 laws governing the sale or serving of alcoholic beverages.



845           (h) **Research permit.** A research permit shall authorize  
846 the holder thereof to operate a research facility for the  
847 professional research of alcoholic beverages. Such permit shall  
848 authorize the holder of the permit to import and purchase limited  
849 amounts of alcoholic beverages from the department or from  
850 importers, wineries and distillers of alcoholic beverages for  
851 professional research.

852           (i) **Alcohol processing permit.** An alcohol processing  
853 permit shall authorize the holder thereof to purchase, transport  
854 and possess alcoholic beverages for the exclusive use in cooking,  
855 processing or manufacturing products which contain alcoholic  
856 beverages as an integral ingredient. An alcohol processing permit  
857 shall not authorize the sale of alcoholic beverages on the  
858 premises of the person engaging in the business of cooking,  
859 processing or manufacturing products which contain alcoholic  
860 beverages. The amounts of alcoholic beverages allowed under an  
861 alcohol processing permit shall be set by the department.

862           (j) **Hospitality cart permit.** A hospitality cart permit  
863 shall authorize the sale of alcoholic beverages from a mobile cart  
864 on a golf course that is the holder of an on-premises retailer's  
865 permit. The alcoholic beverages sold from the cart must be  
866 consumed within the boundaries of the golf course.

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



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

874 (1) **Merchant permit.** Except as otherwise provided in  
875 subsection (5) of this section, a merchant permit shall be issued  
876 only to the owner of a spa facility, an art studio or gallery, or  
877 a cooking school, and shall authorize the holder to serve  
878 complimentary by the glass wine only, including native wine, at  
879 the holder's spa facility, art studio or gallery, or cooking  
880 school. A merchant permit holder shall obtain all wine from the  
881 holder of a package retailer's permit.

882 (m) **Temporary alcoholic beverages charitable auction**  
883 **permit.** A temporary permit, not to exceed five (5) days, may be  
884 issued to a qualifying charitable nonprofit organization that is  
885 exempt from taxation under Section 501(c)(3) or (4) of the  
886 Internal Revenue Code of 1986. The permit shall authorize the  
887 holder to sell alcoholic beverages for the limited purpose of  
888 raising funds for the organization during a live or silent auction  
889 that is conducted by the organization and that meets the following  
890 requirements: (i) the auction is conducted in an area of the  
891 state where the sale of alcoholic beverages is authorized; (ii) if  
892 the auction is conducted on the premises of an on-premises  
893 retailer's permit holder, then the alcoholic beverages to be  
894 auctioned must be stored separately from the alcoholic beverages



895 sold, stored or served on the premises, must be removed from the  
896 premises immediately following the auction, and may not be  
897 consumed on the premises; (iii) the permit holder may not conduct  
898 more than two (2) auctions during a calendar year; (iv) the permit  
899 holder may not pay a commission or promotional fee to any person  
900 to arrange or conduct the auction.

901 (n) **Event venue retailer's permit.** An event venue  
902 retailer's permit shall authorize the holder thereof to purchase  
903 and resell alcoholic beverages, including native wines and native  
904 spirits, for consumption on the premises during legal hours during  
905 events held on the licensed premises if food is being served at  
906 the event by a caterer who is not affiliated with or related to  
907 the permittee. The caterer must serve at least three (3) entrees.  
908 The permit may only be issued for venues that can accommodate two  
909 hundred (200) persons or more. The number of persons a venue may  
910 accommodate shall be determined by the local fire department and  
911 such determination shall be provided in writing and submitted  
912 along with all other documents required to be provided for an  
913 on-premises retailer's permit. The permittee must derive the  
914 majority of its revenue from event-related fees, including, but  
915 not limited to, admission fees or ticket sales for live  
916 entertainment in the building. "Event-related fees" do not  
917 include alcohol, beer or light wine sales or any fee which may be  
918 construed to cover the cost of alcohol, beer or light wine. This



