

By: Senator(s) Harkins

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2405

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
2 REVISE CERTAIN PROVISIONS REGARDING THE ISSUANCE OF ON-PREMISES
3 RETAILER'S PERMITS IN QUALIFIED RESORT AREAS BY THE ALCOHOLIC
4 BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; TO PROVIDE
5 THAT THE RESTRICTIONS ON THE MANUFACTURING, SALE OR STORAGE OF
6 INTOXICATING LIQUORS WITHIN CERTAIN DISTANCES OF CHURCHES, SCHOOLS
7 AND FUNERAL HOMES DO NOT INCLUDE COMMUNITY COLLEGES, JUNIOR
8 COLLEGES, COLLEGES OR UNIVERSITIES; TO AMEND SECTION 67-1-37,
9 MISSISSIPPI CODE OF 1972, TO DELETE THE PROHIBITION AGAINST THE
10 ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE
11 ISSUING AN ON-PREMISES RETAILER'S PERMIT FOR THE SALE OR
12 CONSUMPTION OF ALCOHOLIC BEVERAGES IN OR ON THE CAMPUS OF ANY
13 COMMUNITY OR JUNIOR COLLEGE, COLLEGE OR UNIVERSITY; AND FOR
14 RELATED PURPOSES.

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

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

18 67-1-51. (1) Permits which may be issued by the department
19 shall be as follows:

20 (a) **Manufacturer's permit.** A manufacturer's permit
21 shall permit the manufacture, importation in bulk, bottling and
22 storage of alcoholic liquor and its distribution and sale to
23 manufacturers holding permits under this article in this state and



24 to persons outside the state who are authorized by law to purchase
25 the same, and to sell as provided by this article.

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

27 Class 1. Distiller's and/or rectifier's permit, which shall
28 authorize the holder thereof to operate a distillery for the
29 production of distilled spirits by distillation or redistillation
30 and/or to operate a rectifying plant for the purifying, refining,
31 mixing, blending, flavoring or reducing in proof of distilled
32 spirits and alcohol.

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

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

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

42 (b) **Package retailer's permit.** Except as otherwise
43 provided in this paragraph and Section 67-1-52, a package
44 retailer's permit shall authorize the holder thereof to operate a
45 store exclusively for the sale at retail in original sealed and
46 unopened packages of alcoholic beverages, including native wines,
47 native spirits and edibles, not to be consumed on the premises
48 where sold. Alcoholic beverages shall not be sold by any retailer



49 in any package or container containing less than fifty (50)
50 milliliters by liquid measure. A package retailer's permit, with
51 prior approval from the department, shall authorize the holder
52 thereof to sample new product furnished by a manufacturer's
53 representative or his employees at the permitted place of business
54 so long as the sampling otherwise complies with this article and
55 applicable department regulations. Such samples may not be
56 provided to customers at the permitted place of business. In
57 addition to the sale at retail of packages of alcoholic beverages,
58 the holder of a package retailer's permit is authorized to sell at
59 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
60 other beverages commonly used to mix with alcoholic beverages, and
61 fruits and foods that have been submerged in alcohol and are
62 commonly referred to as edibles. Nonalcoholic beverages sold by
63 the holder of a package retailer's permit shall not be consumed on
64 the premises where sold.

65 (c) **On-premises retailer's permit.** Except as otherwise
66 provided in subsection (5) of this section, an on-premises
67 retailer's permit shall authorize the sale of alcoholic beverages,
68 including native wines and native spirits, for consumption on the
69 licensed premises only; however, a patron of the permit holder may
70 remove one (1) bottle of wine from the licensed premises if: (i)
71 the patron consumed a portion of the bottle of wine in the course
72 of consuming a meal purchased on the licensed premises; (ii) the
73 permit holder securely reseals the bottle; (iii) the bottle is



74 placed in a bag that is secured in a manner so that it will be
75 visibly apparent if the bag is opened; and (iv) a dated receipt
76 for the wine and the meal is available. Additionally, as part of
77 a carryout order, a permit holder may sell one (1) bottle of wine
78 to be removed from the licensed premises for every two (2) entrees
79 ordered. In addition, an on-premises retailer's permittee at a
80 permitted premises located on Jefferson Davis Avenue within
81 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
82 beverages by the glass to a patron in a vehicle using a
83 drive-through method of delivery if the permitted premises is
84 located in a leisure and recreation district established under
85 Section 67-1-101. Such a sale will be considered to be made on
86 the permitted premises. An on-premises retailer's permit shall be
87 issued only to qualified hotels, restaurants and clubs, small
88 craft breweries, microbreweries, and to common carriers with
89 adequate facilities for serving passengers. In resort areas,
90 however, whether inside or outside of a municipality, the
91 department, in its discretion, may issue on-premises retailer's
92 permits to * * * any establishments located therein as it deems
93 proper. An on-premises retailer's permit when issued to a common
94 carrier shall authorize the sale and serving of alcoholic
95 beverages aboard any licensed vehicle while moving through any
96 county of the state; however, the sale of such alcoholic beverages
97 shall not be permitted while such vehicle is stopped in a county
98 that has not legalized such sales. If an on-premises retailer's



