

By: Representatives Zuber, Yates, Powell,
McGee

To: State Affairs

HOUSE BILL NO. 430
(As Passed the House)

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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



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



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

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

145 (c) Ship wine and/or distilled spirits to an address in
146 an area in which the sale of alcoholic beverages is not legal;

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

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

158 (f) Sell or ship any distilled spirits to any
159 residential household address in Mississippi that has already
160 received a total of nine (9) nine-liter cases of distilled spirits



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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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



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

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

263 (b) A retailer licensed by the department;

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

315 (v) The date of shipment;

316 (vi) The carrier tracking number; and

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

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

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

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



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

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

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

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

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



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

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

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



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

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

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

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



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

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

416 27-71-5. (1) Upon each person approved for a permit under
417 the provisions of the Alcoholic Beverage Control Law and
418 amendments thereto, there is levied and imposed for each location
419 for the privilege of engaging and continuing in this state in the
420 business authorized by such permit, an annual privilege license
421 tax in the amount provided in the following schedule:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

564 27-71-7. (1) There is hereby levied and assessed an excise
565 tax upon each case of alcoholic beverages sold by the department
566 to be collected from each retail licensee at the time of sale in
567 accordance with the following schedule:

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

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

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

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



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

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

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



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

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

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



629 27-71-15. Except as otherwise provided in Section 67-9-1 for
630 the transportation of limited amounts of alcoholic beverages for
631 the use of an alcohol processing permittee, and in Sections 1
632 through 12 of this act for the sale and shipment of wine by the
633 holder of a direct shipper's permit, if transportation requires
634 passage through a county which has not authorized the sale of
635 alcoholic beverages, such transportation shall be by a sealed
636 vehicle. Such seal shall remain unbroken until the vehicle shall
637 reach the place of business operated by the permittee. The
638 operator of any vehicle transporting alcoholic beverages shall
639 have in his possession an invoice issued by the * * * department
640 at the time of the wholesale sale covering the merchandise
641 transported by the vehicle. The * * * department is authorized to
642 issue regulations controlling the transportation of alcoholic
643 beverages.

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

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

652 27-71-29. (1) All taxes levied by this article shall be
653 paid to the Department of Revenue in cash or by personal check,



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

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



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

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

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

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

700 67-1-41. (1) The department is hereby created a wholesale
701 distributor and seller of alcoholic beverages, not including malt
702 liquors, within the State of Mississippi. It is granted the right
703 to import and sell alcoholic beverages at wholesale within the



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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



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

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

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

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



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

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

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

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

876 67-1-45. No manufacturer, rectifier or distiller of
877 alcoholic beverages shall sell or attempt to sell any such
878 alcoholic beverages, except malt liquor, within the State of



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

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

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

894 67-1-51. (1) Permits which may be issued by the department
895 shall be as follows:

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

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



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

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

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

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

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



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

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



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



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

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

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



1003 containers at an establishment located on the premises of or in
1004 the immediate vicinity of a native winery. When selling to
1005 consumers for on-premises consumption, a holder of a native wine
1006 retailer's permit may add to the native wine alcoholic beverages
1007 not produced on the premises, so long as the total volume of
1008 foreign beverage components does not exceed twenty percent (20%)
1009 of the mixed beverage. Hours of sale shall be the same as those
1010 authorized for on-premises permittees in the city or county in
1011 which the native wine retailer is located.

1012 (f) **Temporary retailer's permit.** Except as otherwise
1013 provided in subsection (5) of this section, a temporary retailer's
1014 permit shall permit the purchase and resale of alcoholic
1015 beverages, including native wines and native spirits, during legal
1016 hours on the premises described in the temporary permit only.

1017 Temporary retailer's permits shall be of the following
1018 classes:

1019 Class 1. A temporary one-day permit may be issued to bona
1020 fide nonprofit civic or charitable organizations authorizing the
1021 sale of alcoholic beverages, including native wine and native
1022 spirit, for consumption on the premises described in the temporary
1023 permit only. Class 1 permits may be issued only to applicants
1024 demonstrating to the department, by a statement signed under
1025 penalty of perjury submitted ten (10) days prior to the proposed
1026 date or such other time as the department may determine, that they
1027 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)



1028 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1029 Class 1 permittees shall obtain all alcoholic beverages from
1030 package retailers located in the county in which the temporary
1031 permit is issued. Alcoholic beverages remaining in stock upon
1032 expiration of the temporary permit may be returned by the
1033 permittee to the package retailer for a refund of the purchase
1034 price upon consent of the package retailer or may be kept by the
1035 permittee exclusively for personal use and consumption, subject to
1036 all laws pertaining to the illegal sale and possession of
1037 alcoholic beverages. The department, following review of the
1038 statement provided by the applicant and the requirements of the
1039 applicable statutes and regulations, may issue the permit.

1040 Class 2. A temporary permit, not to exceed seventy (70)
1041 days, may be issued to prospective permittees seeking to transfer
1042 a permit authorized in paragraph (c) of this subsection. A Class
1043 2 permit may be issued only to applicants demonstrating to the
1044 department, by a statement signed under the penalty of perjury,
1045 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1046 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1047 67-1-59. The department, following a preliminary review of the
1048 statement provided by the applicant and the requirements of the
1049 applicable statutes and regulations, may issue the permit.