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

921           (o) **Temporary theatre permit.** A temporary theatre  
922 permit, not to exceed five (5) days, may be issued to a charitable  
923 nonprofit organization that is exempt from taxation under Section  
924 501(c) (3) or (4) of the Internal Revenue Code and owns or operates  
925 a theatre facility that features plays and other theatrical  
926 performances and productions. Except as otherwise provided in  
927 subsection (5) of this section, the permit shall authorize the  
928 holder to sell alcoholic beverages, including native wines and  
929 native spirits, to patrons of the theatre during performances and  
930 productions at the theatre facility for consumption during such  
931 performances and productions on the premises of the facility  
932 described in the permit. A temporary theatre permit holder shall  
933 obtain all alcoholic beverages from package retailers located in  
934 the county in which the permit is issued. Alcoholic beverages  
935 remaining in stock upon expiration of the temporary theatre permit  
936 may be returned by the permittee to the package retailer for a  
937 refund of the purchase price upon consent of the package retailer  
938 or may be kept by the permittee exclusively for personal use and  
939 consumption, subject to all laws pertaining to the illegal sale  
940 and possession of alcoholic beverages.

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



944 monitor, store and otherwise control the serving and availability  
945 of alcoholic beverages to customers of the permit holder during  
946 private charters under contract provided by the permit holder. A  
947 charter ship operator's permit shall authorize such action by the  
948 permit holder and its employees only as to alcoholic beverages  
949 brought onto the permit holder's ship by customers of the permit  
950 holder as part of such a private charter. All such alcoholic  
951 beverages must be removed from the charter ship at the conclusion  
952 of each private charter. A charter ship operator's permit shall  
953 not authorize the permit holder to sell, charge for or otherwise  
954 supply alcoholic beverages to customers, except as authorized in  
955 this paragraph (p). For the purposes of this paragraph (p),  
956 "charter ship operator" means a common carrier that (i) is  
957 certified to carry at least one hundred fifty (150) passengers  
958 and/or provide overnight accommodations for at least fifty (50)  
959 passengers, (ii) operates only in the waters within the State of  
960 Mississippi, which lie adjacent to the State of Mississippi south  
961 of the three (3) most southern counties in the State of  
962 Mississippi, and (iii) provides charters under contract for tours  
963 and trips in such waters.

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



969 unopened bottle from a retail location at the distillery for  
970 off-premises consumption. The holder may only sell product  
971 manufactured by the manufacturer at the distillery described in  
972 the permit. However, when selling to consumers for on-premises  
973 consumption, a holder of a distillery retailer's permit may add  
974 other beverages, alcoholic or not, so long as the total volume of  
975 other beverage components containing alcohol does not exceed  
976 twenty percent (20%). Hours of sale shall be the same as those  
977 authorized for on-premises permittees in the city or county in  
978 which the distillery retailer is located.

979         The holder shall not sell at retail more than ten percent  
980 (10%) of the alcoholic beverages produced annually at its  
981 distillery. The holder shall not make retail sales of more than  
982 two and twenty-five one-hundredths (2.25) liters, in the  
983 aggregate, of the alcoholic beverages produced at its distillery  
984 to any one (1) individual for consumption off the premises of the  
985 distillery within a twenty-four-hour period. The hours of sale  
986 shall be the same as those hours for package retailers under this  
987 article. The holder of a distillery retailer's permit is not  
988 required to purchase the alcoholic beverages authorized to be sold  
989 by this paragraph from the department's liquor distribution  
990 warehouse; however, if the holder does not purchase the alcoholic  
991 beverages from the department's liquor distribution warehouse, the  
992 holder shall pay to the department all taxes, fees and surcharges  
993 on the alcoholic beverages that are imposed upon the sale of





994 alcoholic beverages shipped by the department or its warehouse  
995 operator. In addition to alcoholic beverages, the holder of a  
996 distillery retailer's permit may sell at retail promotional  
997 products from the same retail location, including shirts, hats,  
998 glasses, and other promotional products customarily sold by  
999 alcoholic beverage manufacturers.

