

By: Senator(s) Michel

To: Finance

SENATE BILL NO. 2229

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO
 2 DEFINE THE TERM "GROCERY STORE"; TO AMEND SECTION 67-1-51,
 3 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE
 4 TO ISSUE GROCERY STORE WINE-ONLY RETAILER'S PERMITS THAT AUTHORIZE
 5 THE HOLDER THEREOF TO SELL WINE AT RETAIL AT A GROCERY STORE IN
 6 ORIGINAL SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE
 7 PREMISES WHERE SOLD; TO PROVIDE THAT THE HOLDER OF A PACKAGE
 8 RETAILER'S PERMIT MAY SELL OTHER PRODUCTS AND MERCHANDISE, EXCEPT
 9 BEER, BUT MUST DERIVE AT LEAST 50% OF THE REVENUE OF THE LICENSED
 10 PREMISES FROM THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN ORIGINAL
 11 SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE LICENSED
 12 PREMISES; TO AUTHORIZE A PERSON TO OWN OR CONTROL ANY INTEREST IN
 13 MORE THAN SIX PACKAGE RETAILER'S PERMITS; TO AMEND SECTION
 14 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE LICENSE TAX
 15 REQUIRED FOR GROCERY STORE WINE-ONLY RETAILER'S PERMITS; TO AMEND
 16 SECTIONS 67-1-41, 67-1-75, 67-1-83, AND 67-1-85, MISSISSIPPI CODE
 17 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, is
 20 amended as follows:

21 67-1-5. For the purposes of this article and unless
 22 otherwise required by the context:

23 (a) "Alcoholic beverage" means any alcoholic liquid,
 24 including wines of more than five percent (5%) of alcohol by
 25 weight, capable of being consumed as a beverage by a human being,



26 but shall not include light wine, light spirit product and beer,
27 as defined in Section 67-3-3, Mississippi Code of 1972, but shall
28 include native wines and native spirits. The words "alcoholic
29 beverage" shall not include ethyl alcohol manufactured or
30 distilled solely for fuel purposes or beer of an alcoholic content
31 of more than eight percent (8%) by weight if the beer is legally
32 manufactured in this state for sale in another state.

33 (b) "Alcohol" means the product of distillation of any
34 fermented liquid, whatever the origin thereof, and includes
35 synthetic ethyl alcohol, but does not include denatured alcohol or
36 wood alcohol.

37 (c) "Distilled spirits" means any beverage containing
38 more than six percent (6%) of alcohol by weight produced by
39 distillation of fermented grain, starch, molasses or sugar,
40 including dilutions and mixtures of these beverages.

41 (d) "Wine" or "vinous liquor" means any product
42 obtained from the alcoholic fermentation of the juice of sound,
43 ripe grapes, fruits, honey or berries and made in accordance with
44 the revenue laws of the United States.

45 (e) "Person" means and includes any individual,
46 partnership, corporation, association or other legal entity
47 whatsoever.

48 (f) "Manufacturer" means any person engaged in
49 manufacturing, distilling, rectifying, blending or bottling any
50 alcoholic beverage.



51 (g) "Wholesaler" means any person, other than a
52 manufacturer, engaged in distributing or selling any alcoholic
53 beverage at wholesale for delivery within or without this state
54 when such sale is for the purpose of resale by the purchaser.

55 (h) "Retailer" means any person who sells, distributes,
56 or offers for sale or distribution, any alcoholic beverage for use
57 or consumption by the purchaser and not for resale.

58 (i) "State Tax Commission," "commission" or
59 "department" means the Department of Revenue of the State of
60 Mississippi, which shall create a division in its organization to
61 be known as the Alcoholic Beverage Control Division. Any
62 reference to the commission or the department hereafter means the
63 powers and duties of the Department of Revenue with reference to
64 supervision of the Alcoholic Beverage Control Division.

65 (j) "Division" means the Alcoholic Beverage Control
66 Division of the Department of Revenue.

67 (k) "Municipality" means any incorporated city or town
68 of this state.

69 (l) "Hotel" means an establishment within a
70 municipality, or within a qualified resort area approved as such
71 by the department, where, in consideration of payment, food and
72 lodging are habitually furnished to travelers and wherein are
73 located at least twenty (20) adequately furnished and completely
74 separate sleeping rooms with adequate facilities that persons
75 usually apply for and receive as overnight accommodations. Hotels



76 in towns or cities of more than twenty-five thousand (25,000)
77 population are similarly defined except that they must have fifty
78 (50) or more sleeping rooms. Any such establishment described in
79 this paragraph with less than fifty (50) beds shall operate one or
80 more regular dining rooms designed to be constantly frequented by
81 customers each day. When used in this article, the word "hotel"
82 shall also be construed to include any establishment that meets
83 the definition of "bed and breakfast inn" as provided in this
84 section.

85 (m) "Restaurant" means:

86 (i) A place which is regularly and in a bona fide
87 manner used and kept open for the serving of meals to guests for
88 compensation, which has suitable seating facilities for guests,
89 and which has suitable kitchen facilities connected therewith for
90 cooking an assortment of foods and meals commonly ordered at
91 various hours of the day; the service of such food as sandwiches
92 and salads only shall not be deemed in compliance with this
93 requirement. Except as otherwise provided in this paragraph, no
94 place shall qualify as a restaurant under this article unless
95 twenty-five percent (25%) or more of the revenue derived from such
96 place shall be from the preparation, cooking and serving of meals
97 and not from the sale of beverages, or unless the value of food
98 given to and consumed by customers is equal to twenty-five percent
99 (25%) or more of total revenue; or



100 (ii) Any privately owned business located in a
101 building in a historic district where the district is listed in
102 the National Register of Historic Places, where the building has a
103 total occupancy rating of not less than one thousand (1,000) and
104 where the business regularly utilizes ten thousand (10,000) square
105 feet or more in the building for live entertainment, including not
106 only the stage, lobby or area where the audience sits and/or
107 stands, but also any other portion of the building necessary for
108 the operation of the business, including any kitchen area, bar
109 area, storage area and office space, but excluding any area for
110 parking. In addition to the other requirements of this
111 subparagraph, the business must also serve food to guests for
112 compensation within the building and derive the majority of its
113 revenue from event-related fees, including, but not limited to,
114 admission fees or ticket sales to live entertainment in the
115 building, and from the rental of all or part of the facilities of
116 the business in the building to another party for a specific event
117 or function.

118 (n) "Club" means an association or a corporation:

119 (i) Organized or created under the laws of this
120 state for a period of five (5) years prior to July 1, 1966;

121 (ii) Organized not primarily for pecuniary profit
122 but for the promotion of some common object other than the sale or
123 consumption of alcoholic beverages;



124 (iii) Maintained by its members through the
125 payment of annual dues;

126 (iv) Owning, hiring or leasing a building or space
127 in a building of such extent and character as may be suitable and
128 adequate for the reasonable and comfortable use and accommodation
129 of its members and their guests;

130 (v) The affairs and management of which are
131 conducted by a board of directors, board of governors, executive
132 committee, or similar governing body chosen by the members at a
133 regular meeting held at some periodic interval; and

134 (vi) No member, officer, agent or employee of
135 which is paid, or directly or indirectly receives, in the form of
136 a salary or other compensation any profit from the distribution or
137 sale of alcoholic beverages to the club or to members or guests of
138 the club beyond such salary or compensation as may be fixed and
139 voted at a proper meeting by the board of directors or other
140 governing body out of the general revenues of the club.

141 The department may, in its discretion, waive the five-year
142 provision of this paragraph. In order to qualify under this
143 paragraph, a club must file with the department, at the time of
144 its application for a license under this article, two (2) copies
145 of a list of the names and residences of its members and similarly
146 file, within ten (10) days after the election of any additional
147 member, his name and address. Each club applying for a license
148 shall also file with the department at the time of the application



149 a copy of its articles of association, charter of incorporation,
150 bylaws or other instruments governing the business and affairs
151 thereof.

152 (o) "Qualified resort area" means any area or locality
153 outside of the limits of incorporated municipalities in this state
154 commonly known and accepted as a place which regularly and
155 customarily attracts tourists, vacationists and other transients
156 because of its historical, scenic or recreational facilities or
157 attractions, or because of other attributes which regularly and
158 customarily appeal to and attract tourists, vacationists and other
159 transients in substantial numbers; however, no area or locality
160 shall so qualify as a resort area until it has been duly and
161 properly approved as such by the department. The department may
162 not approve an area as a qualified resort area after July 1, 2018,
163 if any portion of such proposed area is located within two (2)
164 miles of a convent or monastery that is located in a county
165 traversed by Interstate 55 and U.S. Highway 98. A convent or
166 monastery may waive such distance restrictions in favor of
167 allowing approval by the department of an area as a qualified
168 resort area. Such waiver shall be in written form from the owner,
169 the governing body, or the appropriate officer of the convent or
170 monastery having the authority to execute such a waiver, and the
171 waiver shall be filed with and verified by the department before
172 becoming effective.



173 (i) The department may approve an area or locality
174 outside of the limits of an incorporated municipality that is in
175 the process of being developed as a qualified resort area if such
176 area or locality, when developed, can reasonably be expected to
177 meet the requisites of the definition of the term "qualified
178 resort area." In such a case, the status of qualified resort area
179 shall not take effect until completion of the development.

180 (ii) The term includes any state park which is
181 declared a resort area by the department; however, such
182 declaration may only be initiated in a written request for resort
183 area status made to the department by the Executive Director of
184 the Department of Wildlife, Fisheries and Parks, and no permit for
185 the sale of any alcoholic beverage, as defined in this article,
186 except an on-premises retailer's permit, shall be issued for a
187 hotel, restaurant or bed and breakfast inn in such park.

188 (iii) The term includes:

189 1. The clubhouses associated with the state
190 park golf courses at the Lefleur's Bluff State Park, the John Kyle
191 State Park, the Percy Quin State Park and the Hugh White State
192 Park;

193 2. The clubhouse and associated golf course,
194 tennis courts and related facilities and swimming pool and related
195 facilities where the golf course, tennis courts and related
196 facilities and swimming pool and related facilities are adjacent
197 to one or more planned residential developments and the golf



198 course and all such developments collectively include at least
199 seven hundred fifty (750) acres and at least four hundred (400)
200 residential units;

201 3. Any facility located on property that is a
202 game reserve with restricted access that consists of at least
203 three thousand (3,000) contiguous acres with no public roads and
204 that offers as a service hunts for a fee to overnight guests of
205 the facility;

206 4. Any facility located on federal property
207 surrounding a lake and designated as a recreational area by the
208 United States Army Corps of Engineers that consists of at least
209 one thousand five hundred (1,500) acres;

210 5. Any facility that is located in a
211 municipality that is bordered by the Pearl River, traversed by
212 Mississippi Highway 25, adjacent to the boundaries of the Jackson
213 International Airport and is located in a county which has voted
214 against coming out from under the dry law; however, any such
215 facility may only be located in areas designated by the governing
216 authorities of such municipality;

217 6. Any municipality with a population in
218 excess of ten thousand (10,000) according to the latest federal
219 decennial census that is located in a county that is bordered by
220 the Pearl River and is not traversed by Interstate Highway 20,
221 with a population in excess of forty-five thousand (45,000)
222 according to the latest federal decennial census;



223 7. The West Pearl Restaurant Tax District as
224 defined in Chapter 912, Local and Private Laws of 2007;

225 8. a. Land that is located in any county in
226 which Mississippi Highway 43 and Mississippi Highway 25 intersect
227 and:

228 A. Owned by the Pearl River Valley
229 Water Supply District, and/or

230 B. Located within the Reservoir
231 Community District, zoned commercial, east of Old Fannin Road,
232 north of Regatta Drive, south of Spillway Road, west of Hugh Ward
233 Boulevard and accessible by Old Fannin Road, Spillway Road, Spann
234 Drive and/or Lake Vista Place, and/or

235 C. Located within the Reservoir
236 Community District, zoned commercial, west of Old Fannin Road,
237 south of Spillway Road and extending to the boundary of the
238 corporate limits of the City of Flowood, Mississippi;

