

By: Senator(s) Harkins

To: Finance

SENATE BILL NO. 2405

1 AN ACT TO AMEND SECTION 67-1-37, MISSISSIPPI CODE OF 1972, TO
 2 REMOVE THE AUTHORITY OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF
 3 THE DEPARTMENT OF REVENUE TO ISSUE RULES AND REGULATIONS GOVERNING
 4 THE ISSUANCE OF ALCOHOLIC BEVERAGE RETAIL PERMITS FOR PREMISES
 5 LOCATED NEAR OR AROUND COLLEGES, UNIVERSITIES AND OTHER PUBLIC
 6 INSTITUTIONS, BUT RETAINING SUCH AUTHORITY OF THE DIVISION WITH
 7 RESPECT TO SCHOOLS AND CHURCHES; TO AMEND SECTION 67-1-51,
 8 MISSISSIPPI CODE OF 1972, TO BROADEN THE DISCRETION OF THE
 9 DEPARTMENT OF REVENUE REGARDING THE KINDS OF ESTABLISHMENTS THAT
 10 MAY BE ISSUED ON-PREMISES RETAILER'S PERMITS WITHIN A RESORT AREA;
 11 TO SPECIFY THE DEFINITION OF "SCHOOL" FOR PURPOSES OF THE DISTANCE
 12 RESTRICTION ON THE MANUFACTURE, SALE AND STORAGE FOR SALE OF
 13 ALCOHOLIC BEVERAGES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 67-1-37, Mississippi Code of 1972, is
 16 amended as follows:

17 67-1-37. The Department of Revenue, under its duties and
 18 powers with respect to the Alcoholic Beverage Control Division
 19 therein, shall have the following powers, functions and duties:

20 (a) To issue or refuse to issue any permit provided for
 21 by this article, or to extend the permit or remit in whole or any
 22 part of the permit monies when the permit cannot be used due to a
 23 natural disaster or act of God.



24 (b) To revoke, suspend or cancel, for violation of or
25 noncompliance with the provisions of this article, or the law
26 governing the production and sale of native wines or native
27 spirits, or any lawful rules and regulations of the department
28 issued hereunder, or for other sufficient cause, any permit issued
29 by it under the provisions of this article. The department shall
30 also be authorized to suspend the permit of any permit holder for
31 being out of compliance with an order for support, as defined in
32 Section 93-11-153. The procedure for suspension of a permit for
33 being out of compliance with an order for support, and the
34 procedure for the reissuance or reinstatement of a permit
35 suspended for that purpose, and the payment of any fees for the
36 reissuance or reinstatement of a permit suspended for that
37 purpose, shall be governed by Section 93-11-157 or Section
38 93-11-163, as the case may be. If there is any conflict between
39 any provision of Section 93-11-157 or Section 93-11-163 and any
40 provision of this article, the provisions of Section 93-11-157 or
41 Section 93-11-163, as the case may be, shall control.

42 (c) To prescribe forms of permits and applications for
43 permits and of all reports which it deems necessary in
44 administering this article.

45 (d) To fix standards, not in conflict with those
46 prescribed by any law of this state or of the United States, to
47 secure the use of proper ingredients and methods of manufacture of
48 alcoholic beverages.



49 (e) To issue rules regulating the advertising of
50 alcoholic beverages in the state in any class of media and
51 permitting advertising of the retail price of alcoholic beverages.

52 (f) To issue reasonable rules and regulations, not
53 inconsistent with the federal laws or regulations, requiring
54 informative labeling of all alcoholic beverages offered for sale
55 within this state and providing for the standards of fill and
56 shapes of retail containers of alcoholic beverages; however, such
57 containers shall not contain less than fifty (50) milliliters by
58 liquid measure.

59 (g) Subject to the provisions of subsection (3) of
60 Section 67-1-51, to issue rules and regulations governing the
61 issuance of retail permits for premises located near or around
62 schools * * * and churches * * *, and specifying the distances
63 therefrom within which no such permit shall be issued. The
64 Alcoholic Beverage Control Division shall not issue a package
65 retailer's or on-premises retailer's permit for the sale or
66 consumption of alcoholic beverages in or on the campus of any
67 public school, community or junior college, college or university.

68 (h) To adopt and promulgate, repeal and amend, such
69 rules, regulations, standards, requirements and orders, not
70 inconsistent with this article or any law of this state or of the
71 United States, as it deems necessary to control the manufacture,
72 importation, transportation, distribution, delivery and sale of
73 alcoholic liquor, whether intended for beverage or nonbeverage use



74 in a manner not inconsistent with the provisions of this article
75 or any other statute, including the native wine and native spirit
76 laws.

