

By: Representative Powell

To: State Affairs

HOUSE BILL NO. 1561

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



35 DEPOSITED INTO THE MENTAL HEALTH PROGRAMS FUND; TO AMEND SECTIONS
36 67-1-41, 67-1-45, 67-1-53, 67-1-55, 67-1-57, 67-1-73, 97-31-47 AND
37 97-31-49, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE FOREGOING
38 PROVISIONS OF THIS ACT; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE
39 OF 1972, IN CONFORMITY TO THE FOREGOING PROVISIONS OF THIS ACT; TO
40 PROVIDE THAT A HOLDER OF A PACKAGE RETAILER'S PERMIT MAY SELL AT
41 RETAIL THROUGH THE INTERNET AND SHIP WINE, DISTILLED SPIRITS, OR
42 WINE AND DISTILLED SPIRITS IN ORIGINAL SEALED AND UNOPENED
43 PACKAGES TO RESIDENTS IN THIS STATE; TO PROVIDE THAT A HOLDER OF A
44 PACKAGE RETAILER'S PERMIT MAKING SALES OF WINE, DISTILLED SPIRITS,
45 OR WINE AND DISTILLED SPIRITS THROUGH THE INTERNET MAY NOT SELL OR
46 SHIP ANY ALCOHOLIC BEVERAGE OTHER THAN WINE, DISTILLED SPIRITS, OR
47 WINE AND DISTILLED SPIRITS OR SHIP TO AN ADDRESS IN A COUNTY THAT
48 HAS NOT VOTED IN FAVOR OF COMING OUT FROM UNDER THE DRY LAW; TO
49 INCREASE THE NUMBER OF PACKAGE RETAILER'S PERMITS THAT MAY BE
50 OWNED BY A PERSON OR IN WHICH A PERSON MAY HAVE A CONTROLLING
51 INTEREST FROM ONE TO THREE; TO AMEND SECTION 67-1-83, MISSISSIPPI
52 CODE OF 1972, IN CONFORMITY THERETO; TO ALLOW ANY COUNTY,
53 MUNICIPALITY, TRIBE OR OTHER POLITICAL SUBDIVISION OF THE STATE
54 THAT IS WET UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW
55 TO AUTHORIZE PERMITTED PACKAGE RETAILERS TO ENGAGE IN PACKAGE
56 RETAIL SALES DURING CERTAIN HOURS ON SUNDAY; TO BRING FORWARD
57 SECTION 67-1-67, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE
58 TRANSFER OF PERMITS UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE
59 CONTROL LAW, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR
60 RELATED PURPOSES.

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

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

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

66 (b) "Direct shipper" means the holder of a direct
67 shipper's permit issued by the department under Sections 1 through
68 9 of this act.

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



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

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

82 **SECTION 3.** To qualify for a permit, an applicant shall be:

83 (a) A holder of a Class 1 or Class 2 manufacturer's
84 permit issued in accordance with Section 67-1-51; or

85 (b) A person licensed or permitted outside of this
86 state to engage in the activity of manufacturing, supplying or
87 importing wine distilled spirits, or wine and distilled spirits.

88 An applicant not engaged in the manufacturing of the wine,
89 distilled spirits, or wine and distilled spirits must be the brand
90 owner, or the authorized agent of the brand owner, of the product
91 or products.

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

93 (a) Submit to the department a completed application on
94 a form provided by the department, containing all information that
95 is required by the department;



96 (b) Provide to the department a copy of the applicant's
97 current license or permit to engage in the activity of
98 manufacturing, supplying or importing wine, distilled spirits, or
99 wine and distilled spirits issued in this or any other state; and

100 (c) Pay to the department the tax prescribed in Section
101 27-71-5.

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

107 (3) The permit shall authorize the direct shipper to engage
108 in the sale and shipment to a resident in this state of only wine,
109 distilled spirits, or wine and distilled spirits for which the
110 direct shipper has provided a license or permit to the department
111 pursuant to subsection (1)(b) of this section.

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

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

117 (b) Report to the department annually the total amount
118 of wine and distilled spirits, by type, sold and shipped into or
119 within the state the preceding calendar year;



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

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

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

129 (2) A direct shipper may not:

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

133 (b) Sell or ship wine or distilled spirits that are
134 available through the Alcoholic Beverage Control Division of the
135 department;

136 (c) Sell or ship more than twenty-four (24) nine-liter
137 cases of wine and eight (8) nine-liter cases of distilled spirits
138 annually to any one (1) individual; or

139 (d) Ship wine or distilled spirits to an address in a
140 county that has not voted in favor of coming out from under the
141 dry law.

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

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



145 (b) Provides to the department a copy of his or her
146 current license or permit to engage in the activity of
147 manufacturing, supplying or importing wine, distilled spirits, or
148 wine and distilled spirits issued in this or any other state; and

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

151 **SECTION 7.** (1) To purchase and receive a direct shipment of
152 wine, distilled spirits, or wine and distilled spirits from a
153 direct shipper, a resident of this state must be at least
154 twenty-one (21) years of age, and a person who is at least
155 twenty-one (21) years of age must sign for any wine, distilled
156 spirits, or wine and distilled spirits shipped from a direct
157 shipper.

158 (2) A shipment of wine, distilled spirits, or wine and
159 distilled spirits may be ordered or purchased from a direct
160 shipper through a computer network.

161 (3) A person who receives a direct shipment of wine,
162 distilled spirits, or wine and distilled spirits from a direct
163 shipper shall use the wine for personal use only and may not
164 resell it.

165 **SECTION 8.** The department may adopt any rules or regulations
166 as necessary to carry out Sections 1 through 9 of this act. All
167 of the enforcement provisions of Section 67-1-1 et seq. that are
168 not in conflict with Sections 1 through 9 of this act may be used



169 by the department to enforce the provisions of Sections 1 through
170 9 of this act.

171 **SECTION 9.** (1) Any person who makes, participates in,
172 transports, imports or receives a sale or shipment of wine,
173 distilled spirits, or wine and distilled spirits in violation of
174 Sections 1 through 9 of this act is guilty of a misdemeanor and,
175 upon conviction thereof, shall be punished by a fine not exceeding
176 One Thousand Dollars (\$1,000.00) or imprisonment in the county
177 jail for not more than six (6) months, or both. Each sale or
178 shipment in violation of Sections 1 through 9 of this act shall
179 constitute a separate offense.

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

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

186 27-71-5. (1) Upon each person approved for a permit under
187 the provisions of the Alcoholic Beverage Control Law and
188 amendments thereto, there is levied and imposed for each location
189 for the privilege of engaging and continuing in this state in the
190 business authorized by such permit, an annual privilege license
191 tax in the amount provided in the following schedule:

192 (a) Except as otherwise provided in this subsection
193 (1), manufacturer's permit, Class 1, distiller's and/or



194 rectifier's:

195 (i) For a permittee with annual production of

196 five thousand (5,000) gallons or more.....\$4,500.00

197 (ii) For a permittee with annual production under

198 five thousand (5,000) gallons.....\$2,800.00

199 (b) Manufacturer's permit, Class 2, wine

200 manufacturer.....\$1,800.00

201 (c) Manufacturer's permit, Class 3, native wine

202 manufacturer per ten thousand (10,000) gallons or part thereof

203 produced.....\$ 10.00

204 (d) Manufacturer's permit, Class 4, native spirit

205 manufacturer per one thousand (1,000) gallons or part thereof

206 produced.....\$ 300.00

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

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

209 (g) On-premises retailer's permit, except for clubs and

210 common carriers, each.....\$ 450.00

211 (h) On-premises retailer's permit for wine of more than

212 five percent (5%) alcohol by weight, but not more than twenty-one

213 percent (21%) alcohol by weight, each.....\$ 225.00

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

215 (j) On-premises retailer's permit for common carriers,

216 per car, plane, or other vehicle.....\$ 120.00



217	(k)	Solicitor's permit, regardless of any other	
218		provision of law, solicitor's permits shall be issued only in the	
219		discretion of the department.....	\$ 100.00
220	(l)	Filing fee for each application except for an	
221		employee identification card.....	\$ 25.00
222	(m)	Temporary permit, Class 1, each.....	\$ 10.00
223	(n)	Temporary permit, Class 2, each.....	\$ 50.00
224	(o)	(i) Caterer's permit.....	\$ 600.00
225		(ii) Caterer's permit for holders of on-premises	
226		retailer's permit.....	\$ 150.00
227	(p)	Research permit.....	\$ 100.00
228	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
229	(r)	Special service permit.....	\$ 225.00
230	(s)	Merchant permit.....	\$ 225.00
231	(t)	Temporary alcoholic beverages charitable auction	
232		permit.....	\$ 10.00
233	(u)	Event venue retailer's permit.....	\$ 225.00
234	(v)	Temporary theatre permit, each.....	\$ 10.00
235	(w)	Charter ship operator's permit.....	\$ 100.00
236	(x)	Distillery retailer's permit.....	\$ 450.00
237	(y)	Festival wine permit.....	\$ 10.00
238	(z)	Charter vessel operator's permit.....	\$ 100.00
239	(aa)	Native spirit retailer's permit.....	\$ 50.00
240	(bb)	Delivery service permit.....	\$ 500.00
241	(cc)	Food truck permit.....	\$ 100.00



242 (dd) Direct shipper's permit.....\$ 100.00

243 In addition to the filing fee imposed by paragraph (l) of
244 this subsection, a fee to be determined by the Department of
245 Revenue may be charged to defray costs incurred to process
246 applications. The additional fees shall be paid into the State
247 Treasury to the credit of a special fund account, which is hereby
248 created, and expenditures therefrom shall be made only to defray
249 the costs incurred by the Department of Revenue in processing
250 alcoholic beverage applications. Any unencumbered balance
251 remaining in the special fund account on June 30 of any fiscal
252 year shall lapse into the State General Fund.