1000 (r) **Festival Wine Permit.** Any wine manufacturer or  
1001 native wine producer permitted by Mississippi or any other state  
1002 is eligible to obtain a Festival Wine Permit. This permit  
1003 authorizes the entity to transport product manufactured by it to  
1004 festivals held within the State of Mississippi and sell sealed,  
1005 unopened bottles to festival participants. The holder of this  
1006 permit may provide samples at no charge to participants.  
1007 "Festival" means any event at which three (3) or more vendors are  
1008 present at a location for the sale or distribution of goods. The  
1009 holder of a Festival Wine Permit is not required to purchase the  
1010 alcoholic beverages authorized to be sold by this paragraph from  
1011 the department's liquor distribution warehouse. However, if the  
1012 holder does not purchase the alcoholic beverages from the  
1013 department's liquor distribution warehouse, the holder of this  
1014 permit shall pay to the department all taxes, fees and surcharges  
1015 on the alcoholic beverages sold at such festivals that are imposed  
1016 upon the sale of alcoholic beverages shipped by the Alcoholic  
1017 Beverage Control Division of the Department of Revenue.  
1018 Additionally, the entity shall file all applicable reports and



1019 returns as prescribed by the department. This permit is issued  
1020 per festival and provides authority to sell for two (2)  
1021 consecutive days during the hours authorized for on-premises  
1022 permittees' sales in that county or city. The holder of the  
1023 permit shall be required to maintain all requirements set by Local  
1024 Option Law for the service and sale of alcoholic beverages. This  
1025 permit may be issued to entities participating in festivals at  
1026 which a Class 1 temporary permit is in effect.

1027 This paragraph (r) shall stand repealed from and after July  
1028 1, 2026.

1029 (s) **Charter vessel operator's permit.** Subject to the  
1030 provisions of this paragraph (s), a charter vessel operator's  
1031 permit shall authorize the holder thereof and its employees to  
1032 sell and serve alcoholic beverages to passengers of the permit  
1033 holder during public tours, historical tours, ecological tours and  
1034 sunset cruises provided by the permit holder. The permit shall  
1035 authorize the holder to only sell alcoholic beverages, including  
1036 native wines, to passengers of the charter vessel operator during  
1037 public tours, historical tours, ecological tours and sunset  
1038 cruises provided by the permit holder aboard the charter vessel  
1039 operator for consumption during such tours and cruises on the  
1040 premises of the charter vessel operator described in the permit.  
1041 For the purposes of this paragraph (s), "charter vessel operator"  
1042 means a common carrier that (i) is certified to carry at least  
1043 forty-nine (49) passengers, (ii) operates only in the waters



1044 within the State of Mississippi, which lie south of Interstate 10  
1045 in the three (3) most southern counties in the State of  
1046 Mississippi, and lie adjacent to the State of Mississippi south of  
1047 the three (3) most southern counties in the State of Mississippi,  
1048 extending not further than one (1) mile south of such counties,  
1049 and (iii) provides vessel services for tours and cruises in such  
1050 waters as provided in this paragraph(s).

1051 (t) **Native spirit retailer's permit.** Except as  
1052 otherwise provided in subsection (5) of this section, a native  
1053 spirit retailer's permit shall be issued only to a holder of a  
1054 Class 4 manufacturer's permit, and shall authorize the holder  
1055 thereof to make retail sales of native spirits to consumers for  
1056 on-premises consumption or to consumers in originally sealed and  
1057 unopened containers at an establishment located on the premises of  
1058 or in the immediate vicinity of a native distillery. When selling  
1059 to consumers for on-premises consumption, a holder of a native  
1060 spirit retailer's permit may add to the native spirit alcoholic  
1061 beverages not produced on the premises, so long as the total  
1062 volume of foreign beverage components does not exceed twenty  
1063 percent (20%) of the mixed beverage. Hours of sale shall be the  
1064 same as those authorized for on-premises permittees in the city or  
1065 county in which the native spirit retailer is located.