77 (i) To call upon other administrative departments of
78 the state, county and municipal governments, county and city
79 police departments and upon prosecuting officers for such
80 information and assistance as it may deem necessary in the
81 performance of its duties.

82 (j) To prepare and submit to the Governor during the
83 month of January of each year a detailed report of its official
84 acts during the preceding fiscal year ending June 30, including
85 such recommendations as it may see fit to make, and to transmit a
86 like report to each member of the Legislature of this state upon
87 the convening thereof at its next regular session.

88 (k) To inspect, or cause to be inspected, any premises
89 where alcoholic liquors intended for sale are manufactured,
90 stored, distributed or sold, and to examine or cause to be
91 examined all books and records pertaining to the business
92 conducted therein.

93 (l) To investigate the administration of laws in
94 relation to alcoholic liquors in this and other states and any
95 foreign countries, and to recommend from time to time to the
96 Governor and through him to the Legislature of this state such
97 amendments to this article, if any, as it may think desirable.



98 (m) To designate hours and days when alcoholic
99 beverages may be sold in different localities in the state which
100 permit such sale.

101 (n) To assign employees to posts of duty at locations
102 where they will be most beneficial for the control of alcoholic
103 beverages and to take any other action concerning persons employed
104 under this article as authorized by law and taken in accordance
105 with the rules, regulations and procedures of the State Personnel
106 Board.

107 (o) To enforce the provisions made unlawful by Chapter
108 3, Title 67 and Section 97-5-49.

109 (p) To delegate its authority under this article to the
110 Alcoholic Beverage Control Division, its director or any other
111 officer or employee of the department that it deems appropriate.

112 (q) To prescribe and charge a fee to defray the costs
113 of shipping alcoholic beverages, provided that such fee is
114 determined in a manner provided by the department by rules and/or
115 regulations adopted in accordance with the Mississippi
116 Administrative Procedures Law.

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

119 67-1-51. (1) Permits which may be issued by the department
120 shall be as follows:

121 (a) **Manufacturer's permit.** A manufacturer's permit
122 shall permit the manufacture, importation in bulk, bottling and



123 storage of alcoholic liquor and its distribution and sale to
124 manufacturers holding permits under this article in this state and
125 to persons outside the state who are authorized by law to purchase
126 the same, and to sell as provided by this article.

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

128 Class 1. Distiller's and/or rectifier's permit, which shall
129 authorize the holder thereof to operate a distillery for the
130 production of distilled spirits by distillation or redistillation
131 and/or to operate a rectifying plant for the purifying, refining,
132 mixing, blending, flavoring or reducing in proof of distilled
133 spirits and alcohol.

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

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

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

143 (b) **Package retailer's permit.** Except as otherwise
144 provided in this paragraph and Section 67-1-52, a package
145 retailer's permit shall authorize the holder thereof to operate a
146 store exclusively for the sale at retail in original sealed and
147 unopened packages of alcoholic beverages, including native wines,



148 native spirits and edibles, not to be consumed on the premises
149 where sold. Alcoholic beverages shall not be sold by any retailer
150 in any package or container containing less than fifty (50)
151 milliliters by liquid measure. A package retailer's permit, with
152 prior approval from the department, shall authorize the holder
153 thereof to sample new product furnished by a manufacturer's
154 representative or his employees at the permitted place of business
155 so long as the sampling otherwise complies with this article and
156 applicable department regulations. Such samples may not be
157 provided to customers at the permitted place of business. In
158 addition to the sale at retail of packages of alcoholic beverages,
159 the holder of a package retailer's permit is authorized to sell at
160 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
161 other beverages commonly used to mix with alcoholic beverages, and
162 fruits and foods that have been submerged in alcohol and are
163 commonly referred to as edibles. Nonalcoholic beverages sold by
164 the holder of a package retailer's permit shall not be consumed on
165 the premises where sold.