239 b. The board of supervisors of such
240 county, with respect to B and C of item 8.a., may by resolution or
241 other order:

242 A. Specify the hours of operation
243 of facilities that offer alcoholic beverages for sale,

244 B. Specify the percentage of
245 revenue that facilities that offer alcoholic beverages for sale
246 must derive from the preparation, cooking and serving of meals and
247 not from the sale of beverages, and



248 C. Designate the areas in which
249 facilities that offer alcoholic beverages for sale may be located;

250 9. Any facility located on property that is a
251 game reserve with restricted access that consists of at least
252 eight hundred (800) contiguous acres with no public roads, that
253 offers as a service hunts for a fee to overnight guests of the
254 facility, and has accommodations for at least fifty (50) overnight
255 guests;

256 10. Any facility that:

257 a. Consists of at least six thousand
258 (6,000) square feet being heated and cooled along with an
259 additional adjacent area that consists of at least two thousand
260 two hundred (2,200) square feet regardless of whether heated and
261 cooled,

262 b. For a fee is used to host events such
263 as weddings, reunions and conventions,

264 c. Provides lodging accommodations
265 regardless of whether part of the facility and/or located adjacent
266 to or in close proximity to the facility, and

267 d. Is located on property that consists
268 of at least thirty (30) contiguous acres;

269 11. Any facility and related property:

270 a. Located on property that consists of
271 at least one hundred twenty-five (125) contiguous acres and
272 consisting of an eighteen-hole golf course, and/or located in a



273 facility that consists of at least eight thousand (8,000) square
274 feet being heated and cooled,

275 b. Used for the purpose of providing
276 meals and hosting events, and

277 c. Used for the purpose of teaching
278 culinary arts courses and/or turf management and grounds keeping
279 courses, and/or outdoor recreation and leadership courses;

280 12. Any facility and related property that:

281 a. Consist of at least eight thousand
282 (8,000) square feet being heated and cooled,

283 b. For a fee is used to host events,

284 c. Is used for the purpose of culinary
285 arts courses, and/or live entertainment courses and art
286 performances, and/or outdoor recreation and leadership courses;

287 13. The clubhouse and associated golf course
288 where the golf course is adjacent to one or more residential
289 developments and the golf course and all such developments
290 collectively include at least two hundred (200) acres and at least
291 one hundred fifty (150) residential units and are located a. in a
292 county that has voted against coming out from under the dry law;
293 and b. outside of but in close proximity to a municipality in such
294 county which has voted under Section 67-1-14, after January 1,
295 2013, to come out from under the dry law;

296 14. The clubhouse and associated
297 eighteen-hole golf course located in a municipality traversed by



298 Interstate Highway 55 and U.S. Highway 51 that has voted to come
299 out from under the dry law;

300 15. a. Land that is planned for mixed-use
301 development and consists of at least two hundred (200) contiguous
302 acres with one or more planned residential developments
303 collectively planned to include at least two hundred (200)
304 residential units when completed, and also including a facility
305 that consists of at least four thousand (4,000) square feet that
306 is not part of such land but is located adjacent to or in close
307 proximity thereto, and which land is located:

308 A. In a county that has voted to
309 come out from under the dry law,

310 B. Outside the corporate limits of
311 any municipality in such county and adjacent to or in close
312 proximity to a golf course located in a municipality in such
313 county, and

314 C. Within one (1) mile of a state
315 institution of higher learning;

316 b. The board of supervisors of such
317 county may by resolution or other order:

318 A. Specify the hours of operation
319 of facilities that offer alcoholic beverages for sale,

320 B. Specify the percentage of
321 revenue that facilities that offer alcoholic beverages for sale



322 must derive from the preparation, cooking and serving of meals and
323 not from the sale of beverages, and

324 C. Designate the areas in which
325 facilities that offer alcoholic beverages for sale may be located;

326 16. Any facility with a capacity of five
327 hundred (500) people or more, to be used as a venue for private
328 events, on a tract of land in the Southwest Quarter of Section 33,
329 Township 2 South, Range 7 East, of a county where U.S. Highway 45
330 and U.S. Highway 72 intersect and that has not voted to come out
331 from under the dry law;

332 17. One hundred five (105) contiguous acres,
333 more or less, located in Hinds County, Mississippi, and in the
334 City of Jackson, Mississippi, whereon are constructed a variety of
335 buildings, improvements, grounds or objects for the purpose of
336 holding events thereon to promote agricultural and industrial
337 development in Mississippi;

338 18. Land that is owned by a state institution
339 of higher learning, and:

340 a. Located entirely within a county that
341 has elected by majority vote not to permit the transportation,
342 storage, sale, distribution, receipt and/or manufacture of light
343 wine and beer pursuant to Section 67-3-7, and

344 b. Adjacent to but outside the
345 incorporated limits of a municipality that has elected by majority



346 vote to permit the sale, receipt, storage and transportation of
347 light wine and beer pursuant to Section 67-3-9.

348 If any portion of the land described in this item 18 has been
349 declared a qualified resort area by the department before July 1,
350 2020, then that qualified resort area shall be incorporated into
351 the qualified resort area created by this item 18;

352 19. Any facility and related property:

353 a. Used as a flea market or similar
354 venue during a weekend (Saturday and Sunday) immediately preceding
355 the first Monday of a month and having an annual average of at
356 least one thousand (1,000) visitors for each such weekend and five
357 hundred (500) vendors for Saturday of each such weekend, and

358 b. Located in a county that has not
359 voted to come out from under the dry law and outside of but in
360 close proximity to a municipality located in such county and which
361 municipality has voted to come out from under the dry law;

362 20. Blocks 1, 2 and 3 of the original town
363 square in any municipality with a population in excess of one
364 thousand five hundred (1,500) according to the latest federal
365 decennial census and which is located in:

366 a. A county traversed by Interstate 55
367 and Interstate 20, and

368 b. A judicial district that has not
369 voted to come out from under the dry law;



370 21. Any municipality with a population in
371 excess of two thousand (2,000) according to the latest federal
372 decennial census and in which is located a part of White's Creek
373 Lake and in which U.S. Highway 82 intersects with Mississippi
374 Highway 9 and located in a county that is partially bordered on
375 one (1) side by the Big Black River;

376 22. A restaurant located on a two-acre tract
377 adjacent to a five-hundred-fifty-acre lake in the northeast corner
378 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

379 23. Any tracts of land in Oktibbeha County,
380 situated north of Bailey Howell Drive, Lee Boulevard and Old
381 Mayhew Road, east of George Perry Street and south of Mississippi
382 Highway 182, and not located on the property of a state
383 institution of higher learning; however, the board of supervisors
384 of such county may by resolution or other order:

385 a. Specify the hours of operation of
386 facilities that offer alcoholic beverages for sale;

387 b. Specify the percentage of revenue
388 that facilities that offer alcoholic beverages for sale must
389 derive from the preparation, cooking and serving of meals and not
390 from the sale of beverages; and

391 c. Designate the areas in which
392 facilities that offer alcoholic beverages for sale may be located;

393 24. A municipality in which Mississippi
394 Highway 27 and Mississippi Highway 28 intersect;



395 25. A municipality through which run
396 Mississippi Highway 35 and Interstate 20;

397 26. A municipality in which Mississippi
398 Highway 16 and Mississippi Highway 35 intersect;

399 27. A municipality in which U.S. Highway 82
400 and Old Highway 61 intersect;

401 28. A municipality in which Mississippi
402 Highway 8 meets Mississippi Highway 1;

403 29. A municipality in which U.S. Highway 82
404 and Mississippi Highway 1 intersect;

405 30. A municipality in which Mississippi
406 Highway 50 meets Mississippi Highway 9;

407 31. An area bounded on the north by Pearl
408 Street, on the east by West Street, on the south by Court Street
409 and on the west by Farish Street, within a municipality bordered
410 on the east by the Pearl River and through which run Interstate 20
411 and Interstate 55;

412 32. Any facility and related property that:
413 a. Is contracted for mixed-use
414 development improvements consisting of office and residential
415 space and a restaurant and lounge, partially occupying the
416 renovated space of a four-story commercial building which
417 previously served as a financial institution; and adjacent
418 property to the west consisting of a single-story office building



419 that was originally occupied by the Brotherhood of Carpenters and
420 Joiners of American Local Number 569; and

421 b. Is situated on a tract of land
422 consisting of approximately one and one-tenth (1.10) acres, and
423 the adjacent property to the west consisting of approximately 0.5
424 acres, located in a municipality which is the seat of county
425 government, situated south of Interstate 10, traversed by U.S.
426 Highway 90, partially bordered on one (1) side by the Pascagoula
427 River and having its most southern boundary bordered by the Gulf
428 of Mexico, with a population greater than twenty-two thousand
429 (22,000) according to the 2010 federal decennial census; however,
430 the governing authorities of such a municipality may by ordinance:

431 A. Specify the hours of operation
432 of facilities that offer alcoholic beverages for sale;

433 B. Specify the percentage of
434 revenue that facilities that offer alcoholic beverages for sale
435 must derive from the preparation, cooking and serving of meals and
436 not from the sale of beverages; and

437 C. Designate the areas within the
438 facilities in which alcoholic beverages may be offered for sale;

439 33. Any facility with a maximum capacity of
440 one hundred twenty (120) people that consists of at least three
441 thousand (3,000) square feet being heated and cooled, has a
442 commercial kitchen, has a pavilion that consists of at least nine



443 thousand (9,000) square feet and is located on land more
444 particularly described as follows:

445 All that part of the East Half of the Northwest Quarter of
446 Section 21, Township 7 South, Range 4 East, Union County,
447 Mississippi, that lies South of Mississippi State Highway 348
448 right-of-way and containing 19.48 acres, more or less.

449 ALSO,

450 The Northeast 38 acres of the Southwest Quarter of Section
451 21, Township 7 South, Range 4 East, Union County, Mississippi.

452 ALSO,

453 The South 81 1/2 acres of the Southwest Quarter of Section
454 21, Township 7 South, Range 4 East, Union County, Mississippi;

455 34. A municipality in which U.S. Highway 51
456 and Mississippi Highway 16 intersect;

457 35. A municipality in which Interstate 20
458 passes over Mississippi Highway 15;

459 36. Any municipality that is bordered in its
460 northwestern boundary by the Pearl River, traversed by U.S.
461 Highway 49 and Interstate 20, and is located in a county which has
462 voted against coming out from under the dry law;

463 37. A municipality in which Mississippi
464 Highway 28 and Mississippi Highway 29 North intersect;

465 38. An area bounded as follows within a
466 municipality through which run Interstate 22 and Mississippi
467 Highway 15: Beginning at a point at the intersection of Bankhead



468 Street and Tallahatchie Trails; then running to a point at the
469 intersection of Tallahatchie Trails and Interstate 22; then
470 running to a point at the intersection of Interstate 22 and Carter
471 Avenue; then running to a point at the intersection of Carter
472 Avenue and Camp Avenue; then running to a point at the
473 intersection of Camp Avenue and King Street; then running to a
474 point at the intersection of King Street and E. Main Street; then
475 running to a point at the intersection of E. Main Street and Camp
476 Avenue; then running to a point at the intersection of Camp Avenue
477 and Highland Street; then running to a point at the intersection
478 of Highland Street and Adams Street; then running to a point at
479 the intersection of Adams Street and Cleveland Street; then
480 running to a point at the intersection of Cleveland Street and N.
481 Railroad Avenue; then running to a point at the intersection of N.
482 Railroad Avenue and McGill Street; then running to a point at the
483 intersection of McGill Street and Snyder Street; then running to a
484 point at the intersection of Snyder Street and Bankhead Street;
485 then running to a point at the intersection of Bankhead Street and
486 Tallahatchie Trails and the point of the beginning;

487 39. A municipality through which run
488 Mississippi Highway 43 and U.S. Highway 80;

489 40. The coliseum in a municipality in which
490 U.S. Highway 72 passes over U.S. Highway 45;



491 41. A piece of property on the northeast
492 corner of the T-intersection where Builders Square Drive meets
493 Mississippi Highway 471;

