

By: Representative Zuber

To: State Affairs

HOUSE BILL NO. 1592

1 AN ACT TO AMEND SECTION 27-115-55, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT A HOLDER OF A PACKAGE RETAILER'S PERMIT ISSUED
 3 UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW IS ELIGIBLE
 4 TO APPLY TO BECOME A LOTTERY RETAILER UNDER THE ALYCE G. CLARKE
 5 MISSISSIPPI LOTTERY LAW; TO AMEND SECTION 67-1-51, MISSISSIPPI
 6 CODE OF 1972, TO PROVIDE THAT IF THE HOLDER OF A PACKAGE
 7 RETAILER'S PERMIT IS A LOTTERY RETAILER UNDER THE ALYCE G. CLARKE
 8 MISSISSIPPI LOTTERY LAW, THE PERMIT HOLDER MAY SELL LOTTERY
 9 TICKETS; AND FOR RELATED PURPOSES.

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

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

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

19 (2) To govern the selection of lottery retailers, the board
 20 shall, by administrative rules and regulations, develop a list of
 21 objective criteria upon which the selection of lottery retailers



22 shall be based. In developing these criteria, the board shall
23 consider such factors as the applicant's financial responsibility,
24 location and security of the applicant's place of business or
25 activity, integrity, and reputation; however, the board shall not
26 consider political affiliation, activities or monetary
27 contributions to political organizations or candidates for any
28 public office. The criteria shall include, but not be limited to,
29 the following:

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

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

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

40 (i) Has been convicted of a criminal offense
41 related to the security or integrity of the lottery in this or any
42 other jurisdiction.

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



46 (iii) Has been found to have violated the
47 provisions of this chapter or any administrative rules and
48 regulations adopted under this chapter, unless either ten (10)
49 years have passed since the violation, or the president and the
50 board find the violation both minor and unintentional in nature.

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

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

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

57 (3) A holder of a package retailer's permit issued under
58 Section 67-1-51 shall be eligible to apply to become a lottery
59 retailer.

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

62 67-1-51. (1) Permits which may be issued by the department
63 shall be as follows:

64 (a) **Manufacturer's permit.** A manufacturer's permit
65 shall permit the manufacture, importation in bulk, bottling and
66 storage of alcoholic liquor and its distribution and sale to
67 manufacturers holding permits under this article in this state and
68 to persons outside the state who are authorized by law to purchase
69 the same, and to sell as provided by this article.

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



71 Class 1. Distiller's and/or rectifier's permit, which shall
72 authorize the holder thereof to operate a distillery for the
73 production of distilled spirits by distillation or redistillation
74 and/or to operate a rectifying plant for the purifying, refining,
75 mixing, blending, flavoring or reducing in proof of distilled
76 spirits and alcohol.

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

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

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

86 (b) **Package retailer's permit.** Except as otherwise
87 provided in this paragraph and Section 67-1-52, a package
88 retailer's permit shall authorize the holder thereof to operate a
89 store exclusively for the sale at retail in original sealed and
90 unopened packages of alcoholic beverages, including native wines,
91 native spirits and edibles, not to be consumed on the premises
92 where sold. Alcoholic beverages shall not be sold by any retailer
93 in any package or container containing less than fifty (50)
94 milliliters by liquid measure. A package retailer's permit, with
95 prior approval from the department, shall authorize the holder



96 thereof to sample new product furnished by a manufacturer's
97 representative or his employees at the permitted place of business
98 so long as the sampling otherwise complies with this article and
99 applicable department regulations. Such samples may not be
100 provided to customers at the permitted place of business. In
101 addition to the sale at retail of packages of alcoholic beverages,
102 the holder of a package retailer's permit is authorized to sell at
103 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
104 other beverages commonly used to mix with alcoholic beverages, and
105 fruits and foods that have been submerged in alcohol and are
106 commonly referred to as edibles. Nonalcoholic beverages sold by
107 the holder of a package retailer's permit shall not be consumed on
108 the premises where sold. If the holder of a package retailer's
109 permit is a lottery retailer under the Alyce G. Clarke Mississippi
110 Lottery Law, the permit holder may sell lottery tickets in
111 accordance with such law.