166 (c) **On-premises retailer's permit.** Except as otherwise
167 provided in subsection (5) of this section, an on-premises
168 retailer's permit shall authorize the sale of alcoholic beverages,
169 including native wines and native spirits, for consumption on the
170 licensed premises only; however, a patron of the permit holder may
171 remove one (1) bottle of wine from the licensed premises if: (i)
172 the patron consumed a portion of the bottle of wine in the course



173 of consuming a meal purchased on the licensed premises; (ii) the
174 permit holder securely reseals the bottle; (iii) the bottle is
175 placed in a bag that is secured in a manner so that it will be
176 visibly apparent if the bag is opened; and (iv) a dated receipt
177 for the wine and the meal is available. Additionally, as part of
178 a carryout order, a permit holder may sell one (1) bottle of wine
179 to be removed from the licensed premises for every two (2) entrees
180 ordered. In addition, an on-premises retailer's permittee at a
181 permitted premises located on Jefferson Davis Avenue within
182 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
183 beverages by the glass to a patron in a vehicle using a
184 drive-through method of delivery if the permitted premises is
185 located in a leisure and recreation district established under
186 Section 67-1-101. Such a sale will be considered to be made on
187 the permitted premises. An on-premises retailer's permit shall be
188 issued only to qualified hotels, restaurants and clubs, small
189 craft breweries, microbreweries, and to common carriers with
190 adequate facilities for serving passengers. In resort areas,
191 however, whether inside or outside of a municipality, the
192 department, in its discretion, may issue on-premises retailer's
193 permits to * * * any establishments located therein as it deems
194 proper. An on-premises retailer's permit when issued to a common
195 carrier shall authorize the sale and serving of alcoholic
196 beverages aboard any licensed vehicle while moving through any
197 county of the state; however, the sale of such alcoholic beverages



198 shall not be permitted while such vehicle is stopped in a county
199 that has not legalized such sales. If an on-premises retailer's
200 permit is applied for by a common carrier operating solely in the
201 water, such common carrier must, along with all other
202 qualifications for a permit, (i) be certified to carry at least
203 one hundred fifty (150) passengers and/or provide overnight
204 accommodations for at least fifty (50) passengers and (ii) operate
205 primarily in the waters within the State of Mississippi which lie
206 adjacent to the State of Mississippi south of the three (3) most
207 southern counties in the State of Mississippi and/or on the
208 Mississippi River or navigable waters within any county bordering
209 on the Mississippi River.

210 (d) **Solicitor's permit.** A solicitor's permit shall
211 authorize the holder thereof to act as salesman for a manufacturer
212 or wholesaler holding a proper permit, to solicit on behalf of his
213 employer orders for alcoholic beverages, and to otherwise promote
214 his employer's products in a legitimate manner. Such a permit
215 shall authorize the representation of and employment by one (1)
216 principal only. However, the permittee may also, in the
217 discretion of the department, be issued additional permits to
218 represent other principals. No such permittee shall buy or sell
219 alcoholic beverages for his own account, and no such beverage
220 shall be brought into this state in pursuance of the exercise of
221 such permit otherwise than through a permit issued to a wholesaler
222 or manufacturer in the state.



223 (e) **Native wine retailer's permit.** Except as otherwise
224 provided in subsection (5) of this section, a native wine
225 retailer's permit shall be issued only to a holder of a Class 3
226 manufacturer's permit, and shall authorize the holder thereof to
227 make retail sales of native wines to consumers for on-premises
228 consumption or to consumers in originally sealed and unopened
229 containers at an establishment located on the premises of or in
230 the immediate vicinity of a native winery. When selling to
231 consumers for on-premises consumption, a holder of a native wine
232 retailer's permit may add to the native wine alcoholic beverages
233 not produced on the premises, so long as the total volume of
234 foreign beverage components does not exceed twenty percent (20%)
235 of the mixed beverage. Hours of sale shall be the same as those
236 authorized for on-premises permittees in the city or county in
237 which the native wine retailer is located.

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

243 Temporary retailer's permits shall be of the following
244 classes:

245 Class 1. A temporary one-day permit may be issued to bona
246 fide nonprofit civic or charitable organizations authorizing the
247 sale of alcoholic beverages, including native wine and native



248 spirit, for consumption on the premises described in the temporary
249 permit only. Class 1 permits may be issued only to applicants
250 demonstrating to the department, by a statement signed under
251 penalty of perjury submitted ten (10) days prior to the proposed
252 date or such other time as the department may determine, that they
253 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
254 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
255 Class 1 permittees shall obtain all alcoholic beverages from
256 package retailers located in the county in which the temporary
257 permit is issued. Alcoholic beverages remaining in stock upon
258 expiration of the temporary permit may be returned by the
259 permittee to the package retailer for a refund of the purchase
260 price upon consent of the package retailer or may be kept by the
261 permittee exclusively for personal use and consumption, subject to
262 all laws pertaining to the illegal sale and possession of
263 alcoholic beverages. The department, following review of the
264 statement provided by the applicant and the requirements of the
265 applicable statutes and regulations, may issue the permit.