1050 Class 2 temporary permittees must purchase their alcoholic
1051 beverages directly from the department or, with approval of the
1052 department, purchase the remaining stock of the previous



1053 permittee. If the proposed applicant of a Class 1 or Class 2
1054 temporary permit falsifies information contained in the
1055 application or statement, the applicant shall never again be
1056 eligible for a retail alcohol beverage permit and shall be subject
1057 to prosecution for perjury.

1058 Class 3. A temporary one-day permit may be issued to a
1059 retail establishment authorizing the complimentary distribution of
1060 wine, including native wine, to patrons of the retail
1061 establishment at an open house or promotional event, for
1062 consumption only on the premises described in the temporary
1063 permit. A Class 3 permit may be issued only to an applicant
1064 demonstrating to the department, by a statement signed under
1065 penalty of perjury submitted ten (10) days before the proposed
1066 date or such other time as the department may determine, that it
1067 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1068 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1069 A Class 3 permit holder shall obtain all alcoholic beverages from
1070 the holder(s) of a package retailer's permit located in the county
1071 in which the temporary permit is issued. Wine remaining in stock
1072 upon expiration of the temporary permit may be returned by the
1073 Class 3 temporary permit holder to the package retailer for a
1074 refund of the purchase price, with consent of the package
1075 retailer, or may be kept by the Class 3 temporary permit holder
1076 exclusively for personal use and consumption, subject to all laws
1077 pertaining to the illegal sale and possession of alcoholic



1078 beverages. The department, following review of the statement
1079 provided by the applicant and the requirements of the applicable
1080 statutes and regulations, may issue the permit. No retailer may
1081 receive more than twelve (12) Class 3 temporary permits in a
1082 calendar year. A Class 3 temporary permit shall not be issued to
1083 a retail establishment that either holds a merchant permit issued
1084 under paragraph (1) of this subsection, or holds a permit issued
1085 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1086 the holder to engage in the business of a retailer of light wine
1087 or beer.

1088 (g) **Caterer's permit.** A caterer's permit shall permit
1089 the purchase of alcoholic beverages by a person engaging in
1090 business as a caterer and the resale of alcoholic beverages by
1091 such person in conjunction with such catering business. No person
1092 shall qualify as a caterer unless forty percent (40%) or more of
1093 the revenue derived from such catering business shall be from the
1094 serving of prepared food and not from the sale of alcoholic
1095 beverages and unless such person has obtained a permit for such
1096 business from the Department of Health. A caterer's permit shall
1097 not authorize the sale of alcoholic beverages on the premises of
1098 the person engaging in business as a caterer; however, the holder
1099 of an on-premises retailer's permit may hold a caterer's permit.
1100 When the holder of an on-premises retailer's permit or an
1101 affiliated entity of the holder also holds a caterer's permit, the
1102 caterer's permit shall not authorize the service of alcoholic



1103 beverages on a consistent, recurring basis at a separate, fixed
1104 location owned or operated by the caterer, on-premises retailer or
1105 affiliated entity and an on-premises retailer's permit shall be
1106 required for the separate location. All sales of alcoholic
1107 beverages by holders of a caterer's permit shall be made at the
1108 location being catered by the caterer, and, except as otherwise
1109 provided in subsection (5) of this section, such sales may be made
1110 only for consumption at the catered location. The location being
1111 catered may be anywhere within a county or judicial district that
1112 has voted to come out from under the dry laws or in which the sale
1113 and distribution of alcoholic beverages is otherwise authorized by
1114 law. Such sales shall be made pursuant to any other conditions
1115 and restrictions which apply to sales made by on-premises retail
1116 permittees. The holder of a caterer's permit or his employees
1117 shall remain at the catered location as long as alcoholic
1118 beverages are being sold pursuant to the permit issued under this
1119 paragraph (g), and the permittee shall have at the location the
1120 identification card issued by the Alcoholic Beverage Control
1121 Division of the department. No unsold alcoholic beverages may be
1122 left at the catered location by the permittee upon the conclusion
1123 of his business at that location. Appropriate law enforcement
1124 officers and Alcoholic Beverage Control Division personnel may
1125 enter a catered location on private property in order to enforce
1126 laws governing the sale or serving of alcoholic beverages.



1127 (h) **Research permit.** A research permit shall authorize
1128 the holder thereof to operate a research facility for the
1129 professional research of alcoholic beverages. Such permit shall
1130 authorize the holder of the permit to import and purchase limited
1131 amounts of alcoholic beverages from the department or from
1132 importers, wineries and distillers of alcoholic beverages for
1133 professional research.

1134 (i) **Alcohol processing permit.** An alcohol processing
1135 permit shall authorize the holder thereof to purchase, transport
1136 and possess alcoholic beverages for the exclusive use in cooking,
1137 processing or manufacturing products which contain alcoholic
1138 beverages as an integral ingredient. An alcohol processing permit
1139 shall not authorize the sale of alcoholic beverages on the
1140 premises of the person engaging in the business of cooking,
1141 processing or manufacturing products which contain alcoholic
1142 beverages. The amounts of alcoholic beverages allowed under an
1143 alcohol processing permit shall be set by the department.

1144 (j) **Hospitality cart permit.** A hospitality cart permit
1145 shall authorize the sale of alcoholic beverages from a mobile cart
1146 on a golf course that is the holder of an on-premises retailer's
1147 permit. The alcoholic beverages sold from the cart must be
1148 consumed within the boundaries of the golf course.