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

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

261 (2) (a) There is imposed and shall be collected from each
262 permittee, except a common carrier, solicitor, a temporary
263 permittee, holder of a direct shipper's permit or a delivery
264 service permittee, by the department, an additional license tax
265 equal to the amounts imposed under subsection (1) of this section



266 for the privilege of doing business within any municipality or
267 county in which the licensee is located.

268 (b) (i) In addition to the tax imposed in paragraph
269 (a) of this subsection, there is imposed and shall be collected by
270 the department from each permittee described in subsection (1)(g),
271 (h), (i), (n) and (u) of this section, an additional license tax
272 for the privilege of doing business within any municipality or
273 county in which the licensee is located in the amount of Two
274 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
275 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
276 (\$225.00) for each additional purchase of Five Thousand Dollars
277 (\$5,000.00), or fraction thereof.

278 (ii) In addition to the tax imposed in paragraph
279 (a) of this subsection, there is imposed and shall be collected by
280 the department from each permittee described in subsection (1)(o)
281 and (s) of this section, an additional license tax for the
282 privilege of doing business within any municipality or county in
283 which the licensee is located in the amount of Two Hundred Fifty
284 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
285 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
286 additional purchase of Five Thousand Dollars (\$5,000.00), or
287 fraction thereof.

288 (iii) Any person who has paid the additional
289 privilege license tax imposed by this paragraph, and whose permit
290 is renewed, may add any unused fraction of Five Thousand Dollars



291 (\$5,000.00) purchases to the first Five Thousand Dollars
292 (\$5,000.00) purchases authorized by the renewal permit, and no
293 additional license tax will be required until purchases exceed the
294 sum of the two (2) figures.

295 (c) If the licensee is located within a municipality,
296 the department shall pay the amount of additional license tax
297 collected under this section to the municipality, and if outside a
298 municipality the department shall pay the additional license tax
299 to the county in which the licensee is located. Payments by the
300 department to the respective local government subdivisions shall
301 be made once each month for any collections during the preceding
302 month.

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

309 (4) The number of permits issued by the department shall not
310 be restricted or limited on a population basis; however, the
311 foregoing limitation shall not be construed to preclude the right
312 of the department to refuse to issue a permit because of the
313 undesirability of the proposed location.

314 (5) If any person shall engage or continue in any business
315 which is taxable under this section without having paid the tax as



316 provided in this section, the person shall be liable for the full
317 amount of the tax plus a penalty thereon equal to the amount
318 thereof, and, in addition, shall be punished by a fine of not more
319 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
320 county jail for a term of not more than six (6) months, or by both
321 such fine and imprisonment, in the discretion of the court.

322 (6) It shall be unlawful for any person to consume alcoholic
323 beverages on the premises of any hotel restaurant, restaurant,
324 club or the interior of any public place defined in Chapter 1,
325 Title 67, Mississippi Code of 1972, when the owner or manager
326 thereof displays in several conspicuous places inside the
327 establishment and at the entrances of establishment a sign
328 containing the following language: NO ALCOHOLIC BEVERAGES
329 ALLOWED.

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

332 27-71-7. (1) There is hereby levied and assessed an excise
333 tax upon each case of alcoholic beverages sold by the department
334 to be collected from each retail licensee at the time of sale in
335 accordance with the following schedule:

- 336 (a) Distilled spirits.....\$2.50 per
337 gallon
- 338 (b) Sparkling wine and champagne.....\$1.00 per
339 gallon



340 (c) Other wines, including native wines...\$.35 per
341 gallon

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

349 (b) Until June 30, 1987, the revenue derived from this
350 three percent (3%) markup shall be deposited by the division in
351 the State Treasury to the credit of the "Alcoholism Treatment and
352 Rehabilitation Fund," a special fund which is hereby created in
353 the State Treasury, and shall be used by the Division of Alcohol
354 and Drug Abuse of the State Department of Mental Health and public
355 or private centers or organizations solely for funding of
356 treatment and rehabilitation programs for alcoholics and alcohol
357 abusers which are sponsored by the division or public or private
358 centers or organizations in such amounts as the Legislature may
359 appropriate to the division for use by the division or public or
360 private centers or organizations for such programs. Any tax
361 revenue in the fund which is not encumbered at the end of the
362 fiscal year shall lapse to the General Fund. It is the intent of
363 the Legislature that the State Department of Mental Health shall
364 continue to seek funds from other sources and shall use the funds



365 appropriated for the purposes of this section and Section 27-71-29
366 to match all federal funds which may be available for alcoholism
367 treatment and rehabilitation.

368 From and after July 1, 1987, the revenue derived from this
369 three percent (3%) markup shall be deposited by the division in
370 the State Treasury to the credit of the "Mental Health Programs
371 Fund," a special fund which is hereby created in the State
372 Treasury and shall be used by the State Department of Mental
373 Health for the service programs of the department. Any revenue in
374 the "Alcoholism Treatment and Rehabilitation Fund" which is not
375 encumbered at the end of Fiscal Year 1987 shall be deposited to
376 the credit of the "Mental Health Programs Fund."

377 (3) There is levied and assessed upon the holder of a direct
378 shipper's permit, a tax in the amount of fifteen and one-half
379 percent (15-1/2%) of the sales price of each sale and shipment of
380 wine, distilled spirits, or wine and distilled spirits made to a
381 resident in this state. The holder of a direct shipper's permit
382 shall file a monthly report with the department along with a copy
383 of the invoice for each sale and shipment of wine, distilled
384 spirits, or wine and distilled spirits and remit any taxes due;
385 however, no report shall be required for months in which no sales
386 or shipments were made into this state. The report, together with
387 copies of the invoices and the payment of all taxes, shall be
388 filed with the department not later than the twentieth day of the
389 month following the month in which the shipment was made.



390 Permittees who fail to timely file and pay taxes as required by
391 this subsection shall pay a late fee in the amount of Fifty
392 Dollars (\$50.00), in addition to any other penalty authorized by
393 this article.

394 (4) No markup or fee assessed or levied only upon sales or
395 shipments through the Alcohol Beverage Control Division of the
396 department shall be made upon any sale or shipment of wine,
397 distilled spirits, or wine and distilled spirits by a holder of a
398 direct shipper's permit to a resident in this state.

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

401 27-71-15. Except as otherwise provided in Section 67-9-1 for
402 the transportation of limited amounts of alcoholic beverages for
403 the use of an alcohol processing permittee, and in Sections 1
404 through 9 of this act for the sale and shipment of wine, distilled
405 spirits, or wine and distilled spirits by the holder of a direct
406 shipper's permit, if transportation requires passage through a
407 county which has not authorized the sale of alcoholic beverages,
408 such transportation shall be by a sealed vehicle. Such seal shall
409 remain unbroken until the vehicle shall reach the place of
410 business operated by the permittee. The operator of any vehicle
411 transporting alcoholic beverages shall have in his possession an
412 invoice issued by the * * * department at the time of the
413 wholesale sale covering the merchandise transported by the



414 vehicle. The * * * department is authorized to issue regulations
415 controlling the transportation of alcoholic beverages.

416 When the restrictions imposed by this section and by the
417 regulation of the * * * department have not been violated, the
418 person transporting alcoholic beverages through a county wherein
419 the sale of alcoholic beverages is prohibited shall not be guilty
420 of unlawful possession and such merchandise shall be immune from
421 seizure.

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

424 27-71-29. (1) All taxes levied by this article shall be
425 paid to the Department of Revenue in cash or by personal check,
426 cashier's check, bank exchange, post office money order or express
427 money order and shall be deposited by the department in the State
428 Treasury on the same day collected, but no remittances other than
429 cash shall be a final discharge of liability for the tax herein
430 imposed and levied unless and until it has been paid in cash to
431 the department.

432 All taxes levied under Section 27-71-7(1) and received by the
433 department under this article shall be paid into the General Fund,
434 and the three percent (3%) levied under Section 27-71-7(2) and
435 received by the department under this article shall be paid into
436 the special fund in the State Treasury designated as the
437 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
438 Any funds derived from the sale of alcoholic beverages in excess



439 of inventory requirements shall be paid not less often than
440 annually into the General Fund, except for a portion of the
441 twenty-seven and one-half percent (27-1/2%) markup provided for in
442 Section 27-71-11, as specified in subsection (2) of this section,
443 and except for fees charged by the department for the defraying of
444 costs associated with shipping alcoholic beverages. The revenue
445 derived from these fees shall be deposited by the department into
446 a special fund, hereby created in the State Treasury, which is
447 designated the "ABC Shipping Fund." The monies in this special
448 fund shall be earmarked for use by the department for any
449 expenditure made to ship alcoholic beverages. Any net proceeds
450 remaining in the special fund on August 1 of any fiscal year shall
451 lapse into the General Fund. "Net proceeds" in this section means
452 the total of all fees collected by the department to defray the
453 costs of shipping less the actual costs of shipping.