266 Class 2. A temporary permit, not to exceed seventy (70)
267 days, may be issued to prospective permittees seeking to transfer
268 a permit authorized in paragraph (c) of this subsection. A Class
269 2 permit may be issued only to applicants demonstrating to the
270 department, by a statement signed under the penalty of perjury,
271 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
272 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and



273 67-1-59. The department, following a preliminary review of the
274 statement provided by the applicant and the requirements of the
275 applicable statutes and regulations, may issue the permit.

276 Class 2 temporary permittees must purchase their alcoholic
277 beverages directly from the department or, with approval of the
278 department, purchase the remaining stock of the previous
279 permittee. If the proposed applicant of a Class 1 or Class 2
280 temporary permit falsifies information contained in the
281 application or statement, the applicant shall never again be
282 eligible for a retail alcohol beverage permit and shall be subject
283 to prosecution for perjury.

284 Class 3. A temporary one-day permit may be issued to a
285 retail establishment authorizing the complimentary distribution of
286 wine, including native wine, to patrons of the retail
287 establishment at an open house or promotional event, for
288 consumption only on the premises described in the temporary
289 permit. A Class 3 permit may be issued only to an applicant
290 demonstrating to the department, by a statement signed under
291 penalty of perjury submitted ten (10) days before the proposed
292 date or such other time as the department may determine, that it
293 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
294 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
295 A Class 3 permit holder shall obtain all alcoholic beverages from
296 the holder(s) of a package retailer's permit located in the county
297 in which the temporary permit is issued. Wine remaining in stock



298 upon expiration of the temporary permit may be returned by the
299 Class 3 temporary permit holder to the package retailer for a
300 refund of the purchase price, with consent of the package
301 retailer, or may be kept by the Class 3 temporary permit holder
302 exclusively for personal use and consumption, subject to all laws
303 pertaining to the illegal sale and possession of alcoholic
304 beverages. The department, following review of the statement
305 provided by the applicant and the requirements of the applicable
306 statutes and regulations, may issue the permit. No retailer may
307 receive more than twelve (12) Class 3 temporary permits in a
308 calendar year. A Class 3 temporary permit shall not be issued to
309 a retail establishment that either holds a merchant permit issued
310 under paragraph (1) of this subsection, or holds a permit issued
311 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
312 the holder to engage in the business of a retailer of light wine
313 or beer.

314 (g) **Caterer's permit.** A caterer's permit shall permit
315 the purchase of alcoholic beverages by a person engaging in
316 business as a caterer and the resale of alcoholic beverages by
317 such person in conjunction with such catering business. No person
318 shall qualify as a caterer unless forty percent (40%) or more of
319 the revenue derived from such catering business shall be from the
320 serving of prepared food and not from the sale of alcoholic
321 beverages and unless such person has obtained a permit for such
322 business from the Department of Health. A caterer's permit shall



323 not authorize the sale of alcoholic beverages on the premises of
324 the person engaging in business as a caterer; however, the holder
325 of an on-premises retailer's permit may hold a caterer's permit.
326 When the holder of an on-premises retailer's permit or an
327 affiliated entity of the holder also holds a caterer's permit, the
328 caterer's permit shall not authorize the service of alcoholic
329 beverages on a consistent, recurring basis at a separate, fixed
330 location owned or operated by the caterer, on-premises retailer or
331 affiliated entity and an on-premises retailer's permit shall be
332 required for the separate location. All sales of alcoholic
333 beverages by holders of a caterer's permit shall be made at the
334 location being catered by the caterer, and, except as otherwise
335 provided in subsection (5) of this section, such sales may be made
336 only for consumption at the catered location. The location being
337 catered may be anywhere within a county or judicial district that
338 has voted to come out from under the dry laws or in which the sale
339 and distribution of alcoholic beverages is otherwise authorized by
340 law. Such sales shall be made pursuant to any other conditions
341 and restrictions which apply to sales made by on-premises retail
342 permittees. The holder of a caterer's permit or his employees
343 shall remain at the catered location as long as alcoholic
344 beverages are being sold pursuant to the permit issued under this
345 paragraph (g), and the permittee shall have at the location the
346 identification card issued by the Alcoholic Beverage Control
347 Division of the department. No unsold alcoholic beverages may be



348 left at the catered location by the permittee upon the conclusion
349 of his business at that location. Appropriate law enforcement
350 officers and Alcoholic Beverage Control Division personnel may
351 enter a catered location on private property in order to enforce
352 laws governing the sale or serving of alcoholic beverages.