1149 (k) **Special service permit.** A special service permit
1150 shall authorize the holder to sell commercially sealed alcoholic
1151 beverages to the operator of a commercial or private aircraft for



1152 en route consumption only by passengers. A special service permit
1153 shall be issued only to a fixed-base operator who contracts with
1154 an airport facility to provide fueling and other associated
1155 services to commercial and private aircraft.

1156 (1) **Merchant permit.** Except as otherwise provided in
1157 subsection (5) of this section, a merchant permit shall be issued
1158 only to the owner of a spa facility, an art studio or gallery, or
1159 a cooking school, and shall authorize the holder to serve
1160 complimentary by the glass wine only, including native wine, at
1161 the holder's spa facility, art studio or gallery, or cooking
1162 school. A merchant permit holder shall obtain all wine from the
1163 holder of a package retailer's permit.

1164 (m) **Temporary alcoholic beverages charitable auction**
1165 **permit.** A temporary permit, not to exceed five (5) days, may be
1166 issued to a qualifying charitable nonprofit organization that is
1167 exempt from taxation under Section 501(c)(3) or (4) of the
1168 Internal Revenue Code of 1986. The permit shall authorize the
1169 holder to sell alcoholic beverages for the limited purpose of
1170 raising funds for the organization during a live or silent auction
1171 that is conducted by the organization and that meets the following
1172 requirements: (i) the auction is conducted in an area of the
1173 state where the sale of alcoholic beverages is authorized; (ii) if
1174 the auction is conducted on the premises of an on-premises
1175 retailer's permit holder, then the alcoholic beverages to be
1176 auctioned must be stored separately from the alcoholic beverages



1177 sold, stored or served on the premises, must be removed from the
1178 premises immediately following the auction, and may not be
1179 consumed on the premises; (iii) the permit holder may not conduct
1180 more than two (2) auctions during a calendar year; (iv) the permit
1181 holder may not pay a commission or promotional fee to any person
1182 to arrange or conduct the auction.

1183 (n) **Event venue retailer's permit.** An event venue
1184 retailer's permit shall authorize the holder thereof to purchase
1185 and resell alcoholic beverages, including native wines and native
1186 spirits, for consumption on the premises during legal hours during
1187 events held on the licensed premises if food is being served at
1188 the event by a caterer who is not affiliated with or related to
1189 the permittee. The caterer must serve at least three (3) entrees.
1190 The permit may only be issued for venues that can accommodate two
1191 hundred (200) persons or more. The number of persons a venue may
1192 accommodate shall be determined by the local fire department and
1193 such determination shall be provided in writing and submitted
1194 along with all other documents required to be provided for an
1195 on-premises retailer's permit. The permittee must derive the
1196 majority of its revenue from event-related fees, including, but
1197 not limited to, admission fees or ticket sales for live
1198 entertainment in the building. "Event-related fees" do not
1199 include alcohol, beer or light wine sales or any fee which may be
1200 construed to cover the cost of alcohol, beer or light wine. This



1201 determination shall be made on a per event basis. An event may
1202 not last longer than two (2) consecutive days per week.

1203 (o) **Temporary theatre permit.** A temporary theatre
1204 permit, not to exceed five (5) days, may be issued to a charitable
1205 nonprofit organization that is exempt from taxation under Section
1206 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
1207 a theatre facility that features plays and other theatrical
1208 performances and productions. Except as otherwise provided in
1209 subsection (5) of this section, the permit shall authorize the
1210 holder to sell alcoholic beverages, including native wines and
1211 native spirits, to patrons of the theatre during performances and
1212 productions at the theatre facility for consumption during such
1213 performances and productions on the premises of the facility
1214 described in the permit. A temporary theatre permit holder shall
1215 obtain all alcoholic beverages from package retailers located in
1216 the county in which the permit is issued. Alcoholic beverages
1217 remaining in stock upon expiration of the temporary theatre permit
1218 may be returned by the permittee to the package retailer for a
1219 refund of the purchase price upon consent of the package retailer
1220 or may be kept by the permittee exclusively for personal use and
1221 consumption, subject to all laws pertaining to the illegal sale
1222 and possession of alcoholic beverages.

1223 (p) **Charter ship operator's permit.** Subject to the
1224 provisions of this paragraph (p), a charter ship operator's permit
1225 shall authorize the holder thereof and its employees to serve,



1226 monitor, store and otherwise control the serving and availability
1227 of alcoholic beverages to customers of the permit holder during
1228 private charters under contract provided by the permit holder. A
1229 charter ship operator's permit shall authorize such action by the
1230 permit holder and its employees only as to alcoholic beverages
1231 brought onto the permit holder's ship by customers of the permit
1232 holder as part of such a private charter. All such alcoholic
1233 beverages must be removed from the charter ship at the conclusion
1234 of each private charter. A charter ship operator's permit shall
1235 not authorize the permit holder to sell, charge for or otherwise
1236 supply alcoholic beverages to customers, except as authorized in
1237 this paragraph (p). For the purposes of this paragraph (p),
1238 "charter ship operator" means a common carrier that (i) is
1239 certified to carry at least one hundred fifty (150) passengers
1240 and/or provide overnight accommodations for at least fifty (50)
1241 passengers, (ii) operates only in the waters within the State of
1242 Mississippi, which lie adjacent to the State of Mississippi south
1243 of the three (3) most southern counties in the State of
1244 Mississippi, and (iii) provides charters under contract for tours
1245 and trips in such waters.