454 (2) If the special bond sinking fund created in Section 7(3)
455 of Chapter 483, Laws of 2022 has a balance below the minimum
456 amount specified in the resolution providing for the issuance of
457 the bonds, or below one and one-half (1-1/2) times the amount
458 needed to pay the annual debt obligations related to the bonds
459 issued under Section 7 of Chapter 483, Laws of 2022, whichever is
460 the lesser amount, the Commissioner of Revenue shall transfer the
461 deficit amount to the bond sinking fund from revenue derived from
462 the twenty-seven and one-half percent (27-1/2%) markup provided
463 for in Section 27-71-11.



464 (3) All taxes levied under Section 27-71-7(3) and received
465 by the department under this article shall be paid into the
466 General Fund, except for an amount equivalent to the three percent
467 (3%) levied under Section 27-71-7(2), which shall be paid into the
468 special fund in the State Treasury designated as the "Mental
469 Health Programs Fund" as required by law.

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

472 67-1-41. (1) The department is hereby created a wholesale
473 distributor and seller of alcoholic beverages, not including malt
474 liquors, within the State of Mississippi. It is granted the right
475 to import and sell alcoholic beverages at wholesale within the
476 state, and no person who is granted the right to sell, distribute
477 or receive alcoholic beverages at retail shall purchase any
478 alcoholic beverages from any source other than the department,
479 except as authorized in subsections (4), (9) and (12) of this
480 section and Sections 1 through 9 of this act. The department may
481 establish warehouses, and the department may purchase alcoholic
482 beverages in such quantities and from such sources as it may deem
483 desirable and sell the alcoholic beverages to authorized
484 permittees within the state including, at the discretion of the
485 department, any retail distributors operating within any military
486 post or qualified resort areas within the boundaries of the state,
487 keeping a correct and accurate record of all such transactions and
488 exercising such control over the distribution of alcoholic



489 beverages as seem right and proper in keeping with the provisions
490 or purposes of this article.

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

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

501 (4) The department may promulgate rules and regulations
502 which authorize on-premises retailers to purchase limited amounts
503 of alcoholic beverages from package retailers and for package
504 retailers to purchase limited amounts of alcoholic beverages from
505 other package retailers. The department shall develop and provide
506 forms to be completed by the on-premises retailers and the package
507 retailers verifying the transaction. The completed forms shall be
508 forwarded to the department within a period of time prescribed by
509 the department.

510 (5) The department may promulgate rules which authorize the
511 holder of a package retailer's permit to permit individual retail
512 purchasers of packages of alcoholic beverages to return, for
513 exchange, credit or refund, limited amounts of original sealed and



514 unopened packages of alcoholic beverages purchased by the
515 individual from the package retailer.

516 (6) The department shall maintain all forms to be completed
517 by applicants necessary for licensure by the department at all
518 district offices of the department.

519 (7) The department may promulgate rules which authorize the
520 manufacturer of an alcoholic beverage or wine to import, transport
521 and furnish or give a sample of alcoholic beverages or wines to
522 the holders of package retailer's permits, on-premises retailer's
523 permits, native wine or native spirit retailer's permits and
524 temporary retailer's permits who have not previously purchased the
525 brand of that manufacturer from the department. For each holder
526 of the designated permits, the manufacturer may furnish not more
527 than five hundred (500) milliliters of any brand of alcoholic
528 beverage and not more than three (3) liters of any brand of wine.

529 (8) The department may promulgate rules disallowing open
530 product sampling of alcoholic beverages or wines by the holders of
531 package retailer's permits and permitting open product sampling of
532 alcoholic beverages by the holders of on-premises retailer's
533 permits. Permitted sample products shall be plainly identified
534 "sample" and the actual sampling must occur in the presence of the
535 manufacturer's representatives during the legal operating hours of
536 on-premises retailers.

537 (9) The department may promulgate rules and regulations that
538 authorize the holder of a research permit to import and purchase



539 limited amounts of alcoholic beverages from importers, wineries
540 and distillers of alcoholic beverages or from the department. The
541 department shall develop and provide forms to be completed by the
542 research permittee verifying each transaction. The completed
543 forms shall be forwarded to the department within a period of time
544 prescribed by the department. The records and inventory of
545 alcoholic beverages shall be open to inspection at any time by the
546 Director of the Alcoholic Beverage Control Division or any duly
547 authorized agent.

548 (10) The department may promulgate rules facilitating a
549 retailer's on-site pickup of alcoholic beverages sold by the
550 department or as authorized by the department, including, but not
551 limited to, native wines and native spirits, so that those
552 alcoholic beverages may be delivered to the retailer at the
553 manufacturer's location instead of via shipment from the
554 department's warehouse.

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

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

561 (12) (a) An individual resident of this state who is at
562 least twenty-one (21) years of age may purchase wine from a winery
563 and have the purchase shipped into this state so long as it is



564 shipped to a package retailer permittee in Mississippi; however,
565 the permittee shall pay to the department all taxes, fees and
566 surcharges on the wine that are imposed upon the sale of wine
567 shipped by the department or its warehouse operator. No credit
568 shall be provided to the permittee for any taxes paid to another
569 state as a result of the transaction. Package retailers may
570 charge a service fee for receiving and handling shipments from
571 wineries on behalf of the purchasers. The department shall
572 develop and provide forms to be completed by the package retailer
573 permittees verifying the transaction. The completed forms shall
574 be forwarded to the department within a period of time prescribed
575 by the department.

576 (b) The purchaser of wine that is to be shipped to a
577 package retailer's store shall be required to get the prior
578 approval of the package retailer before any wine is shipped to the
579 package retailer. A purchaser is limited to no more than ten (10)
580 cases of wine per year to be shipped to a package retailer. A
581 package retailer shall notify a purchaser of wine within two (2)
582 days after receiving the shipment of wine. If the purchaser of
583 the wine does not pick up or take the wine from the package
584 retailer within thirty (30) days after being notified by the
585 package retailer, the package retailer may sell the wine as part
586 of his inventory.

587 (c) Shipments of wine into this state under this
588 section shall be made by a duly licensed carrier. It shall be the



589 duty of every common or contract carrier, and of every firm or
590 corporation that shall bring, carry or transport wine from outside
591 the state for delivery inside the state to package retailer
592 permittees on behalf of consumers, to prepare and file with the
593 department, on a schedule as determined by the department, of
594 known wine shipments containing the name of the common or contract
595 carrier, firm or corporation making the report, the period of time
596 covered by said report, the name and permit number of the winery,
597 the name and permit number of the package retailer permittee
598 receiving such wine, the weight of the package delivered to each
599 package retailer permittee, a unique tracking number, and the date
600 of delivery. Reports received by the department shall be made
601 available by the department to the public via the Mississippi
602 Public Records Act process in the same manner as other state
603 alcohol filings.

604 Upon the department's request, any records supporting the
605 report shall be made available to the department within a
606 reasonable time after the department makes a written request for
607 such records. Any records containing information relating to such
608 reports shall be kept and preserved for a period of two (2) years,
609 unless their destruction sooner is authorized, in writing, by the
610 department, and shall be open and available to inspection by the
611 department upon the department's written request. Reports shall
612 also be made available to any law enforcement or regulatory body
613 in the state in which the railroad company, express company,



614 common or contract carrier making the report resides or does
615 business.

616 Any common or contract carrier that willfully fails to make
617 reports, as provided by this section or any of the rules and
618 regulations of the department for the administration and
619 enforcement of this section, is subject to a notification of
620 violation. In the case of a continuing failure to make reports,
621 the common or contract carrier is subject to possible license
622 suspension and revocation at the department's discretion.

623 (d) A winery that ships wine under this section shall
624 be deemed to have consented to the jurisdiction of the courts of
625 this state, of the department, of any other state agency regarding
626 the enforcement of this section, and of any related law, rules or
627 regulations.

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

634 (13) If any provision of this article, or its application to
635 any person or circumstance, is determined by a court to be invalid
636 or unconstitutional, the remaining provisions shall be construed
637 in accordance with the intent of the Legislature to further limit
638 rather than expand commerce in alcoholic beverages to protect the



639 health, safety, and welfare of the state's residents, and to
640 enhance strict regulatory control over taxation, distribution and
641 sale of alcoholic beverages through the three-tier regulatory
642 system imposed by this article upon all alcoholic beverages to
643 curb relationships and practices calculated to stimulate sales and
644 impair the state's policy favoring trade stability and the
645 promotion of temperance.

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

648 67-1-45. No manufacturer, rectifier or distiller of
649 alcoholic beverages shall sell or attempt to sell any such
650 alcoholic beverages, except malt liquor, within the State of
651 Mississippi, except to the department, or as provided in Section
652 67-1-41, or pursuant to Section 67-1-51. A producer of native
653 wine or native spirit may sell native wines or native spirits,
654 respectively, to the department or to consumers at the location of
655 the native winery or native distillery or its immediate vicinity.
656 The holder of a direct shipper's permit may sell wines, distilled
657 spirits, or wines and distilled spirits directly to residents in
658 this state as authorized by Sections 1 through 9 of this act.

659 Any violation of this section by any manufacturer, rectifier
660 or distiller shall be punished by a fine of not less than Five
661 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
662 (\$2,000.00), to which may be added imprisonment in the county jail
663 not to exceed six (6) months.



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

666 67-1-51. (1) Permits which may be issued by the department
667 shall be as follows:

668 (a) **Manufacturer's permit.** A manufacturer's permit
669 shall permit the manufacture, importation in bulk, bottling and
670 storage of alcoholic liquor and its distribution and sale to
671 manufacturers holding permits under this article in this state and
672 to persons outside the state who are authorized by law to purchase
673 the same, and to sell as provided by this article.