99 permit is applied for by a common carrier operating solely in the
100 water, such common carrier must, along with all other
101 qualifications for a permit, (i) be certified to carry at least
102 one hundred fifty (150) passengers and/or provide overnight
103 accommodations for at least fifty (50) passengers and (ii) operate
104 primarily in the waters within the State of Mississippi which lie
105 adjacent to the State of Mississippi south of the three (3) most
106 southern counties in the State of Mississippi and/or on the
107 Mississippi River or navigable waters within any county bordering
108 on the Mississippi River.

109 (d) **Solicitor's permit.** A solicitor's permit shall
110 authorize the holder thereof to act as salesman for a manufacturer
111 or wholesaler holding a proper permit, to solicit on behalf of his
112 employer orders for alcoholic beverages, and to otherwise promote
113 his employer's products in a legitimate manner. Such a permit
114 shall authorize the representation of and employment by one (1)
115 principal only. However, the permittee may also, in the
116 discretion of the department, be issued additional permits to
117 represent other principals. No such permittee shall buy or sell
118 alcoholic beverages for his own account, and no such beverage
119 shall be brought into this state in pursuance of the exercise of
120 such permit otherwise than through a permit issued to a wholesaler
121 or manufacturer in the state.

122 (e) **Native wine retailer's permit.** Except as otherwise
123 provided in subsection (5) of this section, a native wine



124 retailer's permit shall be issued only to a holder of a Class 3
125 manufacturer's permit, and shall authorize the holder thereof to
126 make retail sales of native wines to consumers for on-premises
127 consumption or to consumers in originally sealed and unopened
128 containers at an establishment located on the premises of or in
129 the immediate vicinity of a native winery. When selling to
130 consumers for on-premises consumption, a holder of a native wine
131 retailer's permit may add to the native wine alcoholic beverages
132 not produced on the premises, so long as the total volume of
133 foreign beverage components does not exceed twenty percent (20%)
134 of the mixed beverage. Hours of sale shall be the same as those
135 authorized for on-premises permittees in the city or county in
136 which the native wine retailer is located.

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

142 Temporary retailer's permits shall be of the following
143 classes:

144 Class 1. A temporary one-day permit may be issued to bona
145 fide nonprofit civic or charitable organizations authorizing the
146 sale of alcoholic beverages, including native wine and native
147 spirit, for consumption on the premises described in the temporary
148 permit only. Class 1 permits may be issued only to applicants



149 demonstrating to the department, by a statement signed under
150 penalty of perjury submitted ten (10) days prior to the proposed
151 date or such other time as the department may determine, that they
152 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
153 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
154 Class 1 permittees shall obtain all alcoholic beverages from
155 package retailers located in the county in which the temporary
156 permit is issued. Alcoholic beverages remaining in stock upon
157 expiration of the temporary permit may be returned by the
158 permittee to the package retailer for a refund of the purchase
159 price upon consent of the package retailer or may be kept by the
160 permittee exclusively for personal use and consumption, subject to
161 all laws pertaining to the illegal sale and possession of
162 alcoholic beverages. The department, following review of the
163 statement provided by the applicant and the requirements of the
164 applicable statutes and regulations, may issue the permit.

165 Class 2. A temporary permit, not to exceed seventy (70)
166 days, may be issued to prospective permittees seeking to transfer
167 a permit authorized in paragraph (c) of this subsection. A Class
168 2 permit may be issued only to applicants demonstrating to the
169 department, by a statement signed under the penalty of perjury,
170 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
171 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
172 67-1-59. The department, following a preliminary review of the



173 statement provided by the applicant and the requirements of the
174 applicable statutes and regulations, may issue the permit.

175 Class 2 temporary permittees must purchase their alcoholic
176 beverages directly from the department or, with approval of the
177 department, purchase the remaining stock of the previous
178 permittee. If the proposed applicant of a Class 1 or Class 2
179 temporary permit falsifies information contained in the
180 application or statement, the applicant shall never again be
181 eligible for a retail alcohol beverage permit and shall be subject
182 to prosecution for perjury.