1246 (q) **Distillery retailer's permit.** The holder of a
1247 Class 1 manufacturer's permit may obtain a distillery retailer's
1248 permit. A distillery retailer's permit shall authorize the holder
1249 thereof to sell at retail alcoholic beverages to consumers for
1250 on-premises consumption, or to consumers by the sealed and



1251 unopened bottle from a retail location at the distillery for
1252 off-premises consumption. The holder may only sell product
1253 manufactured by the manufacturer at the distillery described in
1254 the permit. However, when selling to consumers for on-premises
1255 consumption, a holder of a distillery retailer's permit may add
1256 other beverages, alcoholic or not, so long as the total volume of
1257 other beverage components containing alcohol does not exceed
1258 twenty percent (20%). Hours of sale shall be the same as those
1259 authorized for on-premises permittees in the city or county in
1260 which the distillery retailer is located.

1261 The holder shall not sell at retail more than ten percent
1262 (10%) of the alcoholic beverages produced annually at its
1263 distillery. The holder shall not make retail sales of more than
1264 two and twenty-five one-hundredths (2.25) liters, in the
1265 aggregate, of the alcoholic beverages produced at its distillery
1266 to any one (1) individual for consumption off the premises of the
1267 distillery within a twenty-four-hour period. The hours of sale
1268 shall be the same as those hours for package retailers under this
1269 article. The holder of a distillery retailer's permit is not
1270 required to purchase the alcoholic beverages authorized to be sold
1271 by this paragraph from the department's liquor distribution
1272 warehouse; however, if the holder does not purchase the alcoholic
1273 beverages from the department's liquor distribution warehouse, the
1274 holder shall pay to the department all taxes, fees and surcharges
1275 on the alcoholic beverages that are imposed upon the sale of



1276 alcoholic beverages shipped by the department or its warehouse
1277 operator. In addition to alcoholic beverages, the holder of a
1278 distillery retailer's permit may sell at retail promotional
1279 products from the same retail location, including shirts, hats,
1280 glasses, and other promotional products customarily sold by
1281 alcoholic beverage manufacturers.

1282 (r) **Festival Wine Permit.** Any wine manufacturer or
1283 native wine producer permitted by Mississippi or any other state
1284 is eligible to obtain a Festival Wine Permit. This permit
1285 authorizes the entity to transport product manufactured by it to
1286 festivals held within the State of Mississippi and sell sealed,
1287 unopened bottles to festival participants. The holder of this
1288 permit may provide samples at no charge to participants.
1289 "Festival" means any event at which three (3) or more vendors are
1290 present at a location for the sale or distribution of goods. The
1291 holder of a Festival Wine Permit is not required to purchase the
1292 alcoholic beverages authorized to be sold by this paragraph from
1293 the department's liquor distribution warehouse. However, if the
1294 holder does not purchase the alcoholic beverages from the
1295 department's liquor distribution warehouse, the holder of this
1296 permit shall pay to the department all taxes, fees and surcharges
1297 on the alcoholic beverages sold at such festivals that are imposed
1298 upon the sale of alcoholic beverages shipped by the Alcoholic
1299 Beverage Control Division of the Department of Revenue.
1300 Additionally, the entity shall file all applicable reports and



1301 returns as prescribed by the department. This permit is issued
1302 per festival and provides authority to sell for two (2)
1303 consecutive days during the hours authorized for on-premises
1304 permittees' sales in that county or city. The holder of the
1305 permit shall be required to maintain all requirements set by Local
1306 Option Law for the service and sale of alcoholic beverages. This
1307 permit may be issued to entities participating in festivals at
1308 which a Class 1 temporary permit is in effect.

1309 This paragraph (r) shall stand repealed from and after July
1310 1, 2026.

1311 (s) **Charter vessel operator's permit.** Subject to the
1312 provisions of this paragraph (s), a charter vessel operator's
1313 permit shall authorize the holder thereof and its employees to
1314 sell and serve alcoholic beverages to passengers of the permit
1315 holder during public tours, historical tours, ecological tours and
1316 sunset cruises provided by the permit holder. The permit shall
1317 authorize the holder to only sell alcoholic beverages, including
1318 native wines, to passengers of the charter vessel operator during
1319 public tours, historical tours, ecological tours and sunset
1320 cruises provided by the permit holder aboard the charter vessel
1321 operator for consumption during such tours and cruises on the
1322 premises of the charter vessel operator described in the permit.
1323 For the purposes of this paragraph (s), "charter vessel operator"
1324 means a common carrier that (i) is certified to carry at least
1325 forty-nine (49) passengers, (ii) operates only in the waters



1326 within the State of Mississippi, which lie south of Interstate 10
1327 in the three (3) most southern counties in the State of
1328 Mississippi, and lie adjacent to the State of Mississippi south of
1329 the three (3) most southern counties in the State of Mississippi,
1330 extending not further than one (1) mile south of such counties,
1331 and (iii) provides vessel services for tours and cruises in such
1332 waters as provided in this paragraph(s).