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

675 Class 1. Distiller's and/or rectifier's permit, which shall
676 authorize the holder thereof to operate a distillery for the
677 production of distilled spirits by distillation or redistillation
678 and/or to operate a rectifying plant for the purifying, refining,
679 mixing, blending, flavoring or reducing in proof of distilled
680 spirits and alcohol.

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

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



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

690 (b) **Package retailer's permit.** Except as otherwise
691 provided in this paragraph and Section 67-1-52, a package
692 retailer's permit shall authorize the holder thereof to operate a
693 store exclusively for the sale at retail in original sealed and
694 unopened packages of alcoholic beverages, including native wines,
695 native spirits and edibles, not to be consumed on the premises
696 where sold. In addition, a holder of a package retailer's permit
697 may sell at retail through the Internet and ship wine, distilled
698 spirits, or wine and distilled spirits in original sealed and
699 unopened packages to residents in this state and which is not to
700 be consumed on the premises where sold. A holder of a package
701 retailer's permit making such sales of wine, distilled spirits, or
702 wine and distilled spirits shall (i) ensure that all containers of
703 wine, distilled spirits, or wine and distilled spirits sold and
704 shipped directly to a resident in this state are conspicuously
705 labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE
706 21 YEARS OR OLDER REQUIRED FOR DELIVERY" and (ii) report to the
707 department annually the total amount of wine and distilled spirits
708 sold and shipped within the state during the preceding calendar
709 year. A holder of a package retailer's permit who sells wine,
710 distilled spirits, or wine and distilled spirits through the
711 Internet may not sell or ship any alcoholic beverage other than



712 wine, distilled spirits, or wine and distilled spirits or ship
713 wine, distilled spirits, or wine and distilled spirits to an
714 address in a county that has not voted in favor of coming out from
715 under the dry law. Alcoholic beverages shall not be sold by any
716 retailer in any package or container containing less than fifty
717 (50) milliliters by liquid measure. A package retailer's permit,
718 with prior approval from the department, shall authorize the
719 holder thereof to sample new product furnished by a manufacturer's
720 representative or his employees at the permitted place of business
721 so long as the sampling otherwise complies with this article and
722 applicable department regulations. Such samples may not be
723 provided to customers at the permitted place of business. In
724 addition to the sale at retail of packages of alcoholic beverages,
725 the holder of a package retailer's permit is authorized to sell at
726 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
727 other beverages commonly used to mix with alcoholic beverages, and
728 fruits and foods that have been submerged in alcohol and are
729 commonly referred to as edibles. Nonalcoholic beverages sold by
730 the holder of a package retailer's permit shall not be consumed on
731 the premises where sold.

732 (c) **On-premises retailer's permit.** Except as otherwise
733 provided in subsection (5) of this section, an on-premises
734 retailer's permit shall authorize the sale of alcoholic beverages,
735 including native wines and native spirits, for consumption on the
736 licensed premises only; however, a patron of the permit holder may



737 remove one (1) bottle of wine from the licensed premises if: (i)
738 the patron consumed a portion of the bottle of wine in the course
739 of consuming a meal purchased on the licensed premises; (ii) the
740 permit holder securely reseals the bottle; (iii) the bottle is
741 placed in a bag that is secured in a manner so that it will be
742 visibly apparent if the bag is opened; and (iv) a dated receipt
743 for the wine and the meal is available. Additionally, as part of
744 a carryout order, a permit holder may sell one (1) bottle of wine
745 to be removed from the licensed premises for every two (2) entrees
746 ordered. In addition, an on-premises retailer's permittee at a
747 permitted premises located on Jefferson Davis Avenue within
748 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
749 beverages by the glass to a patron in a vehicle using a
750 drive-through method of delivery if the permitted premises is
751 located in a leisure and recreation district established under
752 Section 67-1-101. Such a sale will be considered to be made on
753 the permitted premises. An on-premises retailer's permit shall be
754 issued only to qualified hotels, restaurants and clubs, small
755 craft breweries, microbreweries, and to common carriers with
756 adequate facilities for serving passengers. In resort areas,
757 whether inside or outside of a municipality, the department, in
758 its discretion, may issue on-premises retailer's permits to such
759 establishments as it deems proper. An on-premises retailer's
760 permit when issued to a common carrier shall authorize the sale
761 and serving of alcoholic beverages aboard any licensed vehicle



762 while moving through any county of the state; however, the sale of
763 such alcoholic beverages shall not be permitted while such vehicle
764 is stopped in a county that has not legalized such sales. If an
765 on-premises retailer's permit is applied for by a common carrier
766 operating solely in the water, such common carrier must, along
767 with all other qualifications for a permit, (i) be certified to
768 carry at least one hundred fifty (150) passengers and/or provide
769 overnight accommodations for at least fifty (50) passengers and
770 (ii) operate primarily in the waters within the State of
771 Mississippi which lie adjacent to the State of Mississippi south
772 of the three (3) most southern counties in the State of
773 Mississippi and/or on the Mississippi River or navigable waters
774 within any county bordering on the Mississippi River.

775 (d) **Solicitor's permit.** A solicitor's permit shall
776 authorize the holder thereof to act as salesman for a manufacturer
777 or wholesaler holding a proper permit, to solicit on behalf of his
778 employer orders for alcoholic beverages, and to otherwise promote
779 his employer's products in a legitimate manner. Such a permit
780 shall authorize the representation of and employment by one (1)
781 principal only. However, the permittee may also, in the
782 discretion of the department, be issued additional permits to
783 represent other principals. No such permittee shall buy or sell
784 alcoholic beverages for his own account, and no such beverage
785 shall be brought into this state in pursuance of the exercise of



786 such permit otherwise than through a permit issued to a wholesaler
787 or manufacturer in the state.

788 (e) **Native wine retailer's permit.** Except as otherwise
789 provided in subsection (5) of this section, a native wine
790 retailer's permit shall be issued only to a holder of a Class 3
791 manufacturer's permit, and shall authorize the holder thereof to
792 make retail sales of native wines to consumers for on-premises
793 consumption or to consumers in originally sealed and unopened
794 containers at an establishment located on the premises of or in
795 the immediate vicinity of a native winery. When selling to
796 consumers for on-premises consumption, a holder of a native wine
797 retailer's permit may add to the native wine alcoholic beverages
798 not produced on the premises, so long as the total volume of
799 foreign beverage components does not exceed twenty percent (20%)
800 of the mixed beverage. Hours of sale shall be the same as those
801 authorized for on-premises permittees in the city or county in
802 which the native wine retailer is located.

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

808 Temporary retailer's permits shall be of the following
809 classes:



810 Class 1. A temporary one-day permit may be issued to bona
811 fide nonprofit civic or charitable organizations authorizing the
812 sale of alcoholic beverages, including native wine and native
813 spirit, for consumption on the premises described in the temporary
814 permit only. Class 1 permits may be issued only to applicants
815 demonstrating to the department, by a statement signed under
816 penalty of perjury submitted ten (10) days prior to the proposed
817 date or such other time as the department may determine, that they
818 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
819 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
820 Class 1 permittees shall obtain all alcoholic beverages from
821 package retailers located in the county in which the temporary
822 permit is issued. Alcoholic beverages remaining in stock upon
823 expiration of the temporary permit may be returned by the
824 permittee to the package retailer for a refund of the purchase
825 price upon consent of the package retailer or may be kept by the
826 permittee exclusively for personal use and consumption, subject to
827 all laws pertaining to the illegal sale and possession of
828 alcoholic beverages. The department, following review of the
829 statement provided by the applicant and the requirements of the
830 applicable statutes and regulations, may issue the permit.

831 Class 2. A temporary permit, not to exceed seventy (70)
832 days, may be issued to prospective permittees seeking to transfer
833 a permit authorized in paragraph (c) of this subsection. A Class
834 2 permit may be issued only to applicants demonstrating to the



835 department, by a statement signed under the penalty of perjury,
836 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
837 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
838 67-1-59. The department, following a preliminary review of the
839 statement provided by the applicant and the requirements of the
840 applicable statutes and regulations, may issue the permit.

841 Class 2 temporary permittees must purchase their alcoholic
842 beverages directly from the department or, with approval of the
843 department, purchase the remaining stock of the previous
844 permittee. If the proposed applicant of a Class 1 or Class 2
845 temporary permit falsifies information contained in the
846 application or statement, the applicant shall never again be
847 eligible for a retail alcohol beverage permit and shall be subject
848 to prosecution for perjury.

849 Class 3. A temporary one-day permit may be issued to a
850 retail establishment authorizing the complimentary distribution of
851 wine, including native wine, to patrons of the retail
852 establishment at an open house or promotional event, for
853 consumption only on the premises described in the temporary
854 permit. A Class 3 permit may be issued only to an applicant
855 demonstrating to the department, by a statement signed under
856 penalty of perjury submitted ten (10) days before the proposed
857 date or such other time as the department may determine, that it
858 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
859 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.