494 42. The clubhouse and associated golf course,
495 tennis courts and related facilities and swimming pool and related
496 facilities located on Oaks Country Club Road less than one-half
497 (1/2) mile to the east of Mississippi Highway 15;

498 43. Any facility located on land more
499 particularly described as follows:

500 The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of
501 Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the
502 Southwest Corner of the Southwest Quarter (SW 1/4) of the
503 Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2
504 East, running 210 feet east and west and 840 feet running north
505 and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter
506 (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in
507 Rankin County, Mississippi;

508 44. Any facility located on land more
509 particularly described as follows:

510 Beginning at a point 1915 feet west and 2171 feet north of
511 southeast corner, Section 11, Township 24 North, Range 2 West,
512 Second Judicial District, Tallahatchie County, Mississippi, which
513 point is the southwest corner of J.C. Section Lot mentioned in
514 deed recorded in Book 50, page 34, in the records of the Chancery
515 Clerk's Office at Sumner, in said District of said County; thence



516 South 80° West, 19 feet to the east boundary of United States
517 Highway 49-E, thence East along the east boundary of said Highway
518 270 feet to point of beginning of Lot to be conveyed; thence
519 southeast along the east boundary of said Highway 204 feet to a
520 concrete post at the intersection of the east boundary of said
521 Highway with the west boundary of gravel road from Sumner to Webb,
522 known as Oil Mill Road, thence Northwest along west boundary of
523 said Oil Mill Road 194 feet to center of driveway running
524 southwest from said Oil Mill Road to U.S. Highway 49-E; thence
525 South 66° West along center of said driveway 128 feet to point of
526 beginning, being situated in Northwest Quarter of Southeast
527 Quarter of Section 11, together with all improvements situated
528 thereon;

529 45. Any facility that:

530 a. Consists of at least five thousand
531 six hundred (5,600) square feet being heated and cooled along with
532 a lakeside patio that consists of at least two thousand two
533 hundred (2,200) square feet, regardless of whether such patio is
534 part of the facility and/or located adjacent to or in close
535 proximity to the facility;

536 b. Includes a caterer's kitchen and
537 green room for entertainment preparation;

538 c. For a fee is used to host events; and

539 d. Is located adjacent to or in close

540 proximity to an approximately nine (9) acre lake on property that



541 consists of at least one hundred twenty (120) acres in a county
542 traversed by Mississippi Highway 15 and U.S. Highway 278;

543 46. Any municipality with a population in
544 excess of one thousand (1,000) according to the 2010 federal
545 decennial census and which is located in a county that is
546 traversed by U.S. Highways 84 and 98 and has not voted to come out
547 from under the dry law;

548 47. The clubhouse and associated nine-hole
549 golf course, tennis courts and related facilities and swimming
550 pool and related facilities located on or near U.S. Highway 82
551 between Mississippi Highway 15 and Mississippi Highway 9;

552 48. The downtown square area bound by East
553 Service Drive, Commerce Street, Second Street and Court Street and
554 adjacent properties in a municipality through which run Interstate
555 55, U.S. Highway 51 and Mississippi Highway 306;

556 49. All parcels zoned for mixed-use
557 development located west of Mississippi Highway 589, more than
558 four hundred (400) feet north of Old Highway 24, east of
559 Parkers Creek and Black Creek, and south of J M Burge Road;

560 50. Any facility used by a soccer club and
561 located on Old Highway 11 between one-tenth (0.1) and two-tenths
562 (0.2) of a mile from its intersection with Oak Grove Road, in a
563 county in which U.S. Highway 98 and Mississippi Highway 589
564 intersect;



565 51. Any municipality in which U.S. Highway 49
566 and Mississippi Highway 469 intersect;

567 52. Any facility that is:

568 a. Owned by a Veterans of Foreign Wars
569 (VFW) organization that is a nonprofit corporation and registered
570 with the Mississippi Secretary of State;

571 b. Used by such organization for its
572 headquarters and other organization related purposes; and

573 c. Located outside of a municipality in
574 a county that has not voted to come out from under the dry law;

575 53. The following within a municipality in
576 which U.S. Highway 49 and U.S. 61 Highway intersect and through
577 which flows the Sunflower River:

578 a. An area bounded as follows: Starting
579 at the southern point of the intersection of Sunflower Avenue and
580 1st Street and going south along said avenue on its eastern side
581 to 8th Street, then going east along said street on its northern
582 side to West Tallahatchie Street, then going north along said
583 street on its western side to 4th Street/Martin Luther King
584 Boulevard, then going east along said street/boulevard on its
585 northern side to Desoto Avenue, then going north along said avenue
586 on its western side to 1st Street, then going west along said
587 street on its southern side to the point of beginning along the
588 southern side of Court Street;



589 b. Lots located at or near the
590 intersection of Madison Avenue, Walnut Street, and Riverside
591 Avenue that are in a commercial zone; and

592 c. Any facility located on the west side
593 of Sunflower Avenue to the Sunflower River between the southern
594 side of 6th Street and the northern side of 8th Street and which
595 is operated as and/or was operated as a hotel or lodging facility,
596 in consideration of payment, regardless of whether the facility
597 meets the criteria for the definition of the term "hotel" in
598 paragraph (1) of this section; and

599 d. Any facility located on the west side
600 of Sunflower Avenue to the Sunflower River between the southern
601 side of 3rd Street and the northern side of 4th Street/Martin
602 Luther King Boulevard and which is operated as and/or was operated
603 as a musical venue, in consideration of payment;

604 54. Any municipality in which Mississippi
605 Highway 340 meets Mississippi Highway 15;

606 55. Any municipality in which Mississippi
607 Highway 540 and Mississippi Highway 149 intersect;

608 56. Any municipality in which Mississippi
609 Highway 15 and Mississippi Highway 345/Main Street intersect;

610 57. The property and structures thereon at
611 the following locations within a municipality through which run
612 U.S. Highway 45 and Mississippi Highway 145 and in which
613 Mississippi Highway 370 and Mississippi Highway 145 intersect:



614 104 West Main Street, 106 West Main Street, 108 West Main Street,
615 110 West Main Street and 112 West Main Street;

616 58. Any municipality in which U.S. Highway 11
617 and Main Street intersect and which is located in a county having
618 two (2) judicial districts;

619 59. Any municipality in which Interstate 22
620 passes over Mississippi Highway 9;

621 60. Any facility located on land more
622 particularly described as follows:

623 A certain parcel of land being situated in the Southeast 1/4
624 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County,
625 Mississippi, and being more particularly described as follows:

626 Commence at an existing 1/2" iron pin marking the
627 Southwest corner of the aforesaid Southeast 1/4 of the
628 Northeast 1/4 of Section 9, T3N-R3E and run thence North
629 00 degrees 06 minutes 13 seconds East along the East
630 line of the Southeast 1/4 of the Northeast 1/4 for a
631 distance of 33.18 feet to an existing 1/2" iron pin;
632 leaving said East line of the Southeast 1/4 of the
633 Northeast 1/4, run thence South 89 degrees 53 minutes 47
634 seconds East for a distance of 2.08 feet to an existing
635 1/2" iron pin; run thence North 00 degrees 22 minutes 19
636 seconds East for a distance of 561.90 feet to an
637 existing 1/2" iron pin; run thence North 00 degrees 16
638 minutes 18 seconds East for a distance of 76.42 feet to



639 a set 1/2" iron pin marking the POINT OF BEGINNING of
640 the parcel of land herein described; from said POINT OF
641 BEGINNING, continue thence North 00 degrees 16 minutes
642 18 seconds East along an existing fence for a distance
643 of 493.27 feet to an existing 1/2" iron pin; run thence
644 North 03 degrees 08 minutes 15 seconds East for a
645 distance of 170.22 feet to an existing 1/2" iron pin on
646 the North line of the aforesaid Southeast 1/4 of the
647 Northeast 1/4 of Section 9; run thence North 89 degrees
648 46 minutes 45 seconds East along said North line of the
649 Southeast 1/4 of the Northeast 1/4 of Section 9 for a
650 distance of 1,305.51 feet to an existing 1/2" iron pin
651 marking Northeast corner thereof; leaving said North
652 line of the Southeast 1/4 of the Northeast 1/4 of
653 Section 9, run thence South 00 degrees 08 minutes 35
654 seconds West along the East line of said Southeast 1/4
655 of the Northeast 1/4 of Section 9 for a distance of
656 663.19 feet to a set 1/2" iron pin; leaving said East
657 line of the Southeast 1/4 of the Northeast 1/4 of
658 Section 9, run thence South 89 degrees 46 minutes 45
659 seconds West for a distance of 1,315.51 feet to the
660 POINT OF BEGINNING, containing 20.00 acres, more or
661 less.

662 And Also: An easement for the purpose of ingress and egress
663 being situated in the Southeast 1/4 of the Northeast 1/4 and in



664 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,
665 Rankin County, Mississippi, and being more particularly described
666 as follows:

667 Begin at an existing 1/2" iron pin marking the Southwest
668 corner of the aforesaid Southeast 1/4 of the Northeast
669 1/4 of Section 9, T3N-R3E and run thence North 00
670 degrees 06 minutes 13 seconds East along the East line
671 of the Southeast 1/4 of the Northeast 1/4 for a distance
672 of 33.18 feet to an existing 1/2" iron pin; leaving said
673 East line of the Southeast 1/4 of the Northeast 1/4, run
674 thence South 89 degrees 53 minutes 47 seconds East for a
675 distance of 2.08 feet to an existing 1/2" iron pin; run
676 thence North 00 degrees 22 minutes 19 seconds East for a
677 distance of 561.90 feet to an existing 1/2" iron pin;
678 run thence North 00 degrees 16 minutes 18 seconds East
679 for a distance of 76.42 feet to a set 1/2" iron pin; run
680 thence North 89 degrees 46 minutes 45 seconds East for a
681 distance of 25.00 feet to a set 1/2" iron pin; run
682 thence South 00 degrees 16 minutes 18 seconds West for a
683 distance of 76.66 feet to a set 1/2" iron pin; run
684 thence South 00 degrees 22 minutes 19 seconds West for a
685 distance of 619.81 feet to a set 1/2" iron pin; run
686 thence South 89 degrees 43 minutes 01 seconds West for a
687 distance of 26.81 feet to a set 1/2" iron pin; run
688 thence North 00 degrees 06 minutes 13 seconds East along



689 the West line of the aforesaid Northeast 1/4 of the
690 Southeast 1/4 of Section 9 for a distance of 25.00 feet
691 to the POINT OF BEGINNING, containing 17,525.4 square
692 feet, more or less.