112 (c) **On-premises retailer's permit.** Except as otherwise
113 provided in subsection (5) of this section, an on-premises
114 retailer's permit shall authorize the sale of alcoholic beverages,
115 including native wines and native spirits, for consumption on the
116 licensed premises only; however, a patron of the permit holder may
117 remove one (1) bottle of wine from the licensed premises if: (i)
118 the patron consumed a portion of the bottle of wine in the course
119 of consuming a meal purchased on the licensed premises; (ii) the
120 permit holder securely reseals the bottle; (iii) the bottle is



121 placed in a bag that is secured in a manner so that it will be
122 visibly apparent if the bag is opened; and (iv) a dated receipt
123 for the wine and the meal is available. Additionally, as part of
124 a carryout order, a permit holder may sell one (1) bottle of wine
125 to be removed from the licensed premises for every two (2) entrees
126 ordered. In addition, an on-premises retailer's permittee at a
127 permitted premises located on Jefferson Davis Avenue within
128 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
129 beverages by the glass to a patron in a vehicle using a
130 drive-through method of delivery if the permitted premises is
131 located in a leisure and recreation district established under
132 Section 67-1-101. Such a sale will be considered to be made on
133 the permitted premises. An on-premises retailer's permit shall be
134 issued only to qualified hotels, restaurants and clubs, small
135 craft breweries, microbreweries, and to common carriers with
136 adequate facilities for serving passengers. In resort areas,
137 whether inside or outside of a municipality, the department, in
138 its discretion, may issue on-premises retailer's permits to such
139 establishments as it deems proper. An on-premises retailer's
140 permit when issued to a common carrier shall authorize the sale
141 and serving of alcoholic beverages aboard any licensed vehicle
142 while moving through any county of the state; however, the sale of
143 such alcoholic beverages shall not be permitted while such vehicle
144 is stopped in a county that has not legalized such sales. If an
145 on-premises retailer's permit is applied for by a common carrier



146 operating solely in the water, such common carrier must, along
147 with all other qualifications for a permit, (i) be certified to
148 carry at least one hundred fifty (150) passengers and/or provide
149 overnight accommodations for at least fifty (50) passengers and
150 (ii) operate primarily in the waters within the State of
151 Mississippi which lie adjacent to the State of Mississippi south
152 of the three (3) most southern counties in the State of
153 Mississippi and/or on the Mississippi River or navigable waters
154 within any county bordering on the Mississippi River.

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

168 (e) **Native wine retailer's permit.** Except as otherwise
169 provided in subsection (5) of this section, a native wine
170 retailer's permit shall be issued only to a holder of a Class 3



171 manufacturer's permit, and shall authorize the holder thereof to
172 make retail sales of native wines to consumers for on-premises
173 consumption or to consumers in originally sealed and unopened
174 containers at an establishment located on the premises of or in
175 the immediate vicinity of a native winery. When selling to
176 consumers for on-premises consumption, a holder of a native wine
177 retailer's permit may add to the native wine alcoholic beverages
178 not produced on the premises, so long as the total volume of
179 foreign beverage components does not exceed twenty percent (20%)
180 of the mixed beverage. Hours of sale shall be the same as those
181 authorized for on-premises permittees in the city or county in
182 which the native wine retailer is located.

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

188 Temporary retailer's permits shall be of the following
189 classes:

190 Class 1. A temporary one-day permit may be issued to bona
191 fide nonprofit civic or charitable organizations authorizing the
192 sale of alcoholic beverages, including native wine and native
193 spirit, for consumption on the premises described in the temporary
194 permit only. Class 1 permits may be issued only to applicants
195 demonstrating to the department, by a statement signed under



196 penalty of perjury submitted ten (10) days prior to the proposed
197 date or such other time as the department may determine, that they
198 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
199 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
200 Class 1 permittees shall obtain all alcoholic beverages from
201 package retailers located in the county in which the temporary
202 permit is issued. Alcoholic beverages remaining in stock upon
203 expiration of the temporary permit may be returned by the
204 permittee to the package retailer for a refund of the purchase
205 price upon consent of the package retailer or may be kept by the
206 permittee exclusively for personal use and consumption, subject to
207 all laws pertaining to the illegal sale and possession of
208 alcoholic beverages. The department, following review of the
209 statement provided by the applicant and the requirements of the
210 applicable statutes and regulations, may issue the permit.