353 (h) **Research permit.** A research permit shall authorize
354 the holder thereof to operate a research facility for the
355 professional research of alcoholic beverages. Such permit shall
356 authorize the holder of the permit to import and purchase limited
357 amounts of alcoholic beverages from the department or from
358 importers, wineries and distillers of alcoholic beverages for
359 professional research.

360 (i) **Alcohol processing permit.** An alcohol processing
361 permit shall authorize the holder thereof to purchase, transport
362 and possess alcoholic beverages for the exclusive use in cooking,
363 processing or manufacturing products which contain alcoholic
364 beverages as an integral ingredient. An alcohol processing permit
365 shall not authorize the sale of alcoholic beverages on the
366 premises of the person engaging in the business of cooking,
367 processing or manufacturing products which contain alcoholic
368 beverages. The amounts of alcoholic beverages allowed under an
369 alcohol processing permit shall be set by the department.

370 (j) **Hospitality cart permit.** A hospitality cart permit
371 shall authorize the sale of alcoholic beverages from a mobile cart
372 on a golf course that is the holder of an on-premises retailer's



373 permit. The alcoholic beverages sold from the cart must be
374 consumed within the boundaries of the golf course.

375 (k) **Special service permit.** A special service permit
376 shall authorize the holder to sell commercially sealed alcoholic
377 beverages to the operator of a commercial or private aircraft for
378 en route consumption only by passengers. A special service permit
379 shall be issued only to a fixed-base operator who contracts with
380 an airport facility to provide fueling and other associated
381 services to commercial and private aircraft.

382 (l) **Merchant permit.** Except as otherwise provided in
383 subsection (5) of this section, a merchant permit shall be issued
384 only to the owner of a spa facility, an art studio or gallery, or
385 a cooking school, and shall authorize the holder to serve
386 complimentary by the glass wine only, including native wine, at
387 the holder's spa facility, art studio or gallery, or cooking
388 school. A merchant permit holder shall obtain all wine from the
389 holder of a package retailer's permit.

390 (m) **Temporary alcoholic beverages charitable auction**
391 **permit.** A temporary permit, not to exceed five (5) days, may be
392 issued to a qualifying charitable nonprofit organization that is
393 exempt from taxation under Section 501(c)(3) or (4) of the
394 Internal Revenue Code of 1986. The permit shall authorize the
395 holder to sell alcoholic beverages for the limited purpose of
396 raising funds for the organization during a live or silent auction
397 that is conducted by the organization and that meets the following



398 requirements: (i) the auction is conducted in an area of the
399 state where the sale of alcoholic beverages is authorized; (ii) if
400 the auction is conducted on the premises of an on-premises
401 retailer's permit holder, then the alcoholic beverages to be
402 auctioned must be stored separately from the alcoholic beverages
403 sold, stored or served on the premises, must be removed from the
404 premises immediately following the auction, and may not be
405 consumed on the premises; (iii) the permit holder may not conduct
406 more than two (2) auctions during a calendar year; (iv) the permit
407 holder may not pay a commission or promotional fee to any person
408 to arrange or conduct the auction.

409 (n) **Event venue retailer's permit.** An event venue
410 retailer's permit shall authorize the holder thereof to purchase
411 and resell alcoholic beverages, including native wines and native
412 spirits, for consumption on the premises during legal hours during
413 events held on the licensed premises if food is being served at
414 the event by a caterer who is not affiliated with or related to
415 the permittee. The caterer must serve at least three (3) entrees.
416 The permit may only be issued for venues that can accommodate two
417 hundred (200) persons or more. The number of persons a venue may
418 accommodate shall be determined by the local fire department and
419 such determination shall be provided in writing and submitted
420 along with all other documents required to be provided for an
421 on-premises retailer's permit. The permittee must derive the
422 majority of its revenue from event-related fees, including, but



423 not limited to, admission fees or ticket sales for live
424 entertainment in the building. "Event-related fees" do not
425 include alcohol, beer or light wine sales or any fee which may be
426 construed to cover the cost of alcohol, beer or light wine. This
427 determination shall be made on a per event basis. An event may
428 not last longer than two (2) consecutive days per week.