693 61. Any municipality bordered on the east by
694 the Pascagoula River and on the south by the Mississippi Sound;

695 62. The property and structures thereon
696 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201
697 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969
698 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original
699 town square in any municipality with a population in excess of one
700 thousand five hundred (1,500) according to the latest federal
701 decennial census and which is located in:

702 a. A county traversed by Interstate 55
703 and Interstate 20, and

704 b. A judicial district that has not
705 voted to come out from under the dry law;

706 63. Any municipality in which Mississippi
707 Highway 12 meets Mississippi Highway 17;

708 64. Any municipality in which U.S. Highway 49
709 and Mississippi Highway 469 intersect;

710 65. The clubhouse and associated nine-hole
711 golf course and related facilities located on or near the eastern
712 corner of the point at which Golf Course Road meets Athens Road,
713 in a county in which Mississippi Highway 13 and Mississippi



714 Highway 28 intersect, with GPS coordinates of approximately
715 31.900370078041004, -89.7928067652611;

716 66. Any facility located at the
717 south-to-southwest corner of the intersection of Madison Street
718 and Bolton Brownsville Road, in a municipality in which Bolton
719 Brownsville Road passes over Interstate 20, with GPS coordinates
720 of approximately 32.349067271758955, -90.4596221146197;

721 67. Any facility located at the northwest
722 corner of the intersection of Depot Street and Madison Street, in
723 a municipality in which Bolton Brownsville Road passes over
724 Interstate 20, with GPS coordinates of approximately
725 32.34903152971068, -90.46047660172901;

726 68. Any facility located on Hinds Boulevard
727 approximately three-tenths (0.3) of a mile south of the point at
728 which Hinds Boulevard diverges from Clinton Road, in a
729 municipality whose northern boundary partially consists of Snake
730 Creek Road, and whose southern boundary partially consists of
731 Mississippi Highway 18, with GPS coordinates of approximately
732 32.26384517526713, -90.41586570183475;

733 69. Any facility located on Pleasant Grove
734 Drive approximately one and three-tenths (1.3) miles southeast of
735 its intersection with Harmony Drive, in a county through which run
736 Interstate 55 and U.S. Highway 84, with GPS coordinates of
737 approximately 31.512043770371907, -90.2506094382595;



738 70. Any facility located immediately north of
739 the intersection of two roads, both named Mason Clark Drive,
740 located between two-tenths (0.2) and three-tenths (0.3) of a mile
741 southwest of Mississippi Highway 57/63, with GPS coordinates of
742 approximately 31.135950529733048, -88.53068674585575;

743 71. Any facility located on Raj Road
744 approximately three-tenths (0.3) of a mile south of Mississippi
745 Highway 57/63, with GPS coordinates of approximately
746 31.139553708288418, -88.53411203512971; and

747 72. Any facility located on Raj Road
748 approximately one-tenth (0.1) of a mile south of Mississippi
749 Highway 57/63, with GPS coordinates of approximately
750 31.14184097577295, -88.53287700849411;

751 The status of these municipalities, districts, clubhouses,
752 facilities, golf courses and areas described in this paragraph
753 (o)(iii) as qualified resort areas does not require any
754 declaration of same by the department.

755 The governing authorities of a municipality described, in
756 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,
757 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 58, 59, 61, 63,
758 64, 66, 67 or 68 of this paragraph (o)(iii) may by ordinance, with
759 respect to the qualified resort area described in the same item:
760 specify the hours of operation of facilities offering alcoholic
761 beverages for sale; specify the percentage of revenue that
762 facilities offering alcoholic beverages for sale must derive from



763 the preparation, cooking and serving of meals and not from the
764 sale of beverages; and designate the areas in which facilities
765 offering alcoholic beverages for sale may be located.

766 (p) "Native wine" means any product, produced in
767 Mississippi for sale, having an alcohol content not to exceed
768 twenty-one percent (21%) by weight and made in accordance with
769 revenue laws of the United States, which shall be obtained
770 primarily from the alcoholic fermentation of the juice of ripe
771 grapes, fruits, berries, honey or vegetables grown and produced in
772 Mississippi; provided that bulk, concentrated or fortified wines
773 used for blending may be produced without this state and used in
774 producing native wines. The department shall adopt and promulgate
775 rules and regulations to permit a producer to import such bulk
776 and/or fortified wines into this state for use in blending with
777 native wines without payment of any excise tax that would
778 otherwise accrue thereon.

779 (q) "Native winery" means any place or establishment
780 within the State of Mississippi where native wine is produced, in
781 whole or in part, for sale.

782 (r) "Bed and breakfast inn" means an establishment
783 within a municipality where in consideration of payment, breakfast
784 and lodging are habitually furnished to travelers and wherein are
785 located not less than eight (8) and not more than nineteen (19)
786 adequately furnished and completely separate sleeping rooms with
787 adequate facilities, that persons usually apply for and receive as



788 overnight accommodations; however, such restriction on the minimum
789 number of sleeping rooms shall not apply to establishments on the
790 National Register of Historic Places. No place shall qualify as a
791 bed and breakfast inn under this article unless on the date of the
792 initial application for a license under this article more than
793 fifty percent (50%) of the sleeping rooms are located in a
794 structure formerly used as a residence.

795 (s) "Board" shall refer to the Board of Tax Appeals of
796 the State of Mississippi.

797 (t) "Spa facility" means an establishment within a
798 municipality or qualified resort area and owned by a hotel where,
799 in consideration of payment, patrons receive from licensed
800 professionals a variety of private personal care treatments such
801 as massages, facials, waxes, exfoliation and hairstyling.

802 (u) "Art studio or gallery" means an establishment
803 within a municipality or qualified resort area that is in the sole
804 business of allowing patrons to view and/or purchase paintings and
805 other creative artwork.

806 (v) "Cooking school" means an establishment within a
807 municipality or qualified resort area and owned by a nationally
808 recognized company that offers an established culinary education
809 curriculum and program where, in consideration of payment, patrons
810 are given scheduled professional group instruction on culinary
811 techniques. For purposes of this paragraph, the definition of



812 cooking school shall not include schools or classes offered by
813 grocery stores, convenience stores or drugstores.

814 (w) "Campus" means property owned by a public school
815 district, community or junior college, college or university in
816 this state where educational courses are taught, school functions
817 are held, tests and examinations are administered or academic
818 course credits are awarded; however, the term shall not include
819 any "restaurant" or "hotel" that is located on property owned by a
820 community or junior college, college or university in this state,
821 and is operated by a third party who receives all revenue
822 generated from food and alcoholic beverage sales.

823 (x) "Native spirit" shall mean any beverage, produced
824 in Mississippi for sale, manufactured primarily by the
825 distillation of fermented grain, starch, molasses or sugar
826 produced in Mississippi, including dilutions and mixtures of these
827 beverages. In order to be classified as "native spirit" under the
828 provisions of this article, at least fifty-one percent (51%) of
829 the finished product by volume shall have been obtained from
830 distillation of fermented grain, starch, molasses or sugar grown
831 and produced in Mississippi.

832 (y) "Native distillery" shall mean any place or
833 establishment within this state where native spirit is produced in
834 whole or in part for sale.

835 (z) "Warehouse operator" shall have the meaning
836 ascribed in Section 67-1-201.



837 (aa) "Grocery store" means a physical establishment
838 that has an inventory of human-consumable items and is located in
839 a wet county, municipality, judicial district or area.

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

842 67-1-51. (1) Permits which may be issued by the department
843 shall be as follows:

844 (a) **Manufacturer's permit.** A manufacturer's permit
845 shall permit the manufacture, importation in bulk, bottling and
846 storage of alcoholic liquor and its distribution and sale to
847 manufacturers holding permits under this article in this state and
848 to persons outside the state who are authorized by law to purchase
849 the same, and to sell as provided by this article.

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

851 Class 1. Distiller's and/or rectifier's permit, which shall
852 authorize the holder thereof to operate a distillery for the
853 production of distilled spirits by distillation or redistillation
854 and/or to operate a rectifying plant for the purifying, refining,
855 mixing, blending, flavoring or reducing in proof of distilled
856 spirits and alcohol.

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



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

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

866 (b) **Package retailer's permit.** Except as otherwise
867 provided in this paragraph and Section 67-1-52, a package
868 retailer's permit shall authorize the holder thereof to operate a
869 store exclusively for the sale at retail in original sealed and
870 unopened packages of alcoholic beverages, including native wines,
871 native spirits and edibles, not to be consumed on the premises
872 where sold. Alcoholic beverages shall not be sold by any retailer
873 in any package or container containing less than fifty (50)
874 milliliters by liquid measure. A package retailer's permit, with
875 prior approval from the department, shall authorize the holder
876 thereof to sample new product furnished by a manufacturer's
877 representative or his employees at the permitted place of business
878 so long as the sampling otherwise complies with this article and
879 applicable department regulations. Such samples may not be
880 provided to customers at the permitted place of business. In
881 addition to the sale at retail of packages of alcoholic beverages,
882 the holder of a package retailer's permit is authorized to sell at
883 retail * * * other products and merchandise, except beer, provided
884 that at least fifty percent (50%) of the revenue of the licensed



885 premises is derived from the retail sale in original sealed and
886 unopened packages of alcoholic beverages, including native wines,
887 not to be consumed on the premises where sold. Nonalcoholic
888 beverages sold by the holder of a package retailer's permit shall
889 not be consumed on the premises where sold.

890 (c) **On-premises retailer's permit.** Except as otherwise
891 provided in subsection (5) of this section, an on-premises
892 retailer's permit shall authorize the sale of alcoholic beverages,
893 including native wines and native spirits, for consumption on the
894 licensed premises only; however, a patron of the permit holder may
895 remove one (1) bottle of wine from the licensed premises if: (i)
896 the patron consumed a portion of the bottle of wine in the course
897 of consuming a meal purchased on the licensed premises; (ii) the
898 permit holder securely reseals the bottle; (iii) the bottle is
899 placed in a bag that is secured in a manner so that it will be
900 visibly apparent if the bag is opened; and (iv) a dated receipt
901 for the wine and the meal is available. Additionally, as part of
902 a carryout order, a permit holder may sell one (1) bottle of wine
903 to be removed from the licensed premises for every two (2) entrees
904 ordered. In addition, an on-premises retailer's permittee at a
905 permitted premises located on Jefferson Davis Avenue within
906 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
907 beverages by the glass to a patron in a vehicle using a
908 drive-through method of delivery if the permitted premises is
909 located in a leisure and recreation district established under



910 Section 67-1-101. Such a sale will be considered to be made on
911 the permitted premises. An on-premises retailer's permit shall be
912 issued only to qualified hotels, restaurants and clubs, small
913 craft breweries, microbreweries, and to common carriers with
914 adequate facilities for serving passengers. In resort areas,
915 whether inside or outside of a municipality, the department, in
916 its discretion, may issue on-premises retailer's permits to such
917 establishments as it deems proper. An on-premises retailer's
918 permit when issued to a common carrier shall authorize the sale
919 and serving of alcoholic beverages aboard any licensed vehicle
920 while moving through any county of the state; however, the sale of
921 such alcoholic beverages shall not be permitted while such vehicle
922 is stopped in a county that has not legalized such sales. If an
923 on-premises retailer's permit is applied for by a common carrier
924 operating solely in the water, such common carrier must, along
925 with all other qualifications for a permit, (i) be certified to
926 carry at least one hundred fifty (150) passengers and/or provide
927 overnight accommodations for at least fifty (50) passengers and
928 (ii) operate primarily in the waters within the State of
929 Mississippi which lie adjacent to the State of Mississippi south
930 of the three (3) most southern counties in the State of
931 Mississippi and/or on the Mississippi River or navigable waters
932 within any county bordering on the Mississippi River.

933 (d) **Solicitor's permit.** A solicitor's permit shall
934 authorize the holder thereof to act as salesman for a manufacturer



935 or wholesaler holding a proper permit, to solicit on behalf of his
936 employer orders for alcoholic beverages, and to otherwise promote
937 his employer's products in a legitimate manner. Such a permit
938 shall authorize the representation of and employment by one (1)
939 principal only. However, the permittee may also, in the
940 discretion of the department, be issued additional permits to
941 represent other principals. No such permittee shall buy or sell
942 alcoholic beverages for his own account, and no such beverage
943 shall be brought into this state in pursuance of the exercise of
944 such permit otherwise than through a permit issued to a wholesaler
945 or manufacturer in the state.

946 (e) **Native wine retailer's permit.** Except as otherwise
947 provided in subsection (5) of this section, a native wine
948 retailer's permit shall be issued only to a holder of a Class 3
949 manufacturer's permit, and shall authorize the holder thereof to
950 make retail sales of native wines to consumers for on-premises
951 consumption or to consumers in originally sealed and unopened
952 containers at an establishment located on the premises of or in
953 the immediate vicinity of a native winery. When selling to
954 consumers for on-premises consumption, a holder of a native wine
955 retailer's permit may add to the native wine alcoholic beverages
956 not produced on the premises, so long as the total volume of
957 foreign beverage components does not exceed twenty percent (20%)
958 of the mixed beverage. Hours of sale shall be the same as those



959 authorized for on-premises permittees in the city or county in
960 which the native wine retailer is located.