1333 (t) **Native spirit retailer's permit.** Except as
1334 otherwise provided in subsection (5) of this section, a native
1335 spirit retailer's permit shall be issued only to a holder of a
1336 Class 4 manufacturer's permit, and shall authorize the holder
1337 thereof to make retail sales of native spirits to consumers for
1338 on-premises consumption or to consumers in originally sealed and
1339 unopened containers at an establishment located on the premises of
1340 or in the immediate vicinity of a native distillery. When selling
1341 to consumers for on-premises consumption, a holder of a native
1342 spirit retailer's permit may add to the native spirit alcoholic
1343 beverages not produced on the premises, so long as the total
1344 volume of foreign beverage components does not exceed twenty
1345 percent (20%) of the mixed beverage. Hours of sale shall be the
1346 same as those authorized for on-premises permittees in the city or
1347 county in which the native spirit retailer is located.

1348 (u) **Delivery service permit.** Any individual, limited
1349 liability company, corporation or partnership registered to do
1350 business in this state is eligible to obtain a delivery service



1351 permit. Subject to the provisions of Section 67-1-51.1, this
1352 permit authorizes the permittee, or its employee or an independent
1353 contractor acting on its behalf, to deliver alcoholic beverages,
1354 beer, light wine and light spirit product from a licensed retailer
1355 to a person in this state who is at least twenty-one (21) years of
1356 age for the individual's use and not for resale. This permit does
1357 not authorize the delivery of alcoholic beverages, beer, light
1358 wine or light spirit product to the premises of a location with a
1359 permit for the manufacture, distribution or retail sale of
1360 alcoholic beverages, beer, light wine or light spirit product.
1361 The holder of a package retailer's permit or an on-premises
1362 retailer's permit under Section 67-1-51 or of a beer, light wine
1363 and light spirit product permit under Section 67-3-19 is
1364 authorized to apply for a delivery service permit as a privilege
1365 separate from its existing retail permit.

1366 (v) **Food truck permit.** A food truck permit shall
1367 authorize the holder of an on-premises retailer's permit to use a
1368 food truck to sell alcoholic beverages off its premises to guests
1369 who must consume the beverages in open containers. For the
1370 purposes of this paragraph (v), "food truck" means a fully encased
1371 food service establishment on a motor vehicle or on a trailer that
1372 a motor vehicle pulls to transport, and from which a vendor,
1373 standing within the frame of the establishment, prepares, cooks,
1374 sells and serves food for immediate human consumption. The term
1375 "food truck" does not include a food cart that is not motorized.



1376 Food trucks shall maintain such distance requirements from
1377 schools, churches, kindergartens and funeral homes as are required
1378 for on-premises retailer's permittees under this article, and all
1379 sales must be made within a valid leisure and recreation district
1380 established under Section 67-1-101. Food trucks cannot sell or
1381 serve alcoholic beverages unless also offering food prepared and
1382 cooked within the food truck, and permittees must maintain a
1383 twenty-five percent (25%) food sale revenue requirement based on
1384 the food sold from the food truck alone. The hours allowed for
1385 sale shall be the same as those for on-premises retailer's
1386 permittees in the location. This permit will not be required for
1387 the holder of a caterer's permit issued under this article to
1388 cater an event as allowed by law. Permittees must provide notice
1389 of not less than forty-eight (48) hours to the department of each
1390 location at which alcoholic beverages will be sold.

1391 (w) **Direct shipper's permit.** A direct shipper's permit
1392 shall authorize the holder to sell and ship wine directly to
1393 residents in this state in accordance with the provisions of
1394 Sections 1 through 12 of this act, without being required to
1395 transact the sale and shipment of those wines and/or distilled
1396 spirits through the Alcoholic Beverage Control Division of the
1397 department.

1398 (x) **Wine and Distilled Spirits Fulfillment Provider**
1399 **Permit.** A wine and distilled spirits fulfillment provider permit
1400 shall authorize the holder to only provide logistics services of



1401 warehousing, packaging, order fulfillment, and shipment of wine
1402 and/or distilled spirits for a direct shipper permittee for which
1403 the wine and distilled spirits fulfillment provider permittee is
1404 the bailee of the wine and/or distilled spirits under Sections 1
1405 through 12 of this act. Wine and/or distilled spirits held in
1406 bailment by a wine and distilled spirits fulfillment provider
1407 permittee shall remain the property of the direct shipper
1408 permittee until loaded on conveyance for direct shipment to a
1409 Mississippi resident.

1410 (2) Except as otherwise provided in subsection (4) of this
1411 section, retail permittees may hold more than one (1) retail
1412 permit, at the discretion of the department.

1413 (3) (a) Except as otherwise provided in this subsection, no
1414 authority shall be granted to any person to manufacture, sell or
1415 store for sale any intoxicating liquor as specified in this
1416 article within four hundred (400) feet of any church, school,
1417 kindergarten or funeral home. However, within an area zoned
1418 commercial or business, such minimum distance shall be not less
1419 than one hundred (100) feet.

1420 (b) A church or funeral home may waive the distance
1421 restrictions imposed in this subsection in favor of allowing
1422 issuance by the department of a permit, pursuant to subsection (1)
1423 of this section, to authorize activity relating to the
1424 manufacturing, sale or storage of alcoholic beverages which would
1425 otherwise be prohibited under the minimum distance criterion.