860 A Class 3 permit holder shall obtain all alcoholic beverages from
861 the holder(s) of a package retailer's permit located in the county
862 in which the temporary permit is issued. Wine remaining in stock
863 upon expiration of the temporary permit may be returned by the
864 Class 3 temporary permit holder to the package retailer for a
865 refund of the purchase price, with consent of the package
866 retailer, or may be kept by the Class 3 temporary permit holder
867 exclusively for personal use and consumption, subject to all laws
868 pertaining to the illegal sale and possession of alcoholic
869 beverages. The department, following review of the statement
870 provided by the applicant and the requirements of the applicable
871 statutes and regulations, may issue the permit. No retailer may
872 receive more than twelve (12) Class 3 temporary permits in a
873 calendar year. A Class 3 temporary permit shall not be issued to
874 a retail establishment that either holds a merchant permit issued
875 under paragraph (1) of this subsection, or holds a permit issued
876 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
877 the holder to engage in the business of a retailer of light wine
878 or beer.

879 (g) **Caterer's permit.** A caterer's permit shall permit
880 the purchase of alcoholic beverages by a person engaging in
881 business as a caterer and the resale of alcoholic beverages by
882 such person in conjunction with such catering business. No person
883 shall qualify as a caterer unless forty percent (40%) or more of
884 the revenue derived from such catering business shall be from the



885 serving of prepared food and not from the sale of alcoholic
886 beverages and unless such person has obtained a permit for such
887 business from the Department of Health. A caterer's permit shall
888 not authorize the sale of alcoholic beverages on the premises of
889 the person engaging in business as a caterer; however, the holder
890 of an on-premises retailer's permit may hold a caterer's permit.
891 When the holder of an on-premises retailer's permit or an
892 affiliated entity of the holder also holds a caterer's permit, the
893 caterer's permit shall not authorize the service of alcoholic
894 beverages on a consistent, recurring basis at a separate, fixed
895 location owned or operated by the caterer, on-premises retailer or
896 affiliated entity and an on-premises retailer's permit shall be
897 required for the separate location. All sales of alcoholic
898 beverages by holders of a caterer's permit shall be made at the
899 location being catered by the caterer, and, except as otherwise
900 provided in subsection (5) of this section, such sales may be made
901 only for consumption at the catered location. The location being
902 catered may be anywhere within a county or judicial district that
903 has voted to come out from under the dry laws or in which the sale
904 and distribution of alcoholic beverages is otherwise authorized by
905 law. Such sales shall be made pursuant to any other conditions
906 and restrictions which apply to sales made by on-premises retail
907 permittees. The holder of a caterer's permit or his employees
908 shall remain at the catered location as long as alcoholic
909 beverages are being sold pursuant to the permit issued under this



910 paragraph (g), and the permittee shall have at the location the
911 identification card issued by the Alcoholic Beverage Control
912 Division of the department. No unsold alcoholic beverages may be
913 left at the catered location by the permittee upon the conclusion
914 of his business at that location. Appropriate law enforcement
915 officers and Alcoholic Beverage Control Division personnel may
916 enter a catered location on private property in order to enforce
917 laws governing the sale or serving of alcoholic beverages.

918 (h) **Research permit.** A research permit shall authorize
919 the holder thereof to operate a research facility for the
920 professional research of alcoholic beverages. Such permit shall
921 authorize the holder of the permit to import and purchase limited
922 amounts of alcoholic beverages from the department or from
923 importers, wineries and distillers of alcoholic beverages for
924 professional research.

925 (i) **Alcohol processing permit.** An alcohol processing
926 permit shall authorize the holder thereof to purchase, transport
927 and possess alcoholic beverages for the exclusive use in cooking,
928 processing or manufacturing products which contain alcoholic
929 beverages as an integral ingredient. An alcohol processing permit
930 shall not authorize the sale of alcoholic beverages on the
931 premises of the person engaging in the business of cooking,
932 processing or manufacturing products which contain alcoholic
933 beverages. The amounts of alcoholic beverages allowed under an
934 alcohol processing permit shall be set by the department.



935 (j) **Hospitality cart permit.** A hospitality cart permit
936 shall authorize the sale of alcoholic beverages from a mobile cart
937 on a golf course that is the holder of an on-premises retailer's
938 permit. The alcoholic beverages sold from the cart must be
939 consumed within the boundaries of the golf course.

940 (k) **Special service permit.** A special service permit
941 shall authorize the holder to sell commercially sealed alcoholic
942 beverages to the operator of a commercial or private aircraft for
943 en route consumption only by passengers. A special service permit
944 shall be issued only to a fixed-base operator who contracts with
945 an airport facility to provide fueling and other associated
946 services to commercial and private aircraft.

947 (l) **Merchant permit.** Except as otherwise provided in
948 subsection (5) of this section, a merchant permit shall be issued
949 only to the owner of a spa facility, an art studio or gallery, or
950 a cooking school, and shall authorize the holder to serve
951 complimentary by the glass wine only, including native wine, at
952 the holder's spa facility, art studio or gallery, or cooking
953 school. A merchant permit holder shall obtain all wine from the
954 holder of a package retailer's permit.

955 (m) **Temporary alcoholic beverages charitable auction**
956 **permit.** A temporary permit, not to exceed five (5) days, may be
957 issued to a qualifying charitable nonprofit organization that is
958 exempt from taxation under Section 501(c)(3) or (4) of the
959 Internal Revenue Code of 1986. The permit shall authorize the



960 holder to sell alcoholic beverages for the limited purpose of
961 raising funds for the organization during a live or silent auction
962 that is conducted by the organization and that meets the following
963 requirements: (i) the auction is conducted in an area of the
964 state where the sale of alcoholic beverages is authorized; (ii) if
965 the auction is conducted on the premises of an on-premises
966 retailer's permit holder, then the alcoholic beverages to be
967 auctioned must be stored separately from the alcoholic beverages
968 sold, stored or served on the premises, must be removed from the
969 premises immediately following the auction, and may not be
970 consumed on the premises; (iii) the permit holder may not conduct
971 more than two (2) auctions during a calendar year; (iv) the permit
972 holder may not pay a commission or promotional fee to any person
973 to arrange or conduct the auction.

974 (n) **Event venue retailer's permit.** An event venue
975 retailer's permit shall authorize the holder thereof to purchase
976 and resell alcoholic beverages, including native wines and native
977 spirits, for consumption on the premises during legal hours during
978 events held on the licensed premises if food is being served at
979 the event by a caterer who is not affiliated with or related to
980 the permittee. The caterer must serve at least three (3) entrees.
981 The permit may only be issued for venues that can accommodate two
982 hundred (200) persons or more. The number of persons a venue may
983 accommodate shall be determined by the local fire department and
984 such determination shall be provided in writing and submitted



985 along with all other documents required to be provided for an
986 on-premises retailer's permit. The permittee must derive the
987 majority of its revenue from event-related fees, including, but
988 not limited to, admission fees or ticket sales for live
989 entertainment in the building. "Event-related fees" do not
990 include alcohol, beer or light wine sales or any fee which may be
991 construed to cover the cost of alcohol, beer or light wine. This
992 determination shall be made on a per event basis. An event may
993 not last longer than two (2) consecutive days per week.

994 (o) **Temporary theatre permit.** A temporary theatre
995 permit, not to exceed five (5) days, may be issued to a charitable
996 nonprofit organization that is exempt from taxation under Section
997 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
998 a theatre facility that features plays and other theatrical
999 performances and productions. Except as otherwise provided in
1000 subsection (5) of this section, the permit shall authorize the
1001 holder to sell alcoholic beverages, including native wines and
1002 native spirits, to patrons of the theatre during performances and
1003 productions at the theatre facility for consumption during such
1004 performances and productions on the premises of the facility
1005 described in the permit. A temporary theatre permit holder shall
1006 obtain all alcoholic beverages from package retailers located in
1007 the county in which the permit is issued. Alcoholic beverages
1008 remaining in stock upon expiration of the temporary theatre permit
1009 may be returned by the permittee to the package retailer for a



1010 refund of the purchase price upon consent of the package retailer
1011 or may be kept by the permittee exclusively for personal use and
1012 consumption, subject to all laws pertaining to the illegal sale
1013 and possession of alcoholic beverages.

1014 (p) **Charter ship operator's permit.** Subject to the
1015 provisions of this paragraph (p), a charter ship operator's permit
1016 shall authorize the holder thereof and its employees to serve,
1017 monitor, store and otherwise control the serving and availability
1018 of alcoholic beverages to customers of the permit holder during
1019 private charters under contract provided by the permit holder. A
1020 charter ship operator's permit shall authorize such action by the
1021 permit holder and its employees only as to alcoholic beverages
1022 brought onto the permit holder's ship by customers of the permit
1023 holder as part of such a private charter. All such alcoholic
1024 beverages must be removed from the charter ship at the conclusion
1025 of each private charter. A charter ship operator's permit shall
1026 not authorize the permit holder to sell, charge for or otherwise
1027 supply alcoholic beverages to customers, except as authorized in
1028 this paragraph (p). For the purposes of this paragraph (p),
1029 "charter ship operator" means a common carrier that (i) is
1030 certified to carry at least one hundred fifty (150) passengers
1031 and/or provide overnight accommodations for at least fifty (50)
1032 passengers, (ii) operates only in the waters within the State of
1033 Mississippi, which lie adjacent to the State of Mississippi south
1034 of the three (3) most southern counties in the State of



1035 Mississippi, and (iii) provides charters under contract for tours
1036 and trips in such waters.

1037 (q) **Distillery retailer's permit.** The holder of a
1038 Class 1 manufacturer's permit may obtain a distillery retailer's
1039 permit. A distillery retailer's permit shall authorize the holder
1040 thereof to sell at retail alcoholic beverages to consumers for
1041 on-premises consumption, or to consumers by the sealed and
1042 unopened bottle from a retail location at the distillery for
1043 off-premises consumption. The holder may only sell product
1044 manufactured by the manufacturer at the distillery described in
1045 the permit. However, when selling to consumers for on-premises
1046 consumption, a holder of a distillery retailer's permit may add
1047 other beverages, alcoholic or not, so long as the total volume of
1048 other beverage components containing alcohol does not exceed
1049 twenty percent (20%). Hours of sale shall be the same as those
1050 authorized for on-premises permittees in the city or county in
1051 which the distillery retailer is located.