1066 (u) **Delivery service permit.** Any individual, limited  
1067 liability company, corporation or partnership registered to do  
1068 business in this state is eligible to obtain a delivery service



1069 permit. Subject to the provisions of Section 67-1-51.1, this  
1070 permit authorizes the permittee, or its employee or an independent  
1071 contractor acting on its behalf, to deliver alcoholic beverages,  
1072 beer, light wine and light spirit product from a licensed retailer  
1073 to a person in this state who is at least twenty-one (21) years of  
1074 age for the individual's use and not for resale. This permit does  
1075 not authorize the delivery of alcoholic beverages, beer, light  
1076 wine or light spirit product to the premises of a location with a  
1077 permit for the manufacture, distribution or retail sale of  
1078 alcoholic beverages, beer, light wine or light spirit product.  
1079 The holder of a package retailer's permit or an on-premises  
1080 retailer's permit under Section 67-1-51 or of a beer, light wine  
1081 and light spirit product permit under Section 67-3-19 is  
1082 authorized to apply for a delivery service permit as a privilege  
1083 separate from its existing retail permit.

1084 (v) **Food truck permit.** A food truck permit shall  
1085 authorize the holder of an on-premises retailer's permit to use a  
1086 food truck to sell alcoholic beverages off its premises to guests  
1087 who must consume the beverages in open containers. For the  
1088 purposes of this paragraph (v), "food truck" means a fully encased  
1089 food service establishment on a motor vehicle or on a trailer that  
1090 a motor vehicle pulls to transport, and from which a vendor,  
1091 standing within the frame of the establishment, prepares, cooks,  
1092 sells and serves food for immediate human consumption. The term  
1093 "food truck" does not include a food cart that is not motorized.



1094 Food trucks shall maintain such distance requirements from  
1095 schools, churches, kindergartens and funeral homes as are required  
1096 for on-premises retailer's permittees under this article, and all  
1097 sales must be made within a valid leisure and recreation district  
1098 established under Section 67-1-101. Food trucks cannot sell or  
1099 serve alcoholic beverages unless also offering food prepared and  
1100 cooked within the food truck, and permittees must maintain a  
1101 twenty-five percent (25%) food sale revenue requirement based on  
1102 the food sold from the food truck alone. The hours allowed for  
1103 sale shall be the same as those for on-premises retailer's  
1104 permittees in the location. This permit will not be required for  
1105 the holder of a caterer's permit issued under this article to  
1106 cater an event as allowed by law. Permittees must provide notice  
1107 of not less than forty-eight (48) hours to the department of each  
1108 location at which alcoholic beverages will be sold.

1109 (w) **Direct wine shipper's permit.** A direct wine  
1110 shipper's permit shall authorize the holder to sell and ship wine  
1111 directly to residents in this state in accordance with the  
1112 provisions of Sections 1 through 9 of this act, without being  
1113 required to transact the sale and shipment of those wines through  
1114 the Alcoholic Beverage Control Division of the department.

1115 (2) Except as otherwise provided in subsection (4) of this  
1116 section, retail permittees may hold more than one (1) retail  
1117 permit, at the discretion of the department.



1118           (3) (a) Except as otherwise provided in this subsection, no  
1119 authority shall be granted to any person to manufacture, sell or  
1120 store for sale any intoxicating liquor as specified in this  
1121 article within four hundred (400) feet of any church, school,  
1122 kindergarten or funeral home. However, within an area zoned  
1123 commercial or business, such minimum distance shall be not less  
1124 than one hundred (100) feet.

1125           (b) A church or funeral home may waive the distance  
1126 restrictions imposed in this subsection in favor of allowing  
1127 issuance by the department of a permit, pursuant to subsection (1)  
1128 of this section, to authorize activity relating to the  
1129 manufacturing, sale or storage of alcoholic beverages which would  
1130 otherwise be prohibited under the minimum distance criterion.  
1131 Such waiver shall be in written form from the owner, the governing  
1132 body, or the appropriate officer of the church or funeral home  
1133 having the authority to execute such a waiver, and the waiver  
1134 shall be filed with and verified by the department before becoming  
1135 effective.