1426 Such waiver shall be in written form from the owner, the governing
1427 body, or the appropriate officer of the church or funeral home
1428 having the authority to execute such a waiver, and the waiver
1429 shall be filed with and verified by the department before becoming
1430 effective.

1431 (c) The distance restrictions imposed in this
1432 subsection shall not apply to the sale or storage of alcoholic
1433 beverages at a bed and breakfast inn listed in the National
1434 Register of Historic Places or to the sale or storage of alcoholic
1435 beverages in a historic district that is listed in the National
1436 Register of Historic Places, is a qualified resort area and is
1437 located in a municipality having a population greater than one
1438 hundred thousand (100,000) according to the latest federal
1439 decennial census.

1440 (d) The distance restrictions imposed in this
1441 subsection shall not apply to the sale or storage of alcoholic
1442 beverages at a qualified resort area as defined in Section
1443 67-1-5(o)(iii)32.

1444 (e) The distance restrictions imposed in this
1445 subsection shall not apply to the sale or storage of alcoholic
1446 beverages at a licensed premises in a building formerly owned by a
1447 municipality and formerly leased by the municipality to a
1448 municipal school district and used by the municipal school
1449 district as a district bus shop facility.



1450 (f) The distance restrictions imposed in this
1451 subsection shall not apply to the sale or storage of alcoholic
1452 beverages at a licensed premises in a building consisting of at
1453 least five thousand (5,000) square feet and located approximately
1454 six hundred (600) feet from the intersection of Mississippi
1455 Highway 15 and Mississippi Highway 4.

1456 (g) The distance restrictions imposed in this
1457 subsection shall not apply to the sale or storage of alcoholic
1458 beverages at a licensed premises in a building located at or near
1459 the intersection of Ward and Tate Streets and adjacent properties
1460 in the City of Senatobia, Mississippi.

1461 (h) The distance restrictions imposed in this
1462 subsection shall not apply to the sale or storage of alcoholic
1463 beverages at a theatre facility that features plays and other
1464 theatrical performances and productions and (i) is capable of
1465 seating more than seven hundred fifty (750) people, (ii) is owned
1466 by a municipality which has a population greater than ten thousand
1467 (10,000) according to the latest federal decennial census, (iii)
1468 was constructed prior to 1930, (iv) is on the National Register of
1469 Historic Places, and (v) is located in a historic district.

1470 (i) The distance restrictions imposed in this
1471 subsection shall not apply to the sale or storage of alcoholic
1472 beverages at a licensed premises in a building located
1473 approximately one and six-tenths (1.6) miles north of the



1474 intersection of Mississippi Highway 15 and Mississippi Highway 4
1475 on the west side of Mississippi Highway 15.

1476 (4) No person, either individually or as a member of a firm,
1477 partnership, limited liability company or association, or as a
1478 stockholder, officer or director in a corporation, shall own or
1479 control any interest in more than one (1) package retailer's
1480 permit, nor shall such person's spouse, if living in the same
1481 household of such person, any relative of such person, if living
1482 in the same household of such person, or any other person living
1483 in the same household with such person own any interest in any
1484 other package retailer's permit.

1485 (5) (a) In addition to any other authority granted under
1486 this section, the holder of a permit issued under subsection
1487 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1488 sell or otherwise provide alcoholic beverages and/or wine to a
1489 patron of the permit holder in the manner authorized in the permit
1490 and the patron may remove an open glass, cup or other container of
1491 the alcoholic beverage and/or wine from the licensed premises and
1492 may possess and consume the alcoholic beverage or wine outside of
1493 the licensed premises if: (i) the licensed premises is located
1494 within a leisure and recreation district created under Section
1495 67-1-101 and (ii) the patron remains within the boundaries of the
1496 leisure and recreation district while in possession of the
1497 alcoholic beverage or wine.



1498 (b) Nothing in this subsection shall be construed to
1499 allow a person to bring any alcoholic beverages into a permitted
1500 premises except to the extent otherwise authorized by this
1501 article.

1502 **SECTION 20.** Section 67-1-53, Mississippi Code of 1972, is
1503 amended as follows:

1504 67-1-53. (1) Application for permits shall be in such form
1505 and shall contain such information as shall be required by the
1506 regulations of the * * * department; however, no regulation of
1507 the * * * department shall require personal financial information
1508 from any officer of a corporation applying for an on-premises
1509 retailer's permit to sell alcoholic beverages unless such officer
1510 owns ten percent (10%) or more of the stock of such corporation.

1511 (2) Every applicant for each type of permit authorized by
1512 Section 67-1-51 shall give notice of such application by
1513 publication for two (2) consecutive issues in a newspaper of
1514 general circulation published in the city or town in which
1515 applicant's place of business is located. However, in instances
1516 where no newspaper is published in the city or town, then the
1517 notice shall be published in a newspaper of general circulation
1518 published in the county where the applicant's business is located.
1519 If no newspaper is published in the county, the notice shall be
1520 published in a qualified newspaper which is published in the
1521 closest neighboring county and circulated in the county of
1522 applicant's residence. The notice shall be printed in ten-point



1523 black face type and shall set forth the type of permit to be
1524 applied for, the exact location of the place of business, the name
1525 of the owner or owners thereof, and if operating under an assumed
1526 name, the trade name together with the names of all owners, and if
1527 a corporation, the names and titles of all officers. The cost of
1528 such notice shall be borne by the applicant. The provisions of
1529 this subsection (2) shall not apply to applicants for a direct
1530 shipper's permit under Sections 1 through 12 of this act.