1052 The holder shall not sell at retail more than ten percent
1053 (10%) of the alcoholic beverages produced annually at its
1054 distillery. The holder shall not make retail sales of more than
1055 two and twenty-five one-hundredths (2.25) liters, in the
1056 aggregate, of the alcoholic beverages produced at its distillery
1057 to any one (1) individual for consumption off the premises of the
1058 distillery within a twenty-four-hour period. The hours of sale
1059 shall be the same as those hours for package retailers under this



1060 article. The holder of a distillery retailer's permit is not
1061 required to purchase the alcoholic beverages authorized to be sold
1062 by this paragraph from the department's liquor distribution
1063 warehouse; however, if the holder does not purchase the alcoholic
1064 beverages from the department's liquor distribution warehouse, the
1065 holder shall pay to the department all taxes, fees and surcharges
1066 on the alcoholic beverages that are imposed upon the sale of
1067 alcoholic beverages shipped by the department or its warehouse
1068 operator. In addition to alcoholic beverages, the holder of a
1069 distillery retailer's permit may sell at retail promotional
1070 products from the same retail location, including shirts, hats,
1071 glasses, and other promotional products customarily sold by
1072 alcoholic beverage manufacturers.

1073 (r) **Festival Wine Permit.** Any wine manufacturer or
1074 native wine producer permitted by Mississippi or any other state
1075 is eligible to obtain a Festival Wine Permit. This permit
1076 authorizes the entity to transport product manufactured by it to
1077 festivals held within the State of Mississippi and sell sealed,
1078 unopened bottles to festival participants. The holder of this
1079 permit may provide samples at no charge to participants.

1080 "Festival" means any event at which three (3) or more vendors are
1081 present at a location for the sale or distribution of goods. The
1082 holder of a Festival Wine Permit is not required to purchase the
1083 alcoholic beverages authorized to be sold by this paragraph from
1084 the department's liquor distribution warehouse. However, if the



1085 holder does not purchase the alcoholic beverages from the
1086 department's liquor distribution warehouse, the holder of this
1087 permit shall pay to the department all taxes, fees and surcharges
1088 on the alcoholic beverages sold at such festivals that are imposed
1089 upon the sale of alcoholic beverages shipped by the Alcoholic
1090 Beverage Control Division of the Department of Revenue.
1091 Additionally, the entity shall file all applicable reports and
1092 returns as prescribed by the department. This permit is issued
1093 per festival and provides authority to sell for two (2)
1094 consecutive days during the hours authorized for on-premises
1095 permittees' sales in that county or city. The holder of the
1096 permit shall be required to maintain all requirements set by Local
1097 Option Law for the service and sale of alcoholic beverages. This
1098 permit may be issued to entities participating in festivals at
1099 which a Class 1 temporary permit is in effect.

1100 This paragraph (r) shall stand repealed from and after July
1101 1, 2026.

1102 (s) **Charter vessel operator's permit.** Subject to the
1103 provisions of this paragraph (s), a charter vessel operator's
1104 permit shall authorize the holder thereof and its employees to
1105 sell and serve alcoholic beverages to passengers of the permit
1106 holder during public tours, historical tours, ecological tours and
1107 sunset cruises provided by the permit holder. The permit shall
1108 authorize the holder to only sell alcoholic beverages, including
1109 native wines, to passengers of the charter vessel operator during



1110 public tours, historical tours, ecological tours and sunset
1111 cruises provided by the permit holder aboard the charter vessel
1112 operator for consumption during such tours and cruises on the
1113 premises of the charter vessel operator described in the permit.
1114 For the purposes of this paragraph (s), "charter vessel operator"
1115 means a common carrier that (i) is certified to carry at least
1116 forty-nine (49) passengers, (ii) operates only in the waters
1117 within the State of Mississippi, which lie south of Interstate 10
1118 in the three (3) most southern counties in the State of
1119 Mississippi, and lie adjacent to the State of Mississippi south of
1120 the three (3) most southern counties in the State of Mississippi,
1121 extending not further than one (1) mile south of such counties,
1122 and (iii) provides vessel services for tours and cruises in such
1123 waters as provided in this paragraph(s).

1124 (t) **Native spirit retailer's permit.** Except as
1125 otherwise provided in subsection (5) of this section, a native
1126 spirit retailer's permit shall be issued only to a holder of a
1127 Class 4 manufacturer's permit, and shall authorize the holder
1128 thereof to make retail sales of native spirits to consumers for
1129 on-premises consumption or to consumers in originally sealed and
1130 unopened containers at an establishment located on the premises of
1131 or in the immediate vicinity of a native distillery. When selling
1132 to consumers for on-premises consumption, a holder of a native
1133 spirit retailer's permit may add to the native spirit alcoholic
1134 beverages not produced on the premises, so long as the total



1135 volume of foreign beverage components does not exceed twenty
1136 percent (20%) of the mixed beverage. Hours of sale shall be the
1137 same as those authorized for on-premises permittees in the city or
1138 county in which the native spirit retailer is located.

1139 (u) **Delivery service permit.** Any individual, limited
1140 liability company, corporation or partnership registered to do
1141 business in this state is eligible to obtain a delivery service
1142 permit. Subject to the provisions of Section 67-1-51.1, this
1143 permit authorizes the permittee, or its employee or an independent
1144 contractor acting on its behalf, to deliver alcoholic beverages,
1145 beer, light wine and light spirit product from a licensed retailer
1146 to a person in this state who is at least twenty-one (21) years of
1147 age for the individual's use and not for resale. This permit does
1148 not authorize the delivery of alcoholic beverages, beer, light
1149 wine or light spirit product to the premises of a location with a
1150 permit for the manufacture, distribution or retail sale of
1151 alcoholic beverages, beer, light wine or light spirit product.
1152 The holder of a package retailer's permit or an on-premises
1153 retailer's permit under Section 67-1-51 or of a beer, light wine
1154 and light spirit product permit under Section 67-3-19 is
1155 authorized to apply for a delivery service permit as a privilege
1156 separate from its existing retail permit.

1157 (v) **Food truck permit.** A food truck permit shall
1158 authorize the holder of an on-premises retailer's permit to use a
1159 food truck to sell alcoholic beverages off its premises to guests



1160 who must consume the beverages in open containers. For the
1161 purposes of this paragraph (v), "food truck" means a fully encased
1162 food service establishment on a motor vehicle or on a trailer that
1163 a motor vehicle pulls to transport, and from which a vendor,
1164 standing within the frame of the establishment, prepares, cooks,
1165 sells and serves food for immediate human consumption. The term
1166 "food truck" does not include a food cart that is not motorized.
1167 Food trucks shall maintain such distance requirements from
1168 schools, churches, kindergartens and funeral homes as are required
1169 for on-premises retailer's permittees under this article, and all
1170 sales must be made within a valid leisure and recreation district
1171 established under Section 67-1-101. Food trucks cannot sell or
1172 serve alcoholic beverages unless also offering food prepared and
1173 cooked within the food truck, and permittees must maintain a
1174 twenty-five percent (25%) food sale revenue requirement based on
1175 the food sold from the food truck alone. The hours allowed for
1176 sale shall be the same as those for on-premises retailer's
1177 permittees in the location. This permit will not be required for
1178 the holder of a caterer's permit issued under this article to
1179 cater an event as allowed by law. Permittees must provide notice
1180 of not less than forty-eight (48) hours to the department of each
1181 location at which alcoholic beverages will be sold.

1182 (w) **Direct shipper's permit.** A direct shipper's
1183 permit shall authorize the holder to sell and ship a limited
1184 amount of wine, distilled spirits, or wine and distilled spirits



1185 directly to residents in this state in accordance with the
1186 provisions of Sections 1 through 9 of this act, without being
1187 required to transact the sale and shipment of those wines,
1188 distilled spirits, or wine and distilled spirits through the
1189 Alcoholic Beverage Control Division of the department.

1190 (2) Except as otherwise provided in subsection (4) of this
1191 section, retail permittees may hold more than one (1) retail
1192 permit, at the discretion of the department.

1193 (3) (a) Except as otherwise provided in this subsection, no
1194 authority shall be granted to any person to manufacture, sell or
1195 store for sale any intoxicating liquor as specified in this
1196 article within four hundred (400) feet of any church, school,
1197 kindergarten or funeral home. However, within an area zoned
1198 commercial or business, such minimum distance shall be not less
1199 than one hundred (100) feet.

1200 (b) A church or funeral home may waive the distance
1201 restrictions imposed in this subsection in favor of allowing
1202 issuance by the department of a permit, pursuant to subsection (1)
1203 of this section, to authorize activity relating to the
1204 manufacturing, sale or storage of alcoholic beverages which would
1205 otherwise be prohibited under the minimum distance criterion.
1206 Such waiver shall be in written form from the owner, the governing
1207 body, or the appropriate officer of the church or funeral home
1208 having the authority to execute such a waiver, and the waiver



1209 shall be filed with and verified by the department before becoming
1210 effective.