1136           (c) The distance restrictions imposed in this  
1137 subsection shall not apply to the sale or storage of alcoholic  
1138 beverages at a bed and breakfast inn listed in the National  
1139 Register of Historic Places or to the sale or storage of alcoholic  
1140 beverages in a historic district that is listed in the National  
1141 Register of Historic Places, is a qualified resort area and is  
1142 located in a municipality having a population greater than one



1143 hundred thousand (100,000) according to the latest federal  
1144 decennial census.

1145 (d) The distance restrictions imposed in this  
1146 subsection shall not apply to the sale or storage of alcoholic  
1147 beverages at a qualified resort area as defined in Section  
1148 67-1-5(o)(iii)32.

1149 (e) The distance restrictions imposed in this  
1150 subsection shall not apply to the sale or storage of alcoholic  
1151 beverages at a licensed premises in a building formerly owned by a  
1152 municipality and formerly leased by the municipality to a  
1153 municipal school district and used by the municipal school  
1154 district as a district bus shop facility.

1155 (f) The distance restrictions imposed in this  
1156 subsection shall not apply to the sale or storage of alcoholic  
1157 beverages at a licensed premises in a building consisting of at  
1158 least five thousand (5,000) square feet and located approximately  
1159 six hundred (600) feet from the intersection of Mississippi  
1160 Highway 15 and Mississippi Highway 4.

1161 (g) The distance restrictions imposed in this  
1162 subsection shall not apply to the sale or storage of alcoholic  
1163 beverages at a licensed premises in a building located at or near  
1164 the intersection of Ward and Tate Streets and adjacent properties  
1165 in the City of Senatobia, Mississippi.

1166 (h) The distance restrictions imposed in this  
1167 subsection shall not apply to the sale or storage of alcoholic



1168 beverages at a theatre facility that features plays and other  
1169 theatrical performances and productions and (i) is capable of  
1170 seating more than seven hundred fifty (750) people, (ii) is owned  
1171 by a municipality which has a population greater than ten thousand  
1172 (10,000) according to the latest federal decennial census, (iii)  
1173 was constructed prior to 1930, (iv) is on the National Register of  
1174 Historic Places, and (v) is located in a historic district.

1175 (i) The distance restrictions imposed in this  
1176 subsection shall not apply to the sale or storage of alcoholic  
1177 beverages at a licensed premises in a building located  
1178 approximately one and six-tenths (1.6) miles north of the  
1179 intersection of Mississippi Highway 15 and Mississippi Highway 4  
1180 on the west side of Mississippi Highway 15.

1181 (4) No person, either individually or as a member of a firm,  
1182 partnership, limited liability company or association, or as a  
1183 stockholder, officer or director in a corporation, shall own or  
1184 control any interest in more than one (1) package retailer's  
1185 permit, nor shall such person's spouse, if living in the same  
1186 household of such person, any relative of such person, if living  
1187 in the same household of such person, or any other person living  
1188 in the same household with such person own any interest in any  
1189 other package retailer's permit.

1190 (5) (a) In addition to any other authority granted under  
1191 this section, the holder of a permit issued under subsection  
1192 (1) (c), (e), (f), (g), (l), (n) and/or (o) of this section may





1193 sell or otherwise provide alcoholic beverages and/or wine to a  
1194 patron of the permit holder in the manner authorized in the permit  
1195 and the patron may remove an open glass, cup or other container of  
1196 the alcoholic beverage and/or wine from the licensed premises and  
1197 may possess and consume the alcoholic beverage or wine outside of  
1198 the licensed premises if: (i) the licensed premises is located  
1199 within a leisure and recreation district created under Section  
1200 67-1-101 and (ii) the patron remains within the boundaries of the  
1201 leisure and recreation district while in possession of the  
1202 alcoholic beverage or wine.

1203 (b) Nothing in this subsection shall be construed to  
1204 allow a person to bring any alcoholic beverages into a permitted  
1205 premises except to the extent otherwise authorized by this  
1206 article.