1531 (3) Each application or filing made under this section shall
1532 include the social security number(s) of the applicant in
1533 accordance with Section 93-11-64, Mississippi Code of 1972.

1534 **SECTION 21.** Section 67-1-55, Mississippi Code of 1972, is
1535 amended as follows:

1536 67-1-55. No permit of any type shall be issued by the * * *
1537 department until the applicant has first filed with the * * *
1538 department a sworn statement disclosing all persons who are
1539 financially involved in the operation of the business for which
1540 the permit is sought. If an applicant is an individual, he will
1541 swear that he owns one hundred percent (100%) of the business for
1542 which he is seeking a permit. If the applicant is a partnership,
1543 all partners and their addresses shall be disclosed and the extent
1544 of their interest in the partnership shall be disclosed. If the
1545 applicant is a corporation, the total stock in the corporation
1546 shall be disclosed and each shareholder and his address and the
1547 amount of stock in the corporation owned by him shall be



1548 disclosed. If the applicant is a limited liability company, each
1549 member and their addresses shall be disclosed and the extent of
1550 their interest in the limited liability company shall be
1551 disclosed. If the applicant is a trust, the trustee and all
1552 beneficiaries and their addresses shall be disclosed. If the
1553 applicant is a combination of any of the above, all information
1554 required to be disclosed above shall be required.

1555 All the disclosures shall be in writing and kept on file at
1556 the * * * department and shall be available to the public.

1557 Every applicant must, when applying for a renewal of his
1558 permit, disclose any change in the ownership of the business or
1559 any change in the beneficiaries of the income from the business.

1560 Any person who willfully fails to fully disclose the
1561 information required by this section, or who gives false
1562 information, shall be guilty of a misdemeanor and, upon conviction
1563 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1564 (\$500.00) or imprisoned for not more than one (1) year, or both,
1565 and the person or applicant shall never again be eligible for any
1566 permit pertaining to alcoholic beverages.

1567 The provisions of this section shall not apply to applicants
1568 for a direct shipper's permit under Sections 1 through 12 of this
1569 act.

1570 **SECTION 22.** Section 67-1-57, Mississippi Code of 1972, is
1571 amended as follows:



1572 67-1-57. Before a permit is issued the department shall
1573 satisfy itself:

1574 (a) That the applicant, if an individual, or if a
1575 partnership, each of the members of the partnership, or if a
1576 corporation, each of its principal officers and directors, or if a
1577 limited liability company, each member of the limited liability
1578 company, is of good moral character and, in addition, enjoys a
1579 reputation of being a peaceable, law-abiding citizen of the
1580 community in which he resides, and is generally fit for the trust
1581 to be reposed in him, is not less than twenty-one (21) years of
1582 age, and has not been convicted of a felony in any state or
1583 federal court.

1584 (b) That, except in the case of an application for a
1585 solicitor's permit, the applicant is the true and actual owner of
1586 the business for which the permit is desired, and that he intends
1587 to carry on the business authorized for himself and not as the
1588 agent of any other person, and that he intends to superintend in
1589 person the management of the business or that he will designate a
1590 manager to manage the business for him. Except for managers
1591 employed by the holder of a direct shipper's permit, all managers
1592 must be approved by the department prior to completing any
1593 managerial tasks on behalf of the permittee and must possess all
1594 of the qualifications required of a permittee; however, a felony
1595 conviction, other than a crime of violence, does not automatically
1596 disqualify a person from being approved as a manager if the person



1597 was released from incarceration at least three (3) years prior to
1598 application for approval as a manager. A felony conviction, other
1599 than a crime of violence, may be considered by the department in
1600 determining whether all other qualifications are met.

1601 (c) That the applicant for a package retailer's permit,
1602 if an individual, is a resident of the State of Mississippi. If
1603 the applicant is a partnership, each member of the partnership
1604 must be a resident of the state. If the applicant is a limited
1605 liability company, each member of the limited liability company
1606 must be a resident of the state. If the applicant is a
1607 corporation, the designated manager of the corporation must be a
1608 resident of the state.

1609 (d) That the place for which the permit is to be issued
1610 is an appropriate one considering the character of the premises
1611 and the surrounding neighborhood.

1612 (e) That the place for which the permit is to be issued
1613 is within the corporate limits of an incorporated municipality or
1614 qualified resort area or club which comes within the provisions of
1615 this article.

1616 (f) That the applicant is not indebted to the state for
1617 any taxes, fees or payment of penalties imposed by any law of the
1618 State of Mississippi or by any rule or regulation of the * * *
1619 department.

1620 (g) That the applicant is not in the habit of using
1621 alcoholic beverages to excess and is not physically or mentally



1622 incapacitated, and that the applicant has the ability to read and
1623 write the English language.

1624 (h) That the * * * department does not believe and has
1625 no reason to believe that the applicant will sell or knowingly
1626 permit any agent, servant or employee to unlawfully sell liquor in
1627 a dry area or in any other manner contrary to law.

1628 (i) That the applicant is not residentially domiciled
1629 with any person whose permit or license has been cancelled for
1630 cause within the twelve (12) months next preceding the date of the
1631 present application for a permit.