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

966 Temporary retailer's permits shall be of the following
967 classes:

968 Class 1. A temporary one-day permit may be issued to bona
969 fide nonprofit civic or charitable organizations authorizing the
970 sale of alcoholic beverages, including native wine and native
971 spirit, for consumption on the premises described in the temporary
972 permit only. Class 1 permits may be issued only to applicants
973 demonstrating to the department, by a statement signed under
974 penalty of perjury submitted ten (10) days prior to the proposed
975 date or such other time as the department may determine, that they
976 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
977 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
978 Class 1 permittees shall obtain all alcoholic beverages from
979 package retailers located in the county in which the temporary
980 permit is issued. Alcoholic beverages remaining in stock upon
981 expiration of the temporary permit may be returned by the
982 permittee to the package retailer for a refund of the purchase
983 price upon consent of the package retailer or may be kept by the



984 permittee exclusively for personal use and consumption, subject to
985 all laws pertaining to the illegal sale and possession of
986 alcoholic beverages. The department, following review of the
987 statement provided by the applicant and the requirements of the
988 applicable statutes and regulations, may issue the permit.

989 Class 2. A temporary permit, not to exceed seventy (70)
990 days, may be issued to prospective permittees seeking to transfer
991 a permit authorized in paragraph (c) of this subsection. A Class
992 2 permit may be issued only to applicants demonstrating to the
993 department, by a statement signed under the penalty of perjury,
994 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
995 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
996 67-1-59. The department, following a preliminary review of the
997 statement provided by the applicant and the requirements of the
998 applicable statutes and regulations, may issue the permit.

999 Class 2 temporary permittees must purchase their alcoholic
1000 beverages directly from the department or, with approval of the
1001 department, purchase the remaining stock of the previous
1002 permittee. If the proposed applicant of a Class 1 or Class 2
1003 temporary permit falsifies information contained in the
1004 application or statement, the applicant shall never again be
1005 eligible for a retail alcohol beverage permit and shall be subject
1006 to prosecution for perjury.

1007 Class 3. A temporary one-day permit may be issued to a
1008 retail establishment authorizing the complimentary distribution of



1009 wine, including native wine, to patrons of the retail
1010 establishment at an open house or promotional event, for
1011 consumption only on the premises described in the temporary
1012 permit. A Class 3 permit may be issued only to an applicant
1013 demonstrating to the department, by a statement signed under
1014 penalty of perjury submitted ten (10) days before the proposed
1015 date or such other time as the department may determine, that it
1016 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1017 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1018 A Class 3 permit holder shall obtain all alcoholic beverages from
1019 the holder(s) of a package retailer's permit located in the county
1020 in which the temporary permit is issued. Wine remaining in stock
1021 upon expiration of the temporary permit may be returned by the
1022 Class 3 temporary permit holder to the package retailer for a
1023 refund of the purchase price, with consent of the package
1024 retailer, or may be kept by the Class 3 temporary permit holder
1025 exclusively for personal use and consumption, subject to all laws
1026 pertaining to the illegal sale and possession of alcoholic
1027 beverages. The department, following review of the statement
1028 provided by the applicant and the requirements of the applicable
1029 statutes and regulations, may issue the permit. No retailer may
1030 receive more than twelve (12) Class 3 temporary permits in a
1031 calendar year. A Class 3 temporary permit shall not be issued to
1032 a retail establishment that either holds a merchant permit issued
1033 under paragraph (1) of this subsection, or holds a permit issued



1034 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1035 the holder to engage in the business of a retailer of light wine
1036 or beer.

1037 (g) **Caterer's permit.** A caterer's permit shall permit
1038 the purchase of alcoholic beverages by a person engaging in
1039 business as a caterer and the resale of alcoholic beverages by
1040 such person in conjunction with such catering business. No person
1041 shall qualify as a caterer unless forty percent (40%) or more of
1042 the revenue derived from such catering business shall be from the
1043 serving of prepared food and not from the sale of alcoholic
1044 beverages and unless such person has obtained a permit for such
1045 business from the Department of Health. A caterer's permit shall
1046 not authorize the sale of alcoholic beverages on the premises of
1047 the person engaging in business as a caterer; however, the holder
1048 of an on-premises retailer's permit may hold a caterer's permit.
1049 When the holder of an on-premises retailer's permit or an
1050 affiliated entity of the holder also holds a caterer's permit, the
1051 caterer's permit shall not authorize the service of alcoholic
1052 beverages on a consistent, recurring basis at a separate, fixed
1053 location owned or operated by the caterer, on-premises retailer or
1054 affiliated entity and an on-premises retailer's permit shall be
1055 required for the separate location. All sales of alcoholic
1056 beverages by holders of a caterer's permit shall be made at the
1057 location being catered by the caterer, and, except as otherwise
1058 provided in subsection (5) of this section, such sales may be made



1059 only for consumption at the catered location. The location being
1060 catered may be anywhere within a county or judicial district that
1061 has voted to come out from under the dry laws or in which the sale
1062 and distribution of alcoholic beverages is otherwise authorized by
1063 law. Such sales shall be made pursuant to any other conditions
1064 and restrictions which apply to sales made by on-premises retail
1065 permittees. The holder of a caterer's permit or his employees
1066 shall remain at the catered location as long as alcoholic
1067 beverages are being sold pursuant to the permit issued under this
1068 paragraph (g), and the permittee shall have at the location the
1069 identification card issued by the Alcoholic Beverage Control
1070 Division of the department. No unsold alcoholic beverages may be
1071 left at the catered location by the permittee upon the conclusion
1072 of his business at that location. Appropriate law enforcement
1073 officers and Alcoholic Beverage Control Division personnel may
1074 enter a catered location on private property in order to enforce
1075 laws governing the sale or serving of alcoholic beverages.

1076 (h) **Research permit.** A research permit shall authorize
1077 the holder thereof to operate a research facility for the
1078 professional research of alcoholic beverages. Such permit shall
1079 authorize the holder of the permit to import and purchase limited
1080 amounts of alcoholic beverages from the department or from
1081 importers, wineries and distillers of alcoholic beverages for
1082 professional research.



1083 (i) **Alcohol processing permit.** An alcohol processing
1084 permit shall authorize the holder thereof to purchase, transport
1085 and possess alcoholic beverages for the exclusive use in cooking,
1086 processing or manufacturing products which contain alcoholic
1087 beverages as an integral ingredient. An alcohol processing permit
1088 shall not authorize the sale of alcoholic beverages on the
1089 premises of the person engaging in the business of cooking,
1090 processing or manufacturing products which contain alcoholic
1091 beverages. The amounts of alcoholic beverages allowed under an
1092 alcohol processing permit shall be set by the department.

1093 (j) **Hospitality cart permit.** A hospitality cart permit
1094 shall authorize the sale of alcoholic beverages from a mobile cart
1095 on a golf course that is the holder of an on-premises retailer's
1096 permit. The alcoholic beverages sold from the cart must be
1097 consumed within the boundaries of the golf course.

1098 (k) **Special service permit.** A special service permit
1099 shall authorize the holder to sell commercially sealed alcoholic
1100 beverages to the operator of a commercial or private aircraft for
1101 en route consumption only by passengers. A special service permit
1102 shall be issued only to a fixed-base operator who contracts with
1103 an airport facility to provide fueling and other associated
1104 services to commercial and private aircraft.

1105 (l) **Merchant permit.** Except as otherwise provided in
1106 subsection (5) of this section, a merchant permit shall be issued
1107 only to the owner of a spa facility, an art studio or gallery, or



1108 a cooking school, and shall authorize the holder to serve
1109 complimentary by the glass wine only, including native wine, at
1110 the holder's spa facility, art studio or gallery, or cooking
1111 school. A merchant permit holder shall obtain all wine from the
1112 holder of a package retailer's permit.

1113 (m) **Temporary alcoholic beverages charitable auction**
1114 **permit.** A temporary permit, not to exceed five (5) days, may be
1115 issued to a qualifying charitable nonprofit organization that is
1116 exempt from taxation under Section 501(c)(3) or (4) of the
1117 Internal Revenue Code of 1986. The permit shall authorize the
1118 holder to sell alcoholic beverages for the limited purpose of
1119 raising funds for the organization during a live or silent auction
1120 that is conducted by the organization and that meets the following
1121 requirements: (i) the auction is conducted in an area of the
1122 state where the sale of alcoholic beverages is authorized; (ii) if
1123 the auction is conducted on the premises of an on-premises
1124 retailer's permit holder, then the alcoholic beverages to be
1125 auctioned must be stored separately from the alcoholic beverages
1126 sold, stored or served on the premises, must be removed from the
1127 premises immediately following the auction, and may not be
1128 consumed on the premises; (iii) the permit holder may not conduct
1129 more than two (2) auctions during a calendar year; (iv) the permit
1130 holder may not pay a commission or promotional fee to any person
1131 to arrange or conduct the auction.



1132 (n) **Event venue retailer's permit.** An event venue
1133 retailer's permit shall authorize the holder thereof to purchase
1134 and resell alcoholic beverages, including native wines and native
1135 spirits, for consumption on the premises during legal hours during
1136 events held on the licensed premises if food is being served at
1137 the event by a caterer who is not affiliated with or related to
1138 the permittee. The caterer must serve at least three (3) entrees.
1139 The permit may only be issued for venues that can accommodate two
1140 hundred (200) persons or more. The number of persons a venue may
1141 accommodate shall be determined by the local fire department and
1142 such determination shall be provided in writing and submitted
1143 along with all other documents required to be provided for an
1144 on-premises retailer's permit. The permittee must derive the
1145 majority of its revenue from event-related fees, including, but
1146 not limited to, admission fees or ticket sales for live
1147 entertainment in the building. "Event-related fees" do not
1148 include alcohol, beer or light wine sales or any fee which may be
1149 construed to cover the cost of alcohol, beer or light wine. This
1150 determination shall be made on a per event basis. An event may
1151 not last longer than two (2) consecutive days per week.

1152 (o) **Temporary theatre permit.** A temporary theatre
1153 permit, not to exceed five (5) days, may be issued to a charitable
1154 nonprofit organization that is exempt from taxation under Section
1155 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
1156 a theatre facility that features plays and other theatrical



1157 performances and productions. Except as otherwise provided in
1158 subsection (5) of this section, the permit shall authorize the
1159 holder to sell alcoholic beverages, including native wines and
1160 native spirits, to patrons of the theatre during performances and
1161 productions at the theatre facility for consumption during such
1162 performances and productions on the premises of the facility
1163 described in the permit. A temporary theatre permit holder shall
1164 obtain all alcoholic beverages from package retailers located in
1165 the county in which the permit is issued. Alcoholic beverages
1166 remaining in stock upon expiration of the temporary theatre permit
1167 may be returned by the permittee to the package retailer for a
1168 refund of the purchase price upon consent of the package retailer
1169 or may be kept by the permittee exclusively for personal use and
1170 consumption, subject to all laws pertaining to the illegal sale
1171 and possession of alcoholic beverages.

1172 (p) **Charter ship operator's permit.** Subject to the
1173 provisions of this paragraph (p), a charter ship operator's permit
1174 shall authorize the holder thereof and its employees to serve,
1175 monitor, store and otherwise control the serving and availability
1176 of alcoholic beverages to customers of the permit holder during
1177 private charters under contract provided by the permit holder. A
1178 charter ship operator's permit shall authorize such action by the
1179 permit holder and its employees only as to alcoholic beverages
1180 brought onto the permit holder's ship by customers of the permit
1181 holder as part of such a private charter. All such alcoholic



1182 beverages must be removed from the charter ship at the conclusion
1183 of each private charter. A charter ship operator's permit shall
1184 not authorize the permit holder to sell, charge for or otherwise
1185 supply alcoholic beverages to customers, except as authorized in
1186 this paragraph (p). For the purposes of this paragraph (p),
1187 "charter ship operator" means a common carrier that (i) is
1188 certified to carry at least one hundred fifty (150) passengers
1189 and/or provide overnight accommodations for at least fifty (50)
1190 passengers, (ii) operates only in the waters within the State of
1191 Mississippi, which lie adjacent to the State of Mississippi south
1192 of the three (3) most southern counties in the State of
1193 Mississippi, and (iii) provides charters under contract for tours
1194 and trips in such waters.