1207 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is  
1208 amended as follows:

1209 67-1-53. (1) Application for permits shall be in such form  
1210 and shall contain such information as shall be required by the  
1211 regulations of the \* \* \* department; however, no regulation of  
1212 the \* \* \* department shall require personal financial information  
1213 from any officer of a corporation applying for an on-premises  
1214 retailer's permit to sell alcoholic beverages unless such officer  
1215 owns ten percent (10%) or more of the stock of such corporation.

1216 (2) Every applicant for each type of permit authorized by  
1217 Section 67-1-51 shall give notice of such application by



1218 publication for two (2) consecutive issues in a newspaper of  
1219 general circulation published in the city or town in which  
1220 applicant's place of business is located. However, in instances  
1221 where no newspaper is published in the city or town, then the  
1222 notice shall be published in a newspaper of general circulation  
1223 published in the county where the applicant's business is located.  
1224 If no newspaper is published in the county, the notice shall be  
1225 published in a qualified newspaper which is published in the  
1226 closest neighboring county and circulated in the county of  
1227 applicant's residence. The notice shall be printed in ten-point  
1228 black face type and shall set forth the type of permit to be  
1229 applied for, the exact location of the place of business, the name  
1230 of the owner or owners thereof, and if operating under an assumed  
1231 name, the trade name together with the names of all owners, and if  
1232 a corporation, the names and titles of all officers. The cost of  
1233 such notice shall be borne by the applicant. The provisions of  
1234 this subsection (2) shall not apply to applicants for a direct  
1235 wine shipper's permit under Sections 1 through 9 of this act.

1236 (3) Each application or filing made under this section shall  
1237 include the social security number(s) of the applicant in  
1238 accordance with Section 93-11-64, Mississippi Code of 1972.

1239 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is  
1240 amended as follows:

1241 67-1-55. No permit of any type shall be issued by the \* \* \*  
1242 department until the applicant has first filed with the \* \* \*



1243 department a sworn statement disclosing all persons who are  
1244 financially involved in the operation of the business for which  
1245 the permit is sought. If an applicant is an individual, he will  
1246 swear that he owns one hundred percent (100%) of the business for  
1247 which he is seeking a permit. If the applicant is a partnership,  
1248 all partners and their addresses shall be disclosed and the extent  
1249 of their interest in the partnership shall be disclosed. If the  
1250 applicant is a corporation, the total stock in the corporation  
1251 shall be disclosed and each shareholder and his address and the  
1252 amount of stock in the corporation owned by him shall be  
1253 disclosed. If the applicant is a limited liability company, each  
1254 member and their addresses shall be disclosed and the extent of  
1255 their interest in the limited liability company shall be  
1256 disclosed. If the applicant is a trust, the trustee and all  
1257 beneficiaries and their addresses shall be disclosed. If the  
1258 applicant is a combination of any of the above, all information  
1259 required to be disclosed above shall be required.

1260 All the disclosures shall be in writing and kept on file at  
1261 the \* \* \* department and shall be available to the public.

1262 Every applicant must, when applying for a renewal of his  
1263 permit, disclose any change in the ownership of the business or  
1264 any change in the beneficiaries of the income from the business.

1265 Any person who willfully fails to fully disclose the  
1266 information required by this section, or who gives false  
1267 information, shall be guilty of a misdemeanor and, upon conviction



1268 thereof, shall be fined a sum not to exceed Five Hundred Dollars  
1269 (\$500.00) or imprisoned for not more than one (1) year, or both,  
1270 and the person or applicant shall never again be eligible for any  
1271 permit pertaining to alcoholic beverages.

1272 The provisions of this section shall not apply to applicants  
1273 for a direct wine shipper's permit under Sections 1 through 9 of  
1274 this act.

1275 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is  
1276 amended as follows:

1277 67-1-57. Before a permit is issued the department shall  
1278 satisfy itself:

1279 (a) That the applicant, if an individual, or if a  
1280 partnership, each of the members of the partnership, or if a  
1281 corporation, each of its principal officers and directors, or if a  
1282 limited liability company, each member of the limited liability  
1283 company, is of good moral character and, in addition, enjoys a  
1284 reputation of being a peaceable, law-abiding citizen of the  
1285 community in which he resides, and is generally fit for the trust  
1286 to be reposed in him, is not less than twenty-one (21) years of  
1287 age, and has not been convicted of a felony in any state or  
1288 federal court.