429 (o) **Temporary theatre permit.** A temporary theatre
430 permit, not to exceed five (5) days, may be issued to a charitable
431 nonprofit organization that is exempt from taxation under Section
432 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
433 a theatre facility that features plays and other theatrical
434 performances and productions. Except as otherwise provided in
435 subsection (5) of this section, the permit shall authorize the
436 holder to sell alcoholic beverages, including native wines and
437 native spirits, to patrons of the theatre during performances and
438 productions at the theatre facility for consumption during such
439 performances and productions on the premises of the facility
440 described in the permit. A temporary theatre permit holder shall
441 obtain all alcoholic beverages from package retailers located in
442 the county in which the permit is issued. Alcoholic beverages
443 remaining in stock upon expiration of the temporary theatre permit
444 may be returned by the permittee to the package retailer for a
445 refund of the purchase price upon consent of the package retailer
446 or may be kept by the permittee exclusively for personal use and



447 consumption, subject to all laws pertaining to the illegal sale
448 and possession of alcoholic beverages.

449 (p) **Charter ship operator's permit.** Subject to the
450 provisions of this paragraph (p), a charter ship operator's permit
451 shall authorize the holder thereof and its employees to serve,
452 monitor, store and otherwise control the serving and availability
453 of alcoholic beverages to customers of the permit holder during
454 private charters under contract provided by the permit holder. A
455 charter ship operator's permit shall authorize such action by the
456 permit holder and its employees only as to alcoholic beverages
457 brought onto the permit holder's ship by customers of the permit
458 holder as part of such a private charter. All such alcoholic
459 beverages must be removed from the charter ship at the conclusion
460 of each private charter. A charter ship operator's permit shall
461 not authorize the permit holder to sell, charge for or otherwise
462 supply alcoholic beverages to customers, except as authorized in
463 this paragraph (p). For the purposes of this paragraph (p),
464 "charter ship operator" means a common carrier that (i) is
465 certified to carry at least one hundred fifty (150) passengers
466 and/or provide overnight accommodations for at least fifty (50)
467 passengers, (ii) operates only in the waters within the State of
468 Mississippi, which lie adjacent to the State of Mississippi south
469 of the three (3) most southern counties in the State of
470 Mississippi, and (iii) provides charters under contract for tours
471 and trips in such waters.



472 (q) **Distillery retailer's permit.** The holder of a
473 Class 1 manufacturer's permit may obtain a distillery retailer's
474 permit. A distillery retailer's permit shall authorize the holder
475 thereof to sell at retail alcoholic beverages to consumers for
476 on-premises consumption, or to consumers by the sealed and
477 unopened bottle from a retail location at the distillery for
478 off-premises consumption. The holder may only sell product
479 manufactured by the manufacturer at the distillery described in
480 the permit. However, when selling to consumers for on-premises
481 consumption, a holder of a distillery retailer's permit may add
482 other beverages, alcoholic or not, so long as the total volume of
483 other beverage components containing alcohol does not exceed
484 twenty percent (20%). Hours of sale shall be the same as those
485 authorized for on-premises permittees in the city or county in
486 which the distillery retailer is located.

487 The holder shall not sell at retail more than ten percent
488 (10%) of the alcoholic beverages produced annually at its
489 distillery. The holder shall not make retail sales of more than
490 two and twenty-five one-hundredths (2.25) liters, in the
491 aggregate, of the alcoholic beverages produced at its distillery
492 to any one (1) individual for consumption off the premises of the
493 distillery within a twenty-four-hour period. The hours of sale
494 shall be the same as those hours for package retailers under this
495 article. The holder of a distillery retailer's permit is not
496 required to purchase the alcoholic beverages authorized to be sold



497 by this paragraph from the department's liquor distribution
498 warehouse; however, if the holder does not purchase the alcoholic
499 beverages from the department's liquor distribution warehouse, the
500 holder shall pay to the department all taxes, fees and surcharges
501 on the alcoholic beverages that are imposed upon the sale of
502 alcoholic beverages shipped by the department or its warehouse
503 operator. In addition to alcoholic beverages, the holder of a
504 distillery retailer's permit may sell at retail promotional
505 products from the same retail location, including shirts, hats,
506 glasses, and other promotional products customarily sold by
507 alcoholic beverage manufacturers.