211 Class 2. A temporary permit, not to exceed seventy (70)
212 days, may be issued to prospective permittees seeking to transfer
213 a permit authorized in paragraph (c) of this subsection. A Class
214 2 permit may be issued only to applicants demonstrating to the
215 department, by a statement signed under the penalty of perjury,
216 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
217 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
218 67-1-59. The department, following a preliminary review of the
219 statement provided by the applicant and the requirements of the
220 applicable statutes and regulations, may issue the permit.



221 Class 2 temporary permittees must purchase their alcoholic
222 beverages directly from the department or, with approval of the
223 department, purchase the remaining stock of the previous
224 permittee. If the proposed applicant of a Class 1 or Class 2
225 temporary permit falsifies information contained in the
226 application or statement, the applicant shall never again be
227 eligible for a retail alcohol beverage permit and shall be subject
228 to prosecution for perjury.

229 Class 3. A temporary one-day permit may be issued to a
230 retail establishment authorizing the complimentary distribution of
231 wine, including native wine, to patrons of the retail
232 establishment at an open house or promotional event, for
233 consumption only on the premises described in the temporary
234 permit. A Class 3 permit may be issued only to an applicant
235 demonstrating to the department, by a statement signed under
236 penalty of perjury submitted ten (10) days before the proposed
237 date or such other time as the department may determine, that it
238 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
239 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
240 A Class 3 permit holder shall obtain all alcoholic beverages from
241 the holder(s) of a package retailer's permit located in the county
242 in which the temporary permit is issued. Wine remaining in stock
243 upon expiration of the temporary permit may be returned by the
244 Class 3 temporary permit holder to the package retailer for a
245 refund of the purchase price, with consent of the package



246 retailer, or may be kept by the Class 3 temporary permit holder
247 exclusively for personal use and consumption, subject to all laws
248 pertaining to the illegal sale and possession of alcoholic
249 beverages. The department, following review of the statement
250 provided by the applicant and the requirements of the applicable
251 statutes and regulations, may issue the permit. No retailer may
252 receive more than twelve (12) Class 3 temporary permits in a
253 calendar year. A Class 3 temporary permit shall not be issued to
254 a retail establishment that either holds a merchant permit issued
255 under paragraph (1) of this subsection, or holds a permit issued
256 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
257 the holder to engage in the business of a retailer of light wine
258 or beer.

259 (g) **Caterer's permit.** A caterer's permit shall permit
260 the purchase of alcoholic beverages by a person engaging in
261 business as a caterer and the resale of alcoholic beverages by
262 such person in conjunction with such catering business. No person
263 shall qualify as a caterer unless forty percent (40%) or more of
264 the revenue derived from such catering business shall be from the
265 serving of prepared food and not from the sale of alcoholic
266 beverages and unless such person has obtained a permit for such
267 business from the Department of Health. A caterer's permit shall
268 not authorize the sale of alcoholic beverages on the premises of
269 the person engaging in business as a caterer; however, the holder
270 of an on-premises retailer's permit may hold a caterer's permit.



271 When the holder of an on-premises retailer's permit or an
272 affiliated entity of the holder also holds a caterer's permit, the
273 caterer's permit shall not authorize the service of alcoholic
274 beverages on a consistent, recurring basis at a separate, fixed
275 location owned or operated by the caterer, on-premises retailer or
276 affiliated entity and an on-premises retailer's permit shall be
277 required for the separate location. All sales of alcoholic
278 beverages by holders of a caterer's permit shall be made at the
279 location being catered by the caterer, and, except as otherwise
280 provided in subsection (5) of this section, such sales may be made
281 only for consumption at the catered location. The location being
282 catered may be anywhere within a county or judicial district that
283 has voted to come out from under the dry laws or in which the sale
284 and distribution of alcoholic beverages is otherwise authorized by
285 law. Such sales shall be made pursuant to any other conditions
286 and restrictions which apply to sales made by on-premises retail
287 permittees. The holder of a caterer's permit or his employees
288 shall remain at the catered location as long as alcoholic
289 beverages are being sold pursuant to the permit issued under this
290 paragraph (g), and the permittee shall have at the location the
291 identification card issued by the Alcoholic Beverage Control
292 Division of the department. No unsold alcoholic beverages may be
293 left at the catered location by the permittee upon the conclusion
294 of his business at that location. Appropriate law enforcement
295 officers and Alcoholic Beverage Control Division personnel may



296 enter a catered location on private property in order to enforce
297 laws governing the sale or serving of alcoholic beverages.