1632 (j) That the * * * department has not, in the exercise
1633 of its discretion which is reserved and preserved to it, refused
1634 to grant permits under the restrictions of this section, as well
1635 as under any other pertinent provision of this article.

1636 (k) That there are not sufficient legal reasons to deny
1637 a permit on the ground that the premises for which the permit is
1638 sought has previously been operated, used or frequented for any
1639 purpose or in any manner that is lewd, immoral or offensive to
1640 public decency. In the granting or withholding of any permit to
1641 sell alcoholic beverages at retail, the * * * department in
1642 forming its conclusions may give consideration to any
1643 recommendations made in writing by the district or county attorney
1644 or county, circuit or chancery judge of the county, or the sheriff
1645 of the county, or the mayor or chief of police of an incorporated
1646 city or town wherein the applicant proposes to conduct his



1647 business and to any recommendations made by representatives of
1648 the * * * department.

1649 (1) That the applicant and the applicant's key
1650 employees, as determined by the * * * department, do not have a
1651 disqualifying criminal record. In order to obtain a criminal
1652 record history check, the applicant shall submit to the commission
1653 a set of fingerprints from any local law enforcement agency for
1654 each person for whom the records check is required. The * * *
1655 department shall forward the fingerprints to the Mississippi
1656 Department of Public Safety. If no disqualifying record is
1657 identified at the state level, the Department of Public Safety
1658 shall forward the fingerprints to the Federal Bureau of
1659 Investigation for a national criminal history record check. Costs
1660 for processing the set or sets of fingerprints shall be borne by
1661 the applicant. The department may waive the fingerprint
1662 requirement in the case of an applicant for a direct shipper's
1663 permit. The * * * department shall not deny employment to an
1664 employee of the applicant prior to the identification of a
1665 disqualifying record or other disqualifying information.

1666 **SECTION 23.** Section 67-1-73, Mississippi Code of 1972, is
1667 amended as follows:

1668 67-1-73. (1) Except as otherwise provided in subsection (3)
1669 of this section, every manufacturer, including native wine or
1670 native spirit producers, within or without the state, and every
1671 other shipper of alcoholic beverages who sells any alcoholic



1672 beverage, including native wine or native spirit, within the
1673 state, shall, at the time of making such sale, file with the
1674 department a copy of the invoice of such sale showing in detail
1675 the kind of alcoholic beverage sold, the quantities of each, the
1676 size of the container and the weight of the contents, the
1677 alcoholic content, and the name and address of the person to whom
1678 sold.

1679 (2) Except as otherwise provided in subsection (3) of this
1680 section, every person transporting alcoholic beverages, including
1681 native wine or native spirit, within this state to a point within
1682 this state, whether such transportation originates within or
1683 without this state, shall, within five (5) days after delivery of
1684 such shipment, furnish the department a copy of the bill of lading
1685 or receipt, showing the name or consignor or consignee, date,
1686 place received, destination, and quantity of alcoholic beverages
1687 delivered. Upon failure to comply with the provisions of this
1688 section, such person shall be deemed guilty of a misdemeanor and,
1689 upon conviction thereof, shall be fined in the sum of Fifty
1690 Dollars (\$50.00) for each offense.

1691 (3) Information regarding the sales, shipment, delivery and
1692 transportation of wine and/or distilled spirits in this state by
1693 the holder of a direct shipper's permit under Sections 1 through
1694 12 of this act shall be in such form and content as prescribed by
1695 the department.



1696 **SECTION 24.** Section 97-31-47, Mississippi Code of 1972, is
1697 amended as follows:

1698 97-31-47. It shall be unlawful for any transportation
1699 company, or any agent, employee, or officer of such company, or
1700 any other person, or corporation to transport into or deliver in
1701 this state in any manner or by any means any spirituous, vinous,
1702 malt, or other intoxicating liquors or drinks, or for any such
1703 person, company, or corporation to transport any spirituous, malt,
1704 vinous, or intoxicating liquors or drinks from one place within
1705 this state to another place within the state, or from one (1)
1706 point within this state to any point without the state, except in
1707 cases where this chapter * * *, Section 67-9-1, or Sections 1
1708 through 12 of this act authorizes the transportation.

1709 **SECTION 25.** Section 97-31-49, Mississippi Code of 1972, is
1710 amended as follows:

1711 97-31-49. Except as otherwise provided in Sections 1 through
1712 12 of this act, it shall be unlawful for any person, firm or
1713 corporation in this state, in person, by letter, circular, or
1714 other printed or written matter, or in any other manner, to
1715 solicit or take order in this state for any liquors, bitters or
1716 drinks prohibited by the laws of this state to be sold, bartered,
1717 or otherwise disposed of. The inhibition of this section shall
1718 apply to such liquors, bitters and drinks, whether the parties
1719 intend that the same shall be shipped into this state from outside
1720 of the state, or from one (1) point in this state to another point



1721 in this state. If such order be in writing, parol evidence
1722 thereof is admissible without producing or accounting for the
1723 absence of the original; and the taking or soliciting of such
1724 orders is within the inhibition of this section, although the
1725 orders are subject to approval by some other person, and no part
1726 of the price is paid, nor any part of the goods is delivered when
1727 the order is taken.

1728 **SECTION 26.** This act shall take effect and be in force from
1729 and after July 1, 2024.