1211 (c) The distance restrictions imposed in this
1212 subsection shall not apply to the sale or storage of alcoholic
1213 beverages at a bed and breakfast inn listed in the National
1214 Register of Historic Places or to the sale or storage of alcoholic
1215 beverages in a historic district that is listed in the National
1216 Register of Historic Places, is a qualified resort area and is
1217 located in a municipality having a population greater than one
1218 hundred thousand (100,000) according to the latest federal
1219 decennial census.

1220 (d) The distance restrictions imposed in this
1221 subsection shall not apply to the sale or storage of alcoholic
1222 beverages at a qualified resort area as defined in Section
1223 67-1-5(o)(iii)32.

1224 (e) The distance restrictions imposed in this
1225 subsection shall not apply to the sale or storage of alcoholic
1226 beverages at a licensed premises in a building formerly owned by a
1227 municipality and formerly leased by the municipality to a
1228 municipal school district and used by the municipal school
1229 district as a district bus shop facility.

1230 (f) The distance restrictions imposed in this
1231 subsection shall not apply to the sale or storage of alcoholic
1232 beverages at a licensed premises in a building consisting of at
1233 least five thousand (5,000) square feet and located approximately



1234 six hundred (600) feet from the intersection of Mississippi
1235 Highway 15 and Mississippi Highway 4.

1236 (g) The distance restrictions imposed in this
1237 subsection shall not apply to the sale or storage of alcoholic
1238 beverages at a licensed premises in a building located at or near
1239 the intersection of Ward and Tate Streets and adjacent properties
1240 in the City of Senatobia, Mississippi.

1241 (h) The distance restrictions imposed in this
1242 subsection shall not apply to the sale or storage of alcoholic
1243 beverages at a theatre facility that features plays and other
1244 theatrical performances and productions and (i) is capable of
1245 seating more than seven hundred fifty (750) people, (ii) is owned
1246 by a municipality which has a population greater than ten thousand
1247 (10,000) according to the latest federal decennial census, (iii)
1248 was constructed prior to 1930, (iv) is on the National Register of
1249 Historic Places, and (v) is located in a historic district.

1250 (i) The distance restrictions imposed in this
1251 subsection shall not apply to the sale or storage of alcoholic
1252 beverages at a licensed premises in a building located
1253 approximately one and six-tenths (1.6) miles north of the
1254 intersection of Mississippi Highway 15 and Mississippi Highway 4
1255 on the west side of Mississippi Highway 15.

1256 (4) No person, either individually or as a member of a firm,
1257 partnership, limited liability company or association, or as a
1258 stockholder, officer or director in a corporation, shall own or



1259 control any interest in more than * * * three (3) package
1260 retailer's permits, nor shall such person's spouse, if living in
1261 the same household of such person, any relative of such person, if
1262 living in the same household of such person, or any other person
1263 living in the same household with such person own any interest in
1264 any other package retailer's permit which, when combined with the
1265 number of package retailer's permits owned by the person or in
1266 which the person has a controlling interest, would total more than
1267 three (3) package retailer's permits.

1268 (5) (a) In addition to any other authority granted under
1269 this section, the holder of a permit issued under subsection
1270 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1271 sell or otherwise provide alcoholic beverages and/or wine to a
1272 patron of the permit holder in the manner authorized in the permit
1273 and the patron may remove an open glass, cup or other container of
1274 the alcoholic beverage and/or wine from the licensed premises and
1275 may possess and consume the alcoholic beverage or wine outside of
1276 the licensed premises if: (i) the licensed premises is located
1277 within a leisure and recreation district created under Section
1278 67-1-101 and (ii) the patron remains within the boundaries of the
1279 leisure and recreation district while in possession of the
1280 alcoholic beverage or wine.

1281 (b) Nothing in this subsection shall be construed to
1282 allow a person to bring any alcoholic beverages into a permitted



1283 premises except to the extent otherwise authorized by this
1284 article.

1285 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is
1286 amended as follows:

1287 67-1-53. (1) Application for permits shall be in such form
1288 and shall contain such information as shall be required by the
1289 regulations of the * * * department; however, no regulation of
1290 the * * * department shall require personal financial information
1291 from any officer of a corporation applying for an on-premises
1292 retailer's permit to sell alcoholic beverages unless such officer
1293 owns ten percent (10%) or more of the stock of such corporation.

1294 (2) Every applicant for each type of permit authorized by
1295 Section 67-1-51 shall give notice of such application by
1296 publication for two (2) consecutive issues in a newspaper of
1297 general circulation published in the city or town in which
1298 applicant's place of business is located. However, in instances
1299 where no newspaper is published in the city or town, then the
1300 notice shall be published in a newspaper of general circulation
1301 published in the county where the applicant's business is located.
1302 If no newspaper is published in the county, the notice shall be
1303 published in a qualified newspaper which is published in the
1304 closest neighboring county and circulated in the county of
1305 applicant's residence. The notice shall be printed in ten-point
1306 black face type and shall set forth the type of permit to be
1307 applied for, the exact location of the place of business, the name



1308 of the owner or owners thereof, and if operating under an assumed
1309 name, the trade name together with the names of all owners, and if
1310 a corporation, the names and titles of all officers. The cost of
1311 such notice shall be borne by the applicant. The provisions of
1312 this subsection (2) shall not apply to applicants for a direct
1313 shipper's permit under Sections 1 through 9 of this act.

1314 (3) Each application or filing made under this section shall
1315 include the social security number(s) of the applicant in
1316 accordance with Section 93-11-64, Mississippi Code of 1972.

1317 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is
1318 amended as follows:

1319 67-1-55. No permit of any type shall be issued by the * * *
1320 department until the applicant has first filed with the * * *
1321 department a sworn statement disclosing all persons who are
1322 financially involved in the operation of the business for which
1323 the permit is sought. If an applicant is an individual, he will
1324 swear that he owns one hundred percent (100%) of the business for
1325 which he is seeking a permit. If the applicant is a partnership,
1326 all partners and their addresses shall be disclosed and the extent
1327 of their interest in the partnership shall be disclosed. If the
1328 applicant is a corporation, the total stock in the corporation
1329 shall be disclosed and each shareholder and his address and the
1330 amount of stock in the corporation owned by him shall be
1331 disclosed. If the applicant is a limited liability company, each
1332 member and their addresses shall be disclosed and the extent of



1333 their interest in the limited liability company shall be
1334 disclosed. If the applicant is a trust, the trustee and all
1335 beneficiaries and their addresses shall be disclosed. If the
1336 applicant is a combination of any of the above, all information
1337 required to be disclosed above shall be required.

1338 All the disclosures shall be in writing and kept on file at
1339 the * * * department and shall be available to the public.

1340 Every applicant must, when applying for a renewal of his
1341 permit, disclose any change in the ownership of the business or
1342 any change in the beneficiaries of the income from the business.

1343 Any person who willfully fails to fully disclose the
1344 information required by this section, or who gives false
1345 information, shall be guilty of a misdemeanor and, upon conviction
1346 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1347 (\$500.00) or imprisoned for not more than one (1) year, or both,
1348 and the person or applicant shall never again be eligible for any
1349 permit pertaining to alcoholic beverages.

1350 The provisions of this section shall not apply to applicants
1351 for a direct shipper's permit under Sections 1 through 9 of this
1352 act.

1353 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is
1354 amended as follows:

1355 67-1-57. Before a permit is issued the department shall
1356 satisfy itself:



1357 (a) That the applicant, if an individual, or if a
1358 partnership, each of the members of the partnership, or if a
1359 corporation, each of its principal officers and directors, or if a
1360 limited liability company, each member of the limited liability
1361 company, is of good moral character and, in addition, enjoys a
1362 reputation of being a peaceable, law-abiding citizen of the
1363 community in which he resides, and is generally fit for the trust
1364 to be reposed in him, is not less than twenty-one (21) years of
1365 age, and has not been convicted of a felony in any state or
1366 federal court.

1367 (b) That, except in the case of an application for a
1368 solicitor's permit, the applicant is the true and actual owner of
1369 the business for which the permit is desired, and that he intends
1370 to carry on the business authorized for himself and not as the
1371 agent of any other person, and that he intends to superintend in
1372 person the management of the business or that he will designate a
1373 manager to manage the business for him. Except for managers
1374 employed by the holder of a direct shipper's permit, all managers
1375 must be approved by the department prior to completing any
1376 managerial tasks on behalf of the permittee and must possess all
1377 of the qualifications required of a permittee; however, a felony
1378 conviction, other than a crime of violence, does not automatically
1379 disqualify a person from being approved as a manager if the person
1380 was released from incarceration at least three (3) years prior to
1381 application for approval as a manager. A felony conviction, other



1382 than a crime of violence, may be considered by the department in
1383 determining whether all other qualifications are met.

1384 (c) That the applicant for a package retailer's permit,
1385 if an individual, is a resident of the State of Mississippi. If
1386 the applicant is a partnership, each member of the partnership
1387 must be a resident of the state. If the applicant is a limited
1388 liability company, each member of the limited liability company
1389 must be a resident of the state. If the applicant is a
1390 corporation, the designated manager of the corporation must be a
1391 resident of the state.

1392 (d) That the place for which the permit is to be issued
1393 is an appropriate one considering the character of the premises
1394 and the surrounding neighborhood.

1395 (e) That the place for which the permit is to be issued
1396 is within the corporate limits of an incorporated municipality or
1397 qualified resort area or club which comes within the provisions of
1398 this article.