1289 (b) That, except in the case of an application for a  
1290 solicitor's permit, the applicant is the true and actual owner of  
1291 the business for which the permit is desired, and that he intends  
1292 to carry on the business authorized for himself and not as the



1293 agent of any other person, and that he intends to superintend in  
1294 person the management of the business or that he will designate a  
1295 manager to manage the business for him. Except for managers  
1296 employed by the holder of a direct wine shipper's permit, all  
1297 managers must be approved by the department prior to completing  
1298 any managerial tasks on behalf of the permittee and must possess  
1299 all of the qualifications required of a permittee; however, a  
1300 felony conviction, other than a crime of violence, does not  
1301 automatically disqualify a person from being approved as a manager  
1302 if the person was released from incarceration at least three (3)  
1303 years prior to application for approval as a manager. A felony  
1304 conviction, other than a crime of violence, may be considered by  
1305 the department in determining whether all other qualifications are  
1306 met.

1307 (c) That the applicant for a package retailer's permit,  
1308 if an individual, is a resident of the State of Mississippi. If  
1309 the applicant is a partnership, each member of the partnership  
1310 must be a resident of the state. If the applicant is a limited  
1311 liability company, each member of the limited liability company  
1312 must be a resident of the state. If the applicant is a  
1313 corporation, the designated manager of the corporation must be a  
1314 resident of the state.

1315 (d) That the place for which the permit is to be issued  
1316 is an appropriate one considering the character of the premises  
1317 and the surrounding neighborhood.



1318 (e) That the place for which the permit is to be issued  
1319 is within the corporate limits of an incorporated municipality or  
1320 qualified resort area or club which comes within the provisions of  
1321 this article.

1322 (f) That the applicant is not indebted to the state for  
1323 any taxes, fees or payment of penalties imposed by any law of the  
1324 State of Mississippi or by any rule or regulation of the \* \* \*  
1325 department.

1326 (g) That the applicant is not in the habit of using  
1327 alcoholic beverages to excess and is not physically or mentally  
1328 incapacitated, and that the applicant has the ability to read and  
1329 write the English language.

1330 (h) That the \* \* \* department does not believe and has  
1331 no reason to believe that the applicant will sell or knowingly  
1332 permit any agent, servant or employee to unlawfully sell liquor in  
1333 a dry area or in any other manner contrary to law.

1334 (i) That the applicant is not residentially domiciled  
1335 with any person whose permit or license has been cancelled for  
1336 cause within the twelve (12) months next preceding the date of the  
1337 present application for a permit.

1338 (j) That the \* \* \* department has not, in the exercise  
1339 of its discretion which is reserved and preserved to it, refused  
1340 to grant permits under the restrictions of this section, as well  
1341 as under any other pertinent provision of this article.



1342 (k) That there are not sufficient legal reasons to deny  
1343 a permit on the ground that the premises for which the permit is  
1344 sought has previously been operated, used or frequented for any  
1345 purpose or in any manner that is lewd, immoral or offensive to  
1346 public decency. In the granting or withholding of any permit to  
1347 sell alcoholic beverages at retail, the \* \* \* department in  
1348 forming its conclusions may give consideration to any  
1349 recommendations made in writing by the district or county attorney  
1350 or county, circuit or chancery judge of the county, or the sheriff  
1351 of the county, or the mayor or chief of police of an incorporated  
1352 city or town wherein the applicant proposes to conduct his  
1353 business and to any recommendations made by representatives of  
1354 the \* \* \* department.