298 (h) **Research permit.** A research permit shall authorize
299 the holder thereof to operate a research facility for the
300 professional research of alcoholic beverages. Such permit shall
301 authorize the holder of the permit to import and purchase limited
302 amounts of alcoholic beverages from the department or from
303 importers, wineries and distillers of alcoholic beverages for
304 professional research.

305 (i) **Alcohol processing permit.** An alcohol processing
306 permit shall authorize the holder thereof to purchase, transport
307 and possess alcoholic beverages for the exclusive use in cooking,
308 processing or manufacturing products which contain alcoholic
309 beverages as an integral ingredient. An alcohol processing permit
310 shall not authorize the sale of alcoholic beverages on the
311 premises of the person engaging in the business of cooking,
312 processing or manufacturing products which contain alcoholic
313 beverages. The amounts of alcoholic beverages allowed under an
314 alcohol processing permit shall be set by the department.

315 (j) **Hospitality cart permit.** A hospitality cart permit
316 shall authorize the sale of alcoholic beverages from a mobile cart
317 on a golf course that is the holder of an on-premises retailer's
318 permit. The alcoholic beverages sold from the cart must be
319 consumed within the boundaries of the golf course.



320 (k) **Special service permit.** A special service permit
321 shall authorize the holder to sell commercially sealed alcoholic
322 beverages to the operator of a commercial or private aircraft for
323 en route consumption only by passengers. A special service permit
324 shall be issued only to a fixed-base operator who contracts with
325 an airport facility to provide fueling and other associated
326 services to commercial and private aircraft.

327 (1) **Merchant permit.** Except as otherwise provided in
328 subsection (5) of this section, a merchant permit shall be issued
329 only to the owner of a spa facility, an art studio or gallery, or
330 a cooking school, and shall authorize the holder to serve
331 complimentary by the glass wine only, including native wine, at
332 the holder's spa facility, art studio or gallery, or cooking
333 school. A merchant permit holder shall obtain all wine from the
334 holder of a package retailer's permit.

335 (m) **Temporary alcoholic beverages charitable auction**
336 **permit.** A temporary permit, not to exceed five (5) days, may be
337 issued to a qualifying charitable nonprofit organization that is
338 exempt from taxation under Section 501(c)(3) or (4) of the
339 Internal Revenue Code of 1986. The permit shall authorize the
340 holder to sell alcoholic beverages for the limited purpose of
341 raising funds for the organization during a live or silent auction
342 that is conducted by the organization and that meets the following
343 requirements: (i) the auction is conducted in an area of the
344 state where the sale of alcoholic beverages is authorized; (ii) if



345 the auction is conducted on the premises of an on-premises
346 retailer's permit holder, then the alcoholic beverages to be
347 auctioned must be stored separately from the alcoholic beverages
348 sold, stored or served on the premises, must be removed from the
349 premises immediately following the auction, and may not be
350 consumed on the premises; (iii) the permit holder may not conduct
351 more than two (2) auctions during a calendar year; (iv) the permit
352 holder may not pay a commission or promotional fee to any person
353 to arrange or conduct the auction.

354 (n) **Event venue retailer's permit.** An event venue
355 retailer's permit shall authorize the holder thereof to purchase
356 and resell alcoholic beverages, including native wines and native
357 spirits, for consumption on the premises during legal hours during
358 events held on the licensed premises if food is being served at
359 the event by a caterer who is not affiliated with or related to
360 the permittee. The caterer must serve at least three (3) entrees.
361 The permit may only be issued for venues that can accommodate two
362 hundred (200) persons or more. The number of persons a venue may
363 accommodate shall be determined by the local fire department and
364 such determination shall be provided in writing and submitted
365 along with all other documents required to be provided for an
366 on-premises retailer's permit. The permittee must derive the
367 majority of its revenue from event-related fees, including, but
368 not limited to, admission fees or ticket sales for live
369 entertainment in the building. "Event-related fees" do not



370 include alcohol, beer or light wine sales or any fee which may be
371 construed to cover the cost of alcohol, beer or light wine. This
372 determination shall be made on a per event basis. An event may
373 not last longer than two (2) consecutive days per week.