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

515 "Festival" means any event at which three (3) or more vendors are
516 present at a location for the sale or distribution of goods. The
517 holder of a Festival Wine Permit is not required to purchase the
518 alcoholic beverages authorized to be sold by this paragraph from
519 the department's liquor distribution warehouse. However, if the
520 holder does not purchase the alcoholic beverages from the
521 department's liquor distribution warehouse, the holder of this



522 permit shall pay to the department all taxes, fees and surcharges
523 on the alcoholic beverages sold at such festivals that are imposed
524 upon the sale of alcoholic beverages shipped by the Alcoholic
525 Beverage Control Division of the Department of Revenue.
526 Additionally, the entity shall file all applicable reports and
527 returns as prescribed by the department. This permit is issued
528 per festival and provides authority to sell for two (2)
529 consecutive days during the hours authorized for on-premises
530 permittees' sales in that county or city. The holder of the
531 permit shall be required to maintain all requirements set by Local
532 Option Law for the service and sale of alcoholic beverages. This
533 permit may be issued to entities participating in festivals at
534 which a Class 1 temporary permit is in effect.

535 This paragraph (r) shall stand repealed from and after July
536 1, 2026.

537 (s) **Charter vessel operator's permit.** Subject to the
538 provisions of this paragraph (s), a charter vessel operator's
539 permit shall authorize the holder thereof and its employees to
540 sell and serve alcoholic beverages to passengers of the permit
541 holder during public tours, historical tours, ecological tours and
542 sunset cruises provided by the permit holder. The permit shall
543 authorize the holder to only sell alcoholic beverages, including
544 native wines, to passengers of the charter vessel operator during
545 public tours, historical tours, ecological tours and sunset
546 cruises provided by the permit holder aboard the charter vessel



547 operator for consumption during such tours and cruises on the
548 premises of the charter vessel operator described in the permit.
549 For the purposes of this paragraph (s), "charter vessel operator"
550 means a common carrier that (i) is certified to carry at least
551 forty-nine (49) passengers, (ii) operates only in the waters
552 within the State of Mississippi, which lie south of Interstate 10
553 in the three (3) most southern counties in the State of
554 Mississippi, and lie adjacent to the State of Mississippi south of
555 the three (3) most southern counties in the State of Mississippi,
556 extending not further than one (1) mile south of such counties,
557 and (iii) provides vessel services for tours and cruises in such
558 waters as provided in this paragraph(s).

559 (t) **Native spirit retailer's permit.** Except as
560 otherwise provided in subsection (5) of this section, a native
561 spirit retailer's permit shall be issued only to a holder of a
562 Class 4 manufacturer's permit, and shall authorize the holder
563 thereof to make retail sales of native spirits to consumers for
564 on-premises consumption or to consumers in originally sealed and
565 unopened containers at an establishment located on the premises of
566 or in the immediate vicinity of a native distillery. When selling
567 to consumers for on-premises consumption, a holder of a native
568 spirit retailer's permit may add to the native spirit alcoholic
569 beverages not produced on the premises, so long as the total
570 volume of foreign beverage components does not exceed twenty
571 percent (20%) of the mixed beverage. Hours of sale shall be the



572 same as those authorized for on-premises permittees in the city or
573 county in which the native spirit retailer is located.

574 (u) **Delivery service permit.** Any individual, limited
575 liability company, corporation or partnership registered to do
576 business in this state is eligible to obtain a delivery service
577 permit. Subject to the provisions of Section 67-1-51.1, this
578 permit authorizes the permittee, or its employee or an independent
579 contractor acting on its behalf, to deliver alcoholic beverages,
580 beer, light wine and light spirit product from a licensed retailer
581 to a person in this state who is at least twenty-one (21) years of
582 age for the individual's use and not for resale. This permit does
583 not authorize the delivery of alcoholic beverages, beer, light
584 wine or light spirit product to the premises of a location with a
585 permit for the manufacture, distribution or retail sale of
586 alcoholic beverages, beer, light wine or light spirit product.
587 The holder of a package retailer's permit or an on-premises
588 retailer's permit under Section 67-1-51 or of a beer, light wine
589 and light spirit product permit under Section 67-3-19 is
590 authorized to apply for a delivery service permit as a privilege
591 separate from its existing retail permit.