1355 (l) That the applicant and the applicant's key  
1356 employees, as determined by the \* \* \* department, do not have a  
1357 disqualifying criminal record. In order to obtain a criminal  
1358 record history check, the applicant shall submit to the commission  
1359 a set of fingerprints from any local law enforcement agency for  
1360 each person for whom the records check is required. The \* \* \*  
1361 department shall forward the fingerprints to the Mississippi  
1362 Department of Public Safety. If no disqualifying record is  
1363 identified at the state level, the Department of Public Safety  
1364 shall forward the fingerprints to the Federal Bureau of  
1365 Investigation for a national criminal history record check. Costs  
1366 for processing the set or sets of fingerprints shall be borne by



1367 the applicant. The department may waive the fingerprint  
1368 requirement in the case of an applicant for a direct wine  
1369 shipper's permit. The \* \* \* department shall not deny employment  
1370 to an employee of the applicant prior to the identification of a  
1371 disqualifying record or other disqualifying information.

1372 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is  
1373 amended as follows:

1374 67-1-73. (1) Except as otherwise provided in subsection (3)  
1375 of this section, every manufacturer, including native wine or  
1376 native spirit producers, within or without the state, and every  
1377 other shipper of alcoholic beverages who sells any alcoholic  
1378 beverage, including native wine or native spirit, within the  
1379 state, shall, at the time of making such sale, file with the  
1380 department a copy of the invoice of such sale showing in detail  
1381 the kind of alcoholic beverage sold, the quantities of each, the  
1382 size of the container and the weight of the contents, the  
1383 alcoholic content, and the name and address of the person to whom  
1384 sold.

1385 (2) Except as otherwise provided in subsection (3) of this  
1386 section, every person transporting alcoholic beverages, including  
1387 native wine or native spirit, within this state to a point within  
1388 this state, whether such transportation originates within or  
1389 without this state, shall, within five (5) days after delivery of  
1390 such shipment, furnish the department a copy of the bill of lading  
1391 or receipt, showing the name or consignor or consignee, date,





1392 place received, destination, and quantity of alcoholic beverages  
1393 delivered. Upon failure to comply with the provisions of this  
1394 section, such person shall be deemed guilty of a misdemeanor and,  
1395 upon conviction thereof, shall be fined in the sum of Fifty  
1396 Dollars (\$50.00) for each offense.

1397 (3) Information regarding the sales, shipment, delivery and  
1398 transportation of wine in this state by the holder of a direct  
1399 wine shipper's permit under Sections 1 through 9 of this act shall  
1400 be in such form and content as prescribed by the department.

1401 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is  
1402 amended as follows:

1403 97-31-47. It shall be unlawful for any transportation  
1404 company, or any agent, employee, or officer of such company, or  
1405 any other person, or corporation to transport into or deliver in  
1406 this state in any manner or by any means any spirituous, vinous,  
1407 malt, or other intoxicating liquors or drinks, or for any such  
1408 person, company, or corporation to transport any spirituous, malt,  
1409 vinous, or intoxicating liquors or drinks from one place within  
1410 this state to another place within the state, or from one (1)  
1411 point within this state to any point without the state, except in  
1412 cases where this chapter \* \* \*, Section 67-9-1, or Sections 1  
1413 through 9 of this act authorizes the transportation.

1414 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is  
1415 amended as follows:



1416           97-31-49. Except as otherwise provided in Sections 1 through  
1417 9 of this act, it shall be unlawful for any person, firm or  
1418 corporation in this state, in person, by letter, circular, or  
1419 other printed or written matter, or in any other manner, to  
1420 solicit or take order in this state for any liquors, bitters or  
1421 drinks prohibited by the laws of this state to be sold, bartered,  
1422 or otherwise disposed of. The inhibition of this section shall  
1423 apply to such liquors, bitters and drinks, whether the parties  
1424 intend that the same shall be shipped into this state from outside  
1425 of the state, or from one (1) point in this state to another point  
1426 in this state. If such order be in writing, parol evidence  
1427 thereof is admissible without producing or accounting for the  
1428 absence of the original; and the taking or soliciting of such  
1429 orders is within the inhibition of this section, although the  
1430 orders are subject to approval by some other person, and no part  
1431 of the price is paid, nor any part of the goods is delivered when  
1432 the order is taken.

1433           **SECTION 23.** This act shall take effect and be in force from  
1434 and after July 1, 2024.