374 (o) **Temporary theatre permit.** A temporary theatre
375 permit, not to exceed five (5) days, may be issued to a charitable
376 nonprofit organization that is exempt from taxation under Section
377 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
378 a theatre facility that features plays and other theatrical
379 performances and productions. Except as otherwise provided in
380 subsection (5) of this section, the permit shall authorize the
381 holder to sell alcoholic beverages, including native wines and
382 native spirits, to patrons of the theatre during performances and
383 productions at the theatre facility for consumption during such
384 performances and productions on the premises of the facility
385 described in the permit. A temporary theatre permit holder shall
386 obtain all alcoholic beverages from package retailers located in
387 the county in which the permit is issued. Alcoholic beverages
388 remaining in stock upon expiration of the temporary theatre permit
389 may be returned by the permittee to the package retailer for a
390 refund of the purchase price upon consent of the package retailer
391 or may be kept by the permittee exclusively for personal use and
392 consumption, subject to all laws pertaining to the illegal sale
393 and possession of alcoholic beverages.



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

417 (q) **Distillery retailer's permit.** The holder of a
418 Class 1 manufacturer's permit may obtain a distillery retailer's



419 permit. A distillery retailer's permit shall authorize the holder
420 thereof to sell at retail alcoholic beverages to consumers for
421 on-premises consumption, or to consumers by the sealed and
422 unopened bottle from a retail location at the distillery for
423 off-premises consumption. The holder may only sell product
424 manufactured by the manufacturer at the distillery described in
425 the permit. However, when selling to consumers for on-premises
426 consumption, a holder of a distillery retailer's permit may add
427 other beverages, alcoholic or not, so long as the total volume of
428 other beverage components containing alcohol does not exceed
429 twenty percent (20%). Hours of sale shall be the same as those
430 authorized for on-premises permittees in the city or county in
431 which the distillery retailer is located.

432 The holder shall not sell at retail more than ten percent
433 (10%) of the alcoholic beverages produced annually at its
434 distillery. The holder shall not make retail sales of more than
435 two and twenty-five one-hundredths (2.25) liters, in the
436 aggregate, of the alcoholic beverages produced at its distillery
437 to any one (1) individual for consumption off the premises of the
438 distillery within a twenty-four-hour period. The hours of sale
439 shall be the same as those hours for package retailers under this
440 article. The holder of a distillery retailer's permit is not
441 required to purchase the alcoholic beverages authorized to be sold
442 by this paragraph from the department's liquor distribution
443 warehouse; however, if the holder does not purchase the alcoholic



444 beverages from the department's liquor distribution warehouse, the
445 holder shall pay to the department all taxes, fees and surcharges
446 on the alcoholic beverages that are imposed upon the sale of
447 alcoholic beverages shipped by the department or its warehouse
448 operator. In addition to alcoholic beverages, the holder of a
449 distillery retailer's permit may sell at retail promotional
450 products from the same retail location, including shirts, hats,
451 glasses, and other promotional products customarily sold by
452 alcoholic beverage manufacturers.

453 (r) **Festival Wine Permit.** Any wine manufacturer or
454 native wine producer permitted by Mississippi or any other state
455 is eligible to obtain a Festival Wine Permit. This permit
456 authorizes the entity to transport product manufactured by it to
457 festivals held within the State of Mississippi and sell sealed,
458 unopened bottles to festival participants. The holder of this
459 permit may provide samples at no charge to participants.
460 "Festival" means any event at which three (3) or more vendors are
461 present at a location for the sale or distribution of goods. The
462 holder of a Festival Wine Permit is not required to purchase the
463 alcoholic beverages authorized to be sold by this paragraph from
464 the department's liquor distribution warehouse. However, if the
465 holder does not purchase the alcoholic beverages from the
466 department's liquor distribution warehouse, the holder of this
467 permit shall pay to the department all taxes, fees and surcharges
468 on the alcoholic beverages sold at such festivals that are imposed