1195 (q) **Distillery retailer's permit.** The holder of a
1196 Class 1 manufacturer's permit may obtain a distillery retailer's
1197 permit. A distillery retailer's permit shall authorize the holder
1198 thereof to sell at retail alcoholic beverages to consumers for
1199 on-premises consumption, or to consumers by the sealed and
1200 unopened bottle from a retail location at the distillery for
1201 off-premises consumption. The holder may only sell product
1202 manufactured by the manufacturer at the distillery described in
1203 the permit. However, when selling to consumers for on-premises
1204 consumption, a holder of a distillery retailer's permit may add
1205 other beverages, alcoholic or not, so long as the total volume of
1206 other beverage components containing alcohol does not exceed



1207 twenty percent (20%). Hours of sale shall be the same as those
1208 authorized for on-premises permittees in the city or county in
1209 which the distillery retailer is located.

1210 The holder shall not sell at retail more than ten percent
1211 (10%) of the alcoholic beverages produced annually at its
1212 distillery. The holder shall not make retail sales of more than
1213 two and twenty-five one-hundredths (2.25) liters, in the
1214 aggregate, of the alcoholic beverages produced at its distillery
1215 to any one (1) individual for consumption off the premises of the
1216 distillery within a twenty-four-hour period. The hours of sale
1217 shall be the same as those hours for package retailers under this
1218 article. The holder of a distillery retailer's permit is not
1219 required to purchase the alcoholic beverages authorized to be sold
1220 by this paragraph from the department's liquor distribution
1221 warehouse; however, if the holder does not purchase the alcoholic
1222 beverages from the department's liquor distribution warehouse, the
1223 holder shall pay to the department all taxes, fees and surcharges
1224 on the alcoholic beverages that are imposed upon the sale of
1225 alcoholic beverages shipped by the department or its warehouse
1226 operator. In addition to alcoholic beverages, the holder of a
1227 distillery retailer's permit may sell at retail promotional
1228 products from the same retail location, including shirts, hats,
1229 glasses, and other promotional products customarily sold by
1230 alcoholic beverage manufacturers.



1231 (r) **Festival Wine Permit.** Any wine manufacturer or
1232 native wine producer permitted by Mississippi or any other state
1233 is eligible to obtain a Festival Wine Permit. This permit
1234 authorizes the entity to transport product manufactured by it to
1235 festivals held within the State of Mississippi and sell sealed,
1236 unopened bottles to festival participants. The holder of this
1237 permit may provide samples at no charge to participants.
1238 "Festival" means any event at which three (3) or more vendors are
1239 present at a location for the sale or distribution of goods. The
1240 holder of a Festival Wine Permit is not required to purchase the
1241 alcoholic beverages authorized to be sold by this paragraph from
1242 the department's liquor distribution warehouse. However, if the
1243 holder does not purchase the alcoholic beverages from the
1244 department's liquor distribution warehouse, the holder of this
1245 permit shall pay to the department all taxes, fees and surcharges
1246 on the alcoholic beverages sold at such festivals that are imposed
1247 upon the sale of alcoholic beverages shipped by the Alcoholic
1248 Beverage Control Division of the Department of Revenue.
1249 Additionally, the entity shall file all applicable reports and
1250 returns as prescribed by the department. This permit is issued
1251 per festival and provides authority to sell for two (2)
1252 consecutive days during the hours authorized for on-premises
1253 permittees' sales in that county or city. The holder of the
1254 permit shall be required to maintain all requirements set by Local
1255 Option Law for the service and sale of alcoholic beverages. This



1256 permit may be issued to entities participating in festivals at
1257 which a Class 1 temporary permit is in effect.

1258 This paragraph (r) shall stand repealed from and after July
1259 1, 2026.

1260 (s) **Charter vessel operator's permit.** Subject to the
1261 provisions of this paragraph (s), a charter vessel operator's
1262 permit shall authorize the holder thereof and its employees to
1263 sell and serve alcoholic beverages to passengers of the permit
1264 holder during public tours, historical tours, ecological tours and
1265 sunset cruises provided by the permit holder. The permit shall
1266 authorize the holder to only sell alcoholic beverages, including
1267 native wines, to passengers of the charter vessel operator during
1268 public tours, historical tours, ecological tours and sunset
1269 cruises provided by the permit holder aboard the charter vessel
1270 operator for consumption during such tours and cruises on the
1271 premises of the charter vessel operator described in the permit.
1272 For the purposes of this paragraph (s), "charter vessel operator"
1273 means a common carrier that (i) is certified to carry at least
1274 forty-nine (49) passengers, (ii) operates only in the waters
1275 within the State of Mississippi, which lie south of Interstate 10
1276 in the three (3) most southern counties in the State of
1277 Mississippi, and lie adjacent to the State of Mississippi south of
1278 the three (3) most southern counties in the State of Mississippi,
1279 extending not further than one (1) mile south of such counties,



1280 and (iii) provides vessel services for tours and cruises in such
1281 waters as provided in this paragraph(s).

1282 (t) **Native spirit retailer's permit.** Except as
1283 otherwise provided in subsection (5) of this section, a native
1284 spirit retailer's permit shall be issued only to a holder of a
1285 Class 4 manufacturer's permit, and shall authorize the holder
1286 thereof to make retail sales of native spirits to consumers for
1287 on-premises consumption or to consumers in originally sealed and
1288 unopened containers at an establishment located on the premises of
1289 or in the immediate vicinity of a native distillery. When selling
1290 to consumers for on-premises consumption, a holder of a native
1291 spirit retailer's permit may add to the native spirit alcoholic
1292 beverages not produced on the premises, so long as the total
1293 volume of foreign beverage components does not exceed twenty
1294 percent (20%) of the mixed beverage. Hours of sale shall be the
1295 same as those authorized for on-premises permittees in the city or
1296 county in which the native spirit retailer is located.

1297 (u) **Delivery service permit.** Any individual, limited
1298 liability company, corporation or partnership registered to do
1299 business in this state is eligible to obtain a delivery service
1300 permit. Subject to the provisions of Section 67-1-51.1, this
1301 permit authorizes the permittee, or its employee or an independent
1302 contractor acting on its behalf, to deliver alcoholic beverages,
1303 beer, light wine and light spirit product from a licensed retailer
1304 to a person in this state who is at least twenty-one (21) years of



1305 age for the individual's use and not for resale. This permit does
1306 not authorize the delivery of alcoholic beverages, beer, light
1307 wine or light spirit product to the premises of a location with a
1308 permit for the manufacture, distribution or retail sale of
1309 alcoholic beverages, beer, light wine or light spirit product.
1310 The holder of a package retailer's permit or an on-premises
1311 retailer's permit under Section 67-1-51 or of a beer, light wine
1312 and light spirit product permit under Section 67-3-19 is
1313 authorized to apply for a delivery service permit as a privilege
1314 separate from its existing retail permit.

1315 (v) **Food truck permit.** A food truck permit shall
1316 authorize the holder of an on-premises retailer's permit to use a
1317 food truck to sell alcoholic beverages off its premises to guests
1318 who must consume the beverages in open containers. For the
1319 purposes of this paragraph (v), "food truck" means a fully encased
1320 food service establishment on a motor vehicle or on a trailer that
1321 a motor vehicle pulls to transport, and from which a vendor,
1322 standing within the frame of the establishment, prepares, cooks,
1323 sells and serves food for immediate human consumption. The term
1324 "food truck" does not include a food cart that is not motorized.
1325 Food trucks shall maintain such distance requirements from
1326 schools, churches, kindergartens and funeral homes as are required
1327 for on-premises retailer's permittees under this article, and all
1328 sales must be made within a valid leisure and recreation district
1329 established under Section 67-1-101. Food trucks cannot sell or



1330 serve alcoholic beverages unless also offering food prepared and
1331 cooked within the food truck, and permittees must maintain a
1332 twenty-five percent (25%) food sale revenue requirement based on
1333 the food sold from the food truck alone. The hours allowed for
1334 sale shall be the same as those for on-premises retailer's
1335 permittees in the location. This permit will not be required for
1336 the holder of a caterer's permit issued under this article to
1337 cater an event as allowed by law. Permittees must provide notice
1338 of not less than forty-eight (48) hours to the department of each
1339 location at which alcoholic beverages will be sold.

1340 (w) **Grocery store wine-only retailer's permit.** Except
1341 as otherwise provided in this paragraph (w), a grocery store
1342 wine-only retailer's permit shall authorize the holder thereof to
1343 sell wine at retail at a grocery store in original sealed and
1344 unopened packages not to be consumed on the premises where sold.
1345 Wine shall not be sold by any grocery store in any package or
1346 container containing less than fifty (50) milliliters by liquid
1347 measure. A grocery store wine-only retailer's permit, with prior
1348 approval from the department, shall authorize the holder thereof
1349 to sample the new product furnished by a manufacturer's
1350 representative or his employees at the permitted place of business
1351 so long as the sampling otherwise complies with this chapter and
1352 applicable department regulations. Such samples may not be
1353 provided to customers at the permitted place of business. Permits
1354 authorized under this paragraph (w) shall not be issued prior to



1355 July 1, 2025, and shall not be issued to a grocery store that is
1356 located within five hundred (500) feet of an establishment holding
1357 a package retailer's permit prior to July 1, 2025.

1358 (2) Except as otherwise provided in subsection (4) of this
1359 section, retail permittees may hold more than one (1) retail
1360 permit, at the discretion of the department.

1361 (3) (a) Except as otherwise provided in this subsection, no
1362 authority shall be granted to any person to manufacture, sell or
1363 store for sale any intoxicating liquor as specified in this
1364 article within four hundred (400) feet of any church, school,
1365 kindergarten or funeral home. However, within an area zoned
1366 commercial or business, such minimum distance shall be not less
1367 than one hundred (100) feet.

1368 (b) A church or funeral home may waive the distance
1369 restrictions imposed in this subsection in favor of allowing
1370 issuance by the department of a permit, pursuant to subsection (1)
1371 of this section, to authorize activity relating to the
1372 manufacturing, sale or storage of alcoholic beverages which would
1373 otherwise be prohibited under the minimum distance criterion.
1374 Such waiver shall be in written form from the owner, the governing
1375 body, or the appropriate officer of the church or funeral home
1376 having the authority to execute such a waiver, and the waiver
1377 shall be filed with and verified by the department before becoming
1378 effective.



1379 (c) The distance restrictions imposed in this
1380 subsection shall not apply to the sale or storage of alcoholic
1381 beverages at a bed and breakfast inn listed in the National
1382 Register of Historic Places or to the sale or storage of alcoholic
1383 beverages in a historic district that is listed in the National
1384 Register of Historic Places, is a qualified resort area and is
1385 located in a municipality having a population greater than one
1386 hundred thousand (100,000) according to the latest federal
1387 decennial census.

1388 (d) The distance restrictions imposed in this
1389 subsection shall not apply to the sale or storage of alcoholic
1390 beverages at a qualified resort area as defined in Section
1391 67-1-5(o)(iii)32.

1392 (e) The distance restrictions imposed in this
1393 subsection shall not apply to the sale or storage of alcoholic
1394 beverages at a licensed premises in a building formerly owned by a
1395 municipality and formerly leased by the municipality to a
1396 municipal school district and used by the municipal school
1397 district as a district bus shop facility.

1398 (f) The distance restrictions imposed in this
1399 subsection shall not apply to the sale or storage of alcoholic
1400 beverages at a licensed premises in a building consisting of at
1401 least five thousand (5,000) square feet and located approximately
1402 six hundred (600) feet from the intersection of Mississippi
1403 Highway 15 and Mississippi Highway 4.



1404 (g) The distance restrictions imposed in this
1405 subsection shall not apply to the sale or storage of alcoholic
1406 beverages at a licensed premises in a building located at or near
1407 the intersection of Ward and Tate Streets and adjacent properties
1408 in the City of Senatobia, Mississippi.