1399 (f) That the applicant is not indebted to the state for
1400 any taxes, fees or payment of penalties imposed by any law of the
1401 State of Mississippi or by any rule or regulation of the * * *
1402 department.

1403 (g) That the applicant is not in the habit of using
1404 alcoholic beverages to excess and is not physically or mentally
1405 incapacitated, and that the applicant has the ability to read and
1406 write the English language.



1407 (h) That the * * * department does not believe and has
1408 no reason to believe that the applicant will sell or knowingly
1409 permit any agent, servant or employee to unlawfully sell liquor in
1410 a dry area or in any other manner contrary to law.

1411 (i) That the applicant is not residentially domiciled
1412 with any person whose permit or license has been cancelled for
1413 cause within the twelve (12) months next preceding the date of the
1414 present application for a permit.

1415 (j) That the * * * department has not, in the exercise
1416 of its discretion which is reserved and preserved to it, refused
1417 to grant permits under the restrictions of this section, as well
1418 as under any other pertinent provision of this article.

1419 (k) That there are not sufficient legal reasons to deny
1420 a permit on the ground that the premises for which the permit is
1421 sought has previously been operated, used or frequented for any
1422 purpose or in any manner that is lewd, immoral or offensive to
1423 public decency. In the granting or withholding of any permit to
1424 sell alcoholic beverages at retail, the * * * department in
1425 forming its conclusions may give consideration to any
1426 recommendations made in writing by the district or county attorney
1427 or county, circuit or chancery judge of the county, or the sheriff
1428 of the county, or the mayor or chief of police of an incorporated
1429 city or town wherein the applicant proposes to conduct his
1430 business and to any recommendations made by representatives of
1431 the * * * department.



1432 (1) That the applicant and the applicant's key
1433 employees, as determined by the * * * department, do not have a
1434 disqualifying criminal record. In order to obtain a criminal
1435 record history check, the applicant shall submit to the commission
1436 a set of fingerprints from any local law enforcement agency for
1437 each person for whom the records check is required. The * * *
1438 department shall forward the fingerprints to the Mississippi
1439 Department of Public Safety. If no disqualifying record is
1440 identified at the state level, the Department of Public Safety
1441 shall forward the fingerprints to the Federal Bureau of
1442 Investigation for a national criminal history record check. Costs
1443 for processing the set or sets of fingerprints shall be borne by
1444 the applicant. The department may waive the fingerprint
1445 requirement in the case of an applicant for a direct shipper's
1446 permit. The * * * department shall not deny employment to an
1447 employee of the applicant prior to the identification of a
1448 disqualifying record or other disqualifying information.

1449 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is
1450 amended as follows:

1451 67-1-73. (1) Except as otherwise provided in subsection (3)
1452 of this section, every manufacturer, including native wine or
1453 native spirit producers, within or without the state, and every
1454 other shipper of alcoholic beverages who sells any alcoholic
1455 beverage, including native wine or native spirit, within the
1456 state, shall, at the time of making such sale, file with the



1457 department a copy of the invoice of such sale showing in detail
1458 the kind of alcoholic beverage sold, the quantities of each, the
1459 size of the container and the weight of the contents, the
1460 alcoholic content, and the name and address of the person to whom
1461 sold.

1462 (2) Except as otherwise provided in subsection (3) of this
1463 section, every person transporting alcoholic beverages, including
1464 native wine or native spirit, within this state to a point within
1465 this state, whether such transportation originates within or
1466 without this state, shall, within five (5) days after delivery of
1467 such shipment, furnish the department a copy of the bill of lading
1468 or receipt, showing the name or consignor or consignee, date,
1469 place received, destination, and quantity of alcoholic beverages
1470 delivered. Upon failure to comply with the provisions of this
1471 section, such person shall be deemed guilty of a misdemeanor and,
1472 upon conviction thereof, shall be fined in the sum of Fifty
1473 Dollars (\$50.00) for each offense.

1474 (3) Information regarding the sales, shipment, delivery and
1475 transportation of wine, distilled spirits, or wine and distilled
1476 spirits in this state by the holder of a direct shipper's permit
1477 under Sections 1 through 9 of this act shall be in such form and
1478 content as prescribed by the department.

1479 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is
1480 amended as follows:



1481 97-31-47. It shall be unlawful for any transportation
1482 company, or any agent, employee, or officer of such company, or
1483 any other person, or corporation to transport into or deliver in
1484 this state in any manner or by any means any spirituous, vinous,
1485 malt, or other intoxicating liquors or drinks, or for any such
1486 person, company, or corporation to transport any spirituous, malt,
1487 vinous, or intoxicating liquors or drinks from one place within
1488 this state to another place within the state, or from one (1)
1489 point within this state to any point without the state, except in
1490 cases where this chapter * * *, Section 67-9-1, or Sections 1
1491 through 9 of this act authorizes the transportation.

1492 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is
1493 amended as follows:

1494 97-31-49. Except as otherwise provided in Sections 1 through
1495 9 of this act, it shall be unlawful for any person, firm or
1496 corporation in this state, in person, by letter, circular, or
1497 other printed or written matter, or in any other manner, to
1498 solicit or take order in this state for any liquors, bitters or
1499 drinks prohibited by the laws of this state to be sold, bartered,
1500 or otherwise disposed of. The inhibition of this section shall
1501 apply to such liquors, bitters and drinks, whether the parties
1502 intend that the same shall be shipped into this state from outside
1503 of the state, or from one (1) point in this state to another point
1504 in this state. If such order be in writing, parol evidence
1505 thereof is admissible without producing or accounting for the



1506 absence of the original; and the taking or soliciting of such
1507 orders is within the inhibition of this section, although the
1508 orders are subject to approval by some other person, and no part
1509 of the price is paid, nor any part of the goods is delivered when
1510 the order is taken.

1511 **SECTION 23.** Section 67-1-83, Mississippi Code of 1972, is
1512 amended as follows:

1513 67-1-83. (1) It shall be unlawful for any permittee or any
1514 employee or agent thereof to sell or furnish any alcoholic
1515 beverage to any person who is visibly intoxicated, or to any
1516 person who is known to habitually drink alcoholic beverages to
1517 excess, or to any person who is known to be an habitual user of
1518 narcotics or other habit-forming drugs. Except as otherwise
1519 provided in Section 67-1-51(1)(b), it shall also be unlawful for
1520 the holder of any package retailer's permit to sell any alcoholic
1521 beverages except by delivery in person to the purchaser at the
1522 place of business of the permittee, unless the holder of a package
1523 retailer's permit also holds a delivery service permit or uses a
1524 delivery service permittee to effect delivery.

1525 (2) It shall be unlawful for any permittee or any employee
1526 or agent thereof to sell or furnish any alcoholic beverage to any
1527 person to whom the department has, after investigation, decided to
1528 prohibit the sale of those beverages because of an appeal to the
1529 department so to do by the husband, wife, father, mother, brother,
1530 sister, child, or employer of the person. The interdiction in



1531 those cases shall last until removed by the department, but no
1532 person shall be held to have violated this subsection unless he
1533 has been informed by the department, by registered letter, that it
1534 is forbidden to sell to that individual or unless that fact is
1535 otherwise known to the permittee or its employee or agent.

1536 (3) It shall be unlawful for any holder of a package
1537 retailer's permit, or any employee or agent thereof, engaged
1538 solely in the business of package retail sales under this article
1539 to sell or furnish any alcoholic beverage before 10:00 a.m. and
1540 after 10:00 p.m. or to sell alcoholic beverages on Sunday, except
1541 as provided under subsection (5) of this section, and Christmas
1542 Day.

1543 (4) Any person who violates any of the provisions of this
1544 section shall be guilty of a misdemeanor and, upon conviction,
1545 shall be punished by a fine of not more than Five Hundred Dollars
1546 (\$500.00) or by imprisonment in the county jail for a term of not
1547 more than six (6) months, or by both that fine and imprisonment,
1548 in the discretion of the court. In addition to any other
1549 penalties prescribed by law, the commission may immediately revoke
1550 the permit of any permittee who violates the provisions of this
1551 section.

1552 (5) Any county, municipality, tribe or other political
1553 subdivision of the state that is wet under this article may, by
1554 resolution, ordinance or other order adopted by the county board
1555 of supervisors, municipal governing authority or other governing



1556 authority or body, as the case may be, authorize permitted package
1557 retailers to engage in the business of package retail sales on
1558 Sunday during the hours beginning at 1:00 p.m. and ending at 6:00
1559 p.m. No permitted package retailer impacted under this subsection
1560 shall be required to engage in sales on Sunday and shall maintain
1561 the right to limit operations to Monday through Saturday.

1562 **SECTION 24.** Section 67-1-67, Mississippi Code of 1972, is
1563 brought forward as follows:

1564 67-1-67. No permit shall be transferred by the permittee to
1565 any other person or any other place except with the written
1566 consent of the commission upon a regular application therefor in
1567 writing and upon consideration thereof as provided in this article
1568 for an original application for a permit. The commission shall
1569 not approve the transfer of the permit of any person against whom
1570 there is pending in the courts or before the commission any charge
1571 of keeping a disorderly house, or of violating this article or the
1572 laws against gambling in this state or against whom there is
1573 pending any proceedings for the revocation, suspension or
1574 cancellation of the permit.

1575 **SECTION 25.** This act shall take effect and be in force from
1576 and after July 1, 2024.