469 upon the sale of alcoholic beverages shipped by the Alcoholic
470 Beverage Control Division of the Department of Revenue.
471 Additionally, the entity shall file all applicable reports and
472 returns as prescribed by the department. This permit is issued
473 per festival and provides authority to sell for two (2)
474 consecutive days during the hours authorized for on-premises
475 permittees' sales in that county or city. The holder of the
476 permit shall be required to maintain all requirements set by Local
477 Option Law for the service and sale of alcoholic beverages. This
478 permit may be issued to entities participating in festivals at
479 which a Class 1 temporary permit is in effect.

480 This paragraph (r) shall stand repealed from and after July
481 1, 2026.

482 (s) **Charter vessel operator's permit.** Subject to the
483 provisions of this paragraph (s), a charter vessel operator's
484 permit shall authorize the holder thereof and its employees to
485 sell and serve alcoholic beverages to passengers of the permit
486 holder during public tours, historical tours, ecological tours and
487 sunset cruises provided by the permit holder. The permit shall
488 authorize the holder to only sell alcoholic beverages, including
489 native wines, to passengers of the charter vessel operator during
490 public tours, historical tours, ecological tours and sunset
491 cruises provided by the permit holder aboard the charter vessel
492 operator for consumption during such tours and cruises on the
493 premises of the charter vessel operator described in the permit.



494 For the purposes of this paragraph (s), "charter vessel operator"
495 means a common carrier that (i) is certified to carry at least
496 forty-nine (49) passengers, (ii) operates only in the waters
497 within the State of Mississippi, which lie south of Interstate 10
498 in the three (3) most southern counties in the State of
499 Mississippi, and lie adjacent to the State of Mississippi south of
500 the three (3) most southern counties in the State of Mississippi,
501 extending not further than one (1) mile south of such counties,
502 and (iii) provides vessel services for tours and cruises in such
503 waters as provided in this paragraph(s).

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



519 (u) **Delivery service permit.** Any individual, limited
520 liability company, corporation or partnership registered to do
521 business in this state is eligible to obtain a delivery service
522 permit. Subject to the provisions of Section 67-1-51.1, this
523 permit authorizes the permittee, or its employee or an independent
524 contractor acting on its behalf, to deliver alcoholic beverages,
525 beer, light wine and light spirit product from a licensed retailer
526 to a person in this state who is at least twenty-one (21) years of
527 age for the individual's use and not for resale. This permit does
528 not authorize the delivery of alcoholic beverages, beer, light
529 wine or light spirit product to the premises of a location with a
530 permit for the manufacture, distribution or retail sale of
531 alcoholic beverages, beer, light wine or light spirit product.
532 The holder of a package retailer's permit or an on-premises
533 retailer's permit under Section 67-1-51 or of a beer, light wine
534 and light spirit product permit under Section 67-3-19 is
535 authorized to apply for a delivery service permit as a privilege
536 separate from its existing retail permit.

537 (v) **Food truck permit.** A food truck permit shall
538 authorize the holder of an on-premises retailer's permit to use a
539 food truck to sell alcoholic beverages off its premises to guests
540 who must consume the beverages in open containers. For the
541 purposes of this paragraph (v), "food truck" means a fully encased
542 food service establishment on a motor vehicle or on a trailer that
543 a motor vehicle pulls to transport, and from which a vendor,



544 standing within the frame of the establishment, prepares, cooks,
545 sells and serves food for immediate human consumption. The term
546 "food truck" does not include a food cart that is not motorized.
547 Food trucks shall maintain such distance requirements from
548 schools, churches, kindergartens and funeral homes as are required
549 for on-premises retailer's permittees under this article, and all
550 sales must be made within a valid leisure and recreation district
551 established under Section 67-1-101. Food trucks cannot sell or
552 serve alcoholic beverages unless also offering food prepared and
553 cooked within the food truck, and permittees must maintain a
554 twenty-five percent (25%) food sale revenue requirement based on
555 the food sold from the food truck alone. The hours allowed for
556 sale shall be the same as those for on-premises retailer's
557 permittees in the location. This permit will not be required for
558 the holder of a caterer's permit issued under this article to
559 cater an event as allowed by law. Permittees must provide notice
560 of not less than forty-eight (48) hours to the department of each
561 location at which alcoholic beverages will be sold.