1409 (h) The distance restrictions imposed in this
1410 subsection shall not apply to the sale or storage of alcoholic
1411 beverages at a theatre facility that features plays and other
1412 theatrical performances and productions and (i) is capable of
1413 seating more than seven hundred fifty (750) people, (ii) is owned
1414 by a municipality which has a population greater than ten thousand
1415 (10,000) according to the latest federal decennial census, (iii)
1416 was constructed prior to 1930, (iv) is on the National Register of
1417 Historic Places, and (v) is located in a historic district.

1418 (i) The distance restrictions imposed in this
1419 subsection shall not apply to the sale or storage of alcoholic
1420 beverages at a licensed premises in a building located
1421 approximately one and six-tenths (1.6) miles north of the
1422 intersection of Mississippi Highway 15 and Mississippi Highway 4
1423 on the west side of Mississippi Highway 15.

1424 (4) No person, either individually or as a member of a firm,
1425 partnership, limited liability company or association, or as a
1426 stockholder, officer or director in a corporation, shall own or
1427 control any interest in more than * * * six (6) package retailer's
1428 permits, nor shall such person's spouse, if living in the same



1429 household of such person, any relative of such person, if living
1430 in the same household of such person, or any other person living
1431 in the same household with such person own any interest in any
1432 other package retailer's permit which, when combined with the
1433 number of package retailer's permits owned by the person or in
1434 which the person has a controlling interest, would total more than
1435 six (6) package retailer's permits.

1436 (5) (a) In addition to any other authority granted under
1437 this section, the holder of a permit issued under subsection
1438 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1439 sell or otherwise provide alcoholic beverages and/or wine to a
1440 patron of the permit holder in the manner authorized in the permit
1441 and the patron may remove an open glass, cup or other container of
1442 the alcoholic beverage and/or wine from the licensed premises and
1443 may possess and consume the alcoholic beverage or wine outside of
1444 the licensed premises if: (i) the licensed premises is located
1445 within a leisure and recreation district created under Section
1446 67-1-101 and (ii) the patron remains within the boundaries of the
1447 leisure and recreation district while in possession of the
1448 alcoholic beverage or wine.

1449 (b) Nothing in this subsection shall be construed to
1450 allow a person to bring any alcoholic beverages into a permitted
1451 premises except to the extent otherwise authorized by this
1452 article.



1453 **SECTION 3.** Section 27-71-5, Mississippi Code of 1972, is
1454 amended as follows:

1455 27-71-5. (1) Upon each person approved for a permit under
1456 the provisions of the Alcoholic Beverage Control Law and
1457 amendments thereto, there is levied and imposed for each location
1458 for the privilege of engaging and continuing in this state in the
1459 business authorized by such permit, an annual privilege license
1460 tax in the amount provided in the following schedule:

1461 (a) Except as otherwise provided in this subsection
1462 (1), manufacturer's permit, Class 1, distiller's and/or
1463 rectifier's:

1464 (i) For a permittee with annual production of
1465 five thousand (5,000) gallons or more.....\$4,500.00

1466 (ii) For a permittee with annual production under five
1467 thousand (5,000) gallons.....\$2,800.00

1468 (b) Manufacturer's permit, Class 2, wine
1469 manufacturer.....\$1,800.00

1470 (c) Manufacturer's permit, Class 3, native wine
1471 manufacturer per ten thousand (10,000) gallons or part thereof
1472 produced.....\$ 10.00

1473 (d) Manufacturer's permit, Class 4, native spirit
1474 manufacturer per one thousand (1,000) gallons or part thereof
1475 produced.....\$ 300.00

1476 (e) Native wine retailer's permit.....\$ 50.00

1477 (f) Package retailer's permit, each.....\$ 900.00



1478	(g) On-premises retailer's permit, except for clubs and	
1479	common carriers, each.....	\$ 450.00
1480	(h) On-premises retailer's permit for wine of more than	
1481	five percent (5%) alcohol by weight, but not more than twenty-one	
1482	percent (21%) alcohol by weight, each.....	\$ 225.00
1483	(i) On-premises retailer's permit for clubs...	\$ 225.00
1484	(j) On-premises retailer's permit for common carriers,	
1485	per car, plane, or other vehicle.....	\$ 120.00
1486	(k) Solicitor's permit, regardless of any other	
1487	provision of law, solicitor's permits shall be issued only in the	
1488	discretion of the department.....	\$ 100.00
1489	(l) Filing fee for each application except for an	
1490	employee identification card.....	\$ 25.00
1491	(m) Temporary permit, Class 1, each.....	\$ 10.00
1492	(n) Temporary permit, Class 2, each.....	\$ 50.00
1493	(o) (i) Caterer's permit.....	\$ 600.00
1494	(ii) Caterer's permit for holders of on-premises	
1495	retailer's permit.....	\$ 150.00
1496	(p) Research permit.....	\$ 100.00
1497	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
1498	(r) Special service permit.....	\$ 225.00
1499	(s) Merchant permit.....	\$ 225.00
1500	(t) Temporary alcoholic beverages charitable auction	
1501	permit.....	\$ 10.00
1502	(u) Event venue retailer's permit.....	\$ 225.00



1503	(v) Temporary theatre permit, each.....	\$ 10.00
1504	(w) Charter ship operator's permit.....	\$ 100.00
1505	(x) Distillery retailer's permit.....	\$ 450.00
1506	(y) Festival wine permit.....	\$ 10.00
1507	(z) Charter vessel operator's permit.....	\$ 100.00
1508	(aa) Native spirit retailer's permit.....	\$ 50.00
1509	(bb) Delivery service permit.....	\$ 500.00
1510	(cc) Food truck permit.....	\$ 100.00
1511	<u>(dd) Grocery store wine-only retailer's permit,</u>	
1512	<u>each location.....</u>	<u>\$ 900.00</u>

1513 In addition to the filing fee imposed by paragraph (1) of
1514 this subsection, a fee to be determined by the Department of
1515 Revenue may be charged to defray costs incurred to process
1516 applications. The additional fees shall be paid into the State
1517 Treasury to the credit of a special fund account, which is hereby
1518 created, and expenditures therefrom shall be made only to defray
1519 the costs incurred by the Department of Revenue in processing
1520 alcoholic beverage applications. Any unencumbered balance
1521 remaining in the special fund account on June 30 of any fiscal
1522 year shall lapse into the State General Fund.

1523 All privilege taxes imposed by this section shall be paid in
1524 advance of doing business. A new permittee whose privilege tax is
1525 determined by production volume will pay the tax for the first
1526 year in accordance with department regulations. The additional



1527 privilege tax imposed for an on-premises retailer's permit based
1528 upon purchases shall be due and payable on demand.

1529 Paragraph (y) of this subsection shall stand repealed from
1530 and after July 1, 2026.

1531 (2) (a) There is imposed and shall be collected from each
1532 permittee, except a common carrier, solicitor, a temporary
1533 permittee or a delivery service permittee, by the department, an
1534 additional license tax equal to the amounts imposed under
1535 subsection (1) of this section for the privilege of doing business
1536 within any municipality or county in which the licensee is
1537 located.

1538 (b) (i) In addition to the tax imposed in paragraph
1539 (a) of this subsection, there is imposed and shall be collected by
1540 the department from each permittee described in subsection (1)(g),
1541 (h), (i), (n) and (u) of this section, an additional license tax
1542 for the privilege of doing business within any municipality or
1543 county in which the licensee is located in the amount of Two
1544 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
1545 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
1546 (\$225.00) for each additional purchase of Five Thousand Dollars
1547 (\$5,000.00), or fraction thereof.

1548 (ii) In addition to the tax imposed in paragraph
1549 (a) of this subsection, there is imposed and shall be collected by
1550 the department from each permittee described in subsection (1)(o)
1551 and (s) of this section, an additional license tax for the



1552 privilege of doing business within any municipality or county in
1553 which the licensee is located in the amount of Two Hundred Fifty
1554 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
1555 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
1556 additional purchase of Five Thousand Dollars (\$5,000.00), or
1557 fraction thereof.

1558 (iii) Any person who has paid the additional
1559 privilege license tax imposed by this paragraph, and whose permit
1560 is renewed, may add any unused fraction of Five Thousand Dollars
1561 (\$5,000.00) purchases to the first Five Thousand Dollars
1562 (\$5,000.00) purchases authorized by the renewal permit, and no
1563 additional license tax will be required until purchases exceed the
1564 sum of the two (2) figures.

1565 (c) If the licensee is located within a municipality,
1566 the department shall pay the amount of additional license tax
1567 collected under this section to the municipality, and if outside a
1568 municipality the department shall pay the additional license tax
1569 to the county in which the licensee is located. Payments by the
1570 department to the respective local government subdivisions shall
1571 be made once each month for any collections during the preceding
1572 month.

1573 (3) When an application for any permit, other than for
1574 renewal of a permit, has been rejected by the department, such
1575 decision shall be final. Appeal may be made in the manner
1576 provided by Section 67-1-39. Another application from an



1577 applicant who has been denied a permit shall not be reconsidered
1578 within a twelve-month period.

1579 (4) The number of permits issued by the department shall not
1580 be restricted or limited on a population basis; however, the
1581 foregoing limitation shall not be construed to preclude the right
1582 of the department to refuse to issue a permit because of the
1583 undesirability of the proposed location.

1584 (5) If any person shall engage or continue in any business
1585 which is taxable under this section without having paid the tax as
1586 provided in this section, the person shall be liable for the full
1587 amount of the tax plus a penalty thereon equal to the amount
1588 thereof, and, in addition, shall be punished by a fine of not more
1589 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
1590 county jail for a term of not more than six (6) months, or by both
1591 such fine and imprisonment, in the discretion of the court.

1592 (6) It shall be unlawful for any person to consume alcoholic
1593 beverages on the premises of any hotel restaurant, restaurant,
1594 club or the interior of any public place defined in Chapter 1,
1595 Title 67, Mississippi Code of 1972, when the owner or manager
1596 thereof displays in several conspicuous places inside the
1597 establishment and at the entrances of establishment a sign
1598 containing the following language: NO ALCOHOLIC BEVERAGES
1599 ALLOWED.

1600 **SECTION 4.** Section 67-1-41, Mississippi Code of 1972, is
1601 amended as follows:



1602 67-1-41. (1) The department is hereby created a wholesale
1603 distributor and seller of alcoholic beverages, not including malt
1604 liquors, within the State of Mississippi. It is granted the right
1605 to import and sell alcoholic beverages at wholesale within the
1606 state, and no person who is granted the right to sell, distribute
1607 or receive alcoholic beverages at retail shall purchase any
1608 alcoholic beverages from any source other than the department,
1609 except as authorized in subsections (4), (9) and (12) of this
1610 section. The department may establish warehouses, and the
1611 department may purchase alcoholic beverages in such quantities and
1612 from such sources as it may deem desirable and sell the alcoholic
1613 beverages to authorized permittees within the state including, at
1614 the discretion of the department, any retail distributors
1615 operating within any military post or qualified resort areas
1616 within the boundaries of the state, keeping a correct and accurate
1617 record of all such transactions and exercising such control over
1618 the distribution of alcoholic beverages as seem right and proper
1619 in keeping with the provisions or purposes of this article.

1620 (2) No person for the purpose of sale shall manufacture,
1621 distill, brew, sell, possess, export, transport, distribute,
1622 warehouse, store, solicit, take orders for, bottle, rectify,
1623 blend, treat, mix or process any alcoholic beverage except in
1624 accordance with authority granted under this article, or as
1625 otherwise provided by law for native wines or native spirits.



1626 (3) No alcoholic beverage intended for sale or resale shall
1627 be imported, shipped or brought into this state for delivery to
1628 any person other than as provided in this article, or as otherwise
1629 provided by law for native wines or native spirits.

1630 (4) The department may promulgate rules and regulations
1631 which authorize on-premises retailers to purchase limited amounts
1632 of alcoholic beverages from package retailers and for package
1633 retailers to purchase limited amounts of alcoholic beverages from
1634 other package retailers. The department shall develop and provide
1635 forms to be completed by the on-premises retailers and the package
1636 retailers verifying the transaction. The completed forms shall be
1637 forwarded to the department within a period of time prescribed by
1638 the department.