592 (v) **Food truck permit.** A food truck permit shall
593 authorize the holder of an on-premises retailer's permit to use a
594 food truck to sell alcoholic beverages off its premises to guests
595 who must consume the beverages in open containers. For the
596 purposes of this paragraph (v), "food truck" means a fully encased



597 food service establishment on a motor vehicle or on a trailer that
598 a motor vehicle pulls to transport, and from which a vendor,
599 standing within the frame of the establishment, prepares, cooks,
600 sells and serves food for immediate human consumption. The term
601 "food truck" does not include a food cart that is not motorized.
602 Food trucks shall maintain such distance requirements from
603 schools, churches, kindergartens and funeral homes as are required
604 for on-premises retailer's permittees under this article, and all
605 sales must be made within a valid leisure and recreation district
606 established under Section 67-1-101. Food trucks cannot sell or
607 serve alcoholic beverages unless also offering food prepared and
608 cooked within the food truck, and permittees must maintain a
609 twenty-five percent (25%) food sale revenue requirement based on
610 the food sold from the food truck alone. The hours allowed for
611 sale shall be the same as those for on-premises retailer's
612 permittees in the location. This permit will not be required for
613 the holder of a caterer's permit issued under this article to
614 cater an event as allowed by law. Permittees must provide notice
615 of not less than forty-eight (48) hours to the department of each
616 location at which alcoholic beverages will be sold.

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

620 (3) (a) Except as otherwise provided in this subsection, no
621 authority shall be granted to any person to manufacture, sell or



622 store for sale any intoxicating liquor as specified in this
623 article within four hundred (400) feet of any church, school as
624 defined in Section 37-13-91, kindergarten or funeral home.

625 However, within an area zoned commercial or business, such minimum
626 distance shall be not less than one hundred (100) feet.

627 (b) A church or funeral home may waive the distance
628 restrictions imposed in this subsection in favor of allowing
629 issuance by the department of a permit, pursuant to subsection (1)
630 of this section, to authorize activity relating to the
631 manufacturing, sale or storage of alcoholic beverages which would
632 otherwise be prohibited under the minimum distance criterion.
633 Such waiver shall be in written form from the owner, the governing
634 body, or the appropriate officer of the church or funeral home
635 having the authority to execute such a waiver, and the waiver
636 shall be filed with and verified by the department before becoming
637 effective.

638 (c) The distance restrictions imposed in this
639 subsection shall not apply to the sale or storage of alcoholic
640 beverages at a bed and breakfast inn listed in the National
641 Register of Historic Places or to the sale or storage of alcoholic
642 beverages in a historic district that is listed in the National
643 Register of Historic Places, is a qualified resort area and is
644 located in a municipality having a population greater than one
645 hundred thousand (100,000) according to the latest federal
646 decennial census.



647 (d) The distance restrictions imposed in this
648 subsection shall not apply to the sale or storage of alcoholic
649 beverages at a qualified resort area as defined in Section
650 67-1-5(o)(iii)32.

651 (e) The distance restrictions imposed in this
652 subsection shall not apply to the sale or storage of alcoholic
653 beverages at a licensed premises in a building formerly owned by a
654 municipality and formerly leased by the municipality to a
655 municipal school district and used by the municipal school
656 district as a district bus shop facility.

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

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

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



672 seating more than seven hundred fifty (750) people, (ii) is owned
673 by a municipality which has a population greater than ten thousand
674 (10,000) according to the latest federal decennial census, (iii)
675 was constructed prior to 1930, (iv) is on the National Register of
676 Historic Places, and (v) is located in a historic district.

677 (i) The distance restrictions imposed in this
678 subsection shall not apply to the sale or storage of alcoholic
679 beverages at a licensed premises in a building located
680 approximately one and six-tenths (1.6) miles north of the
681 intersection of Mississippi Highway 15 and Mississippi Highway 4
682 on the west side of Mississippi Highway 15.

683 (4) No person, either individually or as a member of a firm,
684 partnership, limited liability company or association, or as a
685 stockholder, officer or director in a corporation, shall own or
686 control any interest in more than one (1) package retailer's
687 permit, nor shall such person's spouse, if living in the same
688 household of such person, any relative of such person, if living
689 in the same household of such person, or any other person living
690 in the same household with such person own any interest in any
691 other package retailer's permit.

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



697 and the patron may remove an open glass, cup or other container of
698 the alcoholic beverage and/or wine from the licensed premises and
699 may possess and consume the alcoholic beverage or wine outside of
700 the licensed premises if: (i) the licensed premises is located
701 within a leisure and recreation district created under Section
702 67-1-101 and (ii) the patron remains within the boundaries of the
703 leisure and recreation district while in possession of the
704 alcoholic beverage or wine.

705 (b) Nothing in this subsection shall be construed to
706 allow a person to bring any alcoholic beverages into a permitted
707 premises except to the extent otherwise authorized by this
708 article.

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