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

565 (3) (a) Except as otherwise provided in this subsection, no
566 authority shall be granted to any person to manufacture, sell or
567 store for sale any intoxicating liquor as specified in this
568 article within four hundred (400) feet of any church, school,



569 kindergarten or funeral home. However, within an area zoned
570 commercial or business, such minimum distance shall be not less
571 than one hundred (100) feet.

572 (b) A church or funeral home may waive the distance
573 restrictions imposed in this subsection in favor of allowing
574 issuance by the department of a permit, pursuant to subsection (1)
575 of this section, to authorize activity relating to the
576 manufacturing, sale or storage of alcoholic beverages which would
577 otherwise be prohibited under the minimum distance criterion.
578 Such waiver shall be in written form from the owner, the governing
579 body, or the appropriate officer of the church or funeral home
580 having the authority to execute such a waiver, and the waiver
581 shall be filed with and verified by the department before becoming
582 effective.

583 (c) The distance restrictions imposed in this
584 subsection shall not apply to the sale or storage of alcoholic
585 beverages at a bed and breakfast inn listed in the National
586 Register of Historic Places or to the sale or storage of alcoholic
587 beverages in a historic district that is listed in the National
588 Register of Historic Places, is a qualified resort area and is
589 located in a municipality having a population greater than one
590 hundred thousand (100,000) according to the latest federal
591 decennial census.



592 (d) The distance restrictions imposed in this
593 subsection shall not apply to the sale or storage of alcoholic
594 beverages at a qualified resort area as defined in Section
595 67-1-5(o)(iii)32.

596 (e) The distance restrictions imposed in this
597 subsection shall not apply to the sale or storage of alcoholic
598 beverages at a licensed premises in a building formerly owned by a
599 municipality and formerly leased by the municipality to a
600 municipal school district and used by the municipal school
601 district as a district bus shop facility.

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

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

613 (h) The distance restrictions imposed in this
614 subsection shall not apply to the sale or storage of alcoholic
615 beverages at a theatre facility that features plays and other
616 theatrical performances and productions and (i) is capable of



617 seating more than seven hundred fifty (750) people, (ii) is owned
618 by a municipality which has a population greater than ten thousand
619 (10,000) according to the latest federal decennial census, (iii)
620 was constructed prior to 1930, (iv) is on the National Register of
621 Historic Places, and (v) is located in a historic district.

622 (i) The distance restrictions imposed in this
623 subsection shall not apply to the sale or storage of alcoholic
624 beverages at a licensed premises in a building located
625 approximately one and six-tenths (1.6) miles north of the
626 intersection of Mississippi Highway 15 and Mississippi Highway 4
627 on the west side of Mississippi Highway 15.

628 (4) No person, either individually or as a member of a firm,
629 partnership, limited liability company or association, or as a
630 stockholder, officer or director in a corporation, shall own or
631 control any interest in more than one (1) package retailer's
632 permit, nor shall such person's spouse, if living in the same
633 household of such person, any relative of such person, if living
634 in the same household of such person, or any other person living
635 in the same household with such person own any interest in any
636 other package retailer's permit.

637 (5) (a) In addition to any other authority granted under
638 this section, the holder of a permit issued under subsection
639 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
640 sell or otherwise provide alcoholic beverages and/or wine to a
641 patron of the permit holder in the manner authorized in the permit



642 and the patron may remove an open glass, cup or other container of
643 the alcoholic beverage and/or wine from the licensed premises and
644 may possess and consume the alcoholic beverage or wine outside of
645 the licensed premises if: (i) the licensed premises is located
646 within a leisure and recreation district created under Section
647 67-1-101 and (ii) the patron remains within the boundaries of the
648 leisure and recreation district while in possession of the
649 alcoholic beverage or wine.

650 (b) Nothing in this subsection shall be construed to
651 allow a person to bring any alcoholic beverages into a permitted
652 premises except to the extent otherwise authorized by this
653 article.

654 **SECTION 3.** This act shall take effect and be in force from
655 and after July 1, 2024.