1639 (5) The department may promulgate rules which authorize the
1640 holder of a package retailer's permit or grocery store wine-only
1641 retailer's permit to permit individual retail purchasers of
1642 packages of alcoholic beverages to return, for exchange, credit or
1643 refund, limited amounts of original sealed and unopened packages
1644 of alcoholic beverages purchased by the individual from the
1645 package retailer or grocery store.

1646 (6) The department shall maintain all forms to be completed
1647 by applicants necessary for licensure by the department at all
1648 district offices of the department.

1649 (7) The department may promulgate rules which authorize the
1650 manufacturer of an alcoholic beverage or wine to import, transport



1651 and furnish or give a sample of alcoholic beverages or wines to
1652 the holders of package retailer's permits, on-premises retailer's
1653 permits, native wine or native spirit retailer's permits * * *,
1654 temporary retailer's permits and grocery store wine-only
1655 retailer's permits who have not previously purchased the brand of
1656 that manufacturer from the department. For each holder of the
1657 designated permits, the manufacturer may furnish not more than
1658 five hundred (500) milliliters of any brand of alcoholic beverage
1659 and not more than three (3) liters of any brand of wine.

1660 (8) The department may promulgate rules disallowing open
1661 product sampling of alcoholic beverages or wines by the holders of
1662 package retailer's permits and permitting open product sampling of
1663 alcoholic beverages by the holders of on-premises retailer's
1664 permits. Permitted sample products shall be plainly identified
1665 "sample" and the actual sampling must occur in the presence of the
1666 manufacturer's representatives during the legal operating hours of
1667 on-premises retailers.

1668 (9) The department may promulgate rules and regulations that
1669 authorize the holder of a research permit to import and purchase
1670 limited amounts of alcoholic beverages from importers, wineries
1671 and distillers of alcoholic beverages or from the department. The
1672 department shall develop and provide forms to be completed by the
1673 research permittee verifying each transaction. The completed
1674 forms shall be forwarded to the department within a period of time
1675 prescribed by the department. The records and inventory of



1676 alcoholic beverages shall be open to inspection at any time by the
1677 Director of the Alcoholic Beverage Control Division or any duly
1678 authorized agent.

1679 (10) The department may promulgate rules facilitating a
1680 retailer's on-site pickup of alcoholic beverages sold by the
1681 department or as authorized by the department, including, but not
1682 limited to, native wines and native spirits, so that those
1683 alcoholic beverages may be delivered to the retailer at the
1684 manufacturer's location instead of via shipment from the
1685 department's warehouse.

1686 (11) **[Through June 30, 2026]** This section shall not apply
1687 to alcoholic beverages authorized to be sold by the holder of a
1688 distillery retailer's permit or a festival wine permit.

1689 (11) **[From and after July 1, 2026]** This section shall not
1690 apply to alcoholic beverages authorized to be sold by the holder
1691 of a distillery retailer's permit.

1692 (12) (a) An individual resident of this state who is at
1693 least twenty-one (21) years of age may purchase wine from a winery
1694 and have the purchase shipped into this state so long as it is
1695 shipped to a package retailer permittee in Mississippi; however,
1696 the permittee shall pay to the department all taxes, fees and
1697 surcharges on the wine that are imposed upon the sale of wine
1698 shipped by the department or its warehouse operator. No credit
1699 shall be provided to the permittee for any taxes paid to another
1700 state as a result of the transaction. Package retailers may



1701 charge a service fee for receiving and handling shipments from
1702 wineries on behalf of the purchasers. The department shall
1703 develop and provide forms to be completed by the package retailer
1704 permittees verifying the transaction. The completed forms shall
1705 be forwarded to the department within a period of time prescribed
1706 by the department.

1707 (b) The purchaser of wine that is to be shipped to a
1708 package retailer's store shall be required to get the prior
1709 approval of the package retailer before any wine is shipped to the
1710 package retailer. A purchaser is limited to no more than ten (10)
1711 cases of wine per year to be shipped to a package retailer. A
1712 package retailer shall notify a purchaser of wine within two (2)
1713 days after receiving the shipment of wine. If the purchaser of
1714 the wine does not pick up or take the wine from the package
1715 retailer within thirty (30) days after being notified by the
1716 package retailer, the package retailer may sell the wine as part
1717 of his inventory.

1718 (c) Shipments of wine into this state under this
1719 section shall be made by a duly licensed carrier. It shall be the
1720 duty of every common or contract carrier, and of every firm or
1721 corporation that shall bring, carry or transport wine from outside
1722 the state for delivery inside the state to package retailer
1723 permittees on behalf of consumers, to prepare and file with the
1724 department, on a schedule as determined by the department, of
1725 known wine shipments containing the name of the common or contract



1726 carrier, firm or corporation making the report, the period of time
1727 covered by said report, the name and permit number of the winery,
1728 the name and permit number of the package retailer permittee
1729 receiving such wine, the weight of the package delivered to each
1730 package retailer permittee, a unique tracking number, and the date
1731 of delivery. Reports received by the department shall be made
1732 available by the department to the public via the Mississippi
1733 Public Records Act process in the same manner as other state
1734 alcohol filings.

1735 Upon the department's request, any records supporting the
1736 report shall be made available to the department within a
1737 reasonable time after the department makes a written request for
1738 such records. Any records containing information relating to such
1739 reports shall be kept and preserved for a period of two (2) years,
1740 unless their destruction sooner is authorized, in writing, by the
1741 department, and shall be open and available to inspection by the
1742 department upon the department's written request. Reports shall
1743 also be made available to any law enforcement or regulatory body
1744 in the state in which the railroad company, express company,
1745 common or contract carrier making the report resides or does
1746 business.

1747 Any common or contract carrier that willfully fails to make
1748 reports, as provided by this section or any of the rules and
1749 regulations of the department for the administration and
1750 enforcement of this section, is subject to a notification of



1751 violation. In the case of a continuing failure to make reports,
1752 the common or contract carrier is subject to possible license
1753 suspension and revocation at the department's discretion.

1754 (d) A winery that ships wine under this section shall
1755 be deemed to have consented to the jurisdiction of the courts of
1756 this state, of the department, of any other state agency regarding
1757 the enforcement of this section, and of any related law, rules or
1758 regulations.

1759 (e) Any person who makes, participates in, transports,
1760 imports or receives a shipment in violation of this section is
1761 guilty of a misdemeanor and, upon conviction thereof, shall be
1762 punished by a fine of One Thousand Dollars (\$1,000.00) or
1763 imprisonment in the county jail for not more than six (6) months,
1764 or both. Each shipment shall constitute a separate offense.

1765 (13) If any provision of this article, or its application to
1766 any person or circumstance, is determined by a court to be invalid
1767 or unconstitutional, the remaining provisions shall be construed
1768 in accordance with the intent of the Legislature to further limit
1769 rather than expand commerce in alcoholic beverages to protect the
1770 health, safety, and welfare of the state's residents, and to
1771 enhance strict regulatory control over taxation, distribution and
1772 sale of alcoholic beverages through the three-tier regulatory
1773 system imposed by this article upon all alcoholic beverages to
1774 curb relationships and practices calculated to stimulate sales and



1775 impair the state's policy favoring trade stability and the
1776 promotion of temperance.

1777 **SECTION 5.** Section 67-1-75, Mississippi Code of 1972, is
1778 amended as follows:

1779 67-1-75. If the holder of a package retailer's permit or a
1780 grocery store wine-only retailer's permit, or any employee
1781 thereof:

1782 (a) Shall sell, offer for sale or permit to be sold in,
1783 on or about the premises covered by such permit any alcoholic
1784 beverages except in the original sealed and unopened packages; or

1785 (b) Shall permit the drinking or consumption of any
1786 alcoholic beverages in, on or about the premises covered by such
1787 permit except as may be otherwise authorized by this article; or

1788 (c) Shall sell, offer for sale or permit the sale in,
1789 on or about the premises of alcoholic beverages in any package or
1790 container containing less than fifty (50) milliliters by liquid
1791 measure; then such person or employee shall be guilty of a
1792 misdemeanor and, upon conviction, shall be punished by a fine of
1793 not more than One Thousand Dollars (\$1,000.00) or by imprisonment
1794 in the county jail for a term of not more than one (1) year, or by
1795 both such fine and imprisonment, in the discretion of the court.

1796 In addition, in the case of the commission of any of such offenses
1797 by the holder of a permit, it shall be the duty of the * * *
1798 department forthwith to revoke the permit held by such person and



1799 conviction of the criminal offense shall not be a condition
1800 precedent to such revocation.

1801 **SECTION 6.** Section 67-1-83, Mississippi Code of 1972, is
1802 amended as follows:

1803 67-1-83. (1) It shall be unlawful for any permittee or any
1804 employee or agent thereof to sell or furnish any alcoholic
1805 beverage to any person who is visibly intoxicated, or to any
1806 person who is known to habitually drink alcoholic beverages to
1807 excess, or to any person who is known to be an habitual user of
1808 narcotics or other habit-forming drugs. It shall also be unlawful
1809 for the holder of any package retailer's permit or grocery store
1810 wine-only retailer's permit to sell any alcoholic beverages except
1811 by delivery in person to the purchaser at the place of business of
1812 the permittee, unless the holder of a package retailer's permit
1813 also holds a delivery service permit or uses a delivery service
1814 permittee to effect delivery.

1815 (2) It shall be unlawful for any permittee or any employee
1816 or agent thereof to sell or furnish any alcoholic beverage to any
1817 person to whom the department has, after investigation, decided to
1818 prohibit the sale of those beverages because of an appeal to the
1819 department so to do by the husband, wife, father, mother, brother,
1820 sister, child, or employer of the person. The interdiction in
1821 those cases shall last until removed by the department, but no
1822 person shall be held to have violated this subsection unless he
1823 has been informed by the department, by registered letter, that it



1824 is forbidden to sell to that individual or unless that fact is
1825 otherwise known to the permittee or its employee or agent.

1826 (3) It shall be unlawful for any holder of a package
1827 retailer's permit or a grocery store wine-only retailer's permit,
1828 or any employee or agent thereof, engaged solely in the business
1829 of package retail sales under this article to sell or furnish any
1830 alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to
1831 sell alcoholic beverages on Sunday and Christmas Day.

1832 (4) Any person who violates any of the provisions of this
1833 section shall be guilty of a misdemeanor and, upon conviction,
1834 shall be punished by a fine of not more than Five Hundred Dollars
1835 (\$500.00) or by imprisonment in the county jail for a term of not
1836 more than six (6) months, or by both that fine and imprisonment,
1837 in the discretion of the court. In addition to any other
1838 penalties prescribed by law, the * * * department may immediately
1839 revoke the permit of any permittee who violates the provisions of
1840 this section.

1841 **SECTION 7.** Section 67-1-85, Mississippi Code of 1972, is
1842 amended as follows:

1843 67-1-85. (1) The holder of a package retailer's permit or
1844 grocery store wine-only retailer's permit may have signs, lighted
1845 or otherwise, on the outside of the premises covered by his permit
1846 which advertise, announce or advise of the sale of alcoholic
1847 beverages in or on * * * the premises. Wherever the sign is
1848 located on the premises, the name of the business shall also



1849 include the permit number thereof, preceded by the words "A.B.C.
1850 Permit No."

1851 (2) It shall be lawful to advertise alcoholic beverages by
1852 means of signs, billboards or displays on or along any road,
1853 highway, street or building.

1854 (3) It shall be lawful for publishers, broadcasters and
1855 other kinds, types or forms of public and private advertising
1856 media to advertise alcoholic beverages; however, no alcoholic
1857 beverages may be advertised during, or within five (5) minutes
1858 preceding or following, any television broadcast which consists
1859 primarily of animated material intended for viewing by young
1860 children.

1861 (4) Notwithstanding the provisions of this section to the
1862 contrary, it shall be unlawful to advertise alcoholic beverages by
1863 means of signs, billboards or displays in any municipality, county
1864 or judicial district which has not voted pursuant to the
1865 provisions of this article to legalize the sale of alcoholic
1866 beverages.

1867 **SECTION 8.** This act shall take effect and be in force from
1868 and after July 1, 2024.