183 Class 3. A temporary one-day permit may be issued to a
184 retail establishment authorizing the complimentary distribution of
185 wine, including native wine, to patrons of the retail
186 establishment at an open house or promotional event, for
187 consumption only on the premises described in the temporary
188 permit. A Class 3 permit may be issued only to an applicant
189 demonstrating to the department, by a statement signed under
190 penalty of perjury submitted ten (10) days before the proposed
191 date or such other time as the department may determine, that it
192 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
193 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
194 A Class 3 permit holder shall obtain all alcoholic beverages from
195 the holder(s) of a package retailer's permit located in the county
196 in which the temporary permit is issued. Wine remaining in stock
197 upon expiration of the temporary permit may be returned by the



198 Class 3 temporary permit holder to the package retailer for a
199 refund of the purchase price, with consent of the package
200 retailer, or may be kept by the Class 3 temporary permit holder
201 exclusively for personal use and consumption, subject to all laws
202 pertaining to the illegal sale and possession of alcoholic
203 beverages. The department, following review of the statement
204 provided by the applicant and the requirements of the applicable
205 statutes and regulations, may issue the permit. No retailer may
206 receive more than twelve (12) Class 3 temporary permits in a
207 calendar year. A Class 3 temporary permit shall not be issued to
208 a retail establishment that either holds a merchant permit issued
209 under paragraph (1) of this subsection, or holds a permit issued
210 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
211 the holder to engage in the business of a retailer of light wine
212 or beer.

213 (g) **Caterer's permit.** A caterer's permit shall permit
214 the purchase of alcoholic beverages by a person engaging in
215 business as a caterer and the resale of alcoholic beverages by
216 such person in conjunction with such catering business. No person
217 shall qualify as a caterer unless forty percent (40%) or more of
218 the revenue derived from such catering business shall be from the
219 serving of prepared food and not from the sale of alcoholic
220 beverages and unless such person has obtained a permit for such
221 business from the Department of Health. A caterer's permit shall
222 not authorize the sale of alcoholic beverages on the premises of



223 the person engaging in business as a caterer; however, the holder
224 of an on-premises retailer's permit may hold a caterer's permit.
225 When the holder of an on-premises retailer's permit or an
226 affiliated entity of the holder also holds a caterer's permit, the
227 caterer's permit shall not authorize the service of alcoholic
228 beverages on a consistent, recurring basis at a separate, fixed
229 location owned or operated by the caterer, on-premises retailer or
230 affiliated entity and an on-premises retailer's permit shall be
231 required for the separate location. All sales of alcoholic
232 beverages by holders of a caterer's permit shall be made at the
233 location being catered by the caterer, and, except as otherwise
234 provided in subsection (5) of this section, such sales may be made
235 only for consumption at the catered location. The location being
236 catered may be anywhere within a county or judicial district that
237 has voted to come out from under the dry laws or in which the sale
238 and distribution of alcoholic beverages is otherwise authorized by
239 law. Such sales shall be made pursuant to any other conditions
240 and restrictions which apply to sales made by on-premises retail
241 permittees. The holder of a caterer's permit or his employees
242 shall remain at the catered location as long as alcoholic
243 beverages are being sold pursuant to the permit issued under this
244 paragraph (g), and the permittee shall have at the location the
245 identification card issued by the Alcoholic Beverage Control
246 Division of the department. No unsold alcoholic beverages may be
247 left at the catered location by the permittee upon the conclusion



248 of his business at that location. Appropriate law enforcement
249 officers and Alcoholic Beverage Control Division personnel may
250 enter a catered location on private property in order to enforce
251 laws governing the sale or serving of alcoholic beverages.

252 (h) **Research permit.** A research permit shall authorize
253 the holder thereof to operate a research facility for the
254 professional research of alcoholic beverages. Such permit shall
255 authorize the holder of the permit to import and purchase limited
256 amounts of alcoholic beverages from the department or from
257 importers, wineries and distillers of alcoholic beverages for
258 professional research.

259 (i) **Alcohol processing permit.** An alcohol processing
260 permit shall authorize the holder thereof to purchase, transport
261 and possess alcoholic beverages for the exclusive use in cooking,
262 processing or manufacturing products which contain alcoholic
263 beverages as an integral ingredient. An alcohol processing permit
264 shall not authorize the sale of alcoholic beverages on the
265 premises of the person engaging in the business of cooking,
266 processing or manufacturing products which contain alcoholic
267 beverages. The amounts of alcoholic beverages allowed under an
268 alcohol processing permit shall be set by the department.

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



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

274 (k) **Special service permit.** A special service permit
275 shall authorize the holder to sell commercially sealed alcoholic
276 beverages to the operator of a commercial or private aircraft for
277 en route consumption only by passengers. A special service permit
278 shall be issued only to a fixed-base operator who contracts with
279 an airport facility to provide fueling and other associated
280 services to commercial and private aircraft.

281 (l) **Merchant permit.** Except as otherwise provided in
282 subsection (5) of this section, a merchant permit shall be issued
283 only to the owner of a spa facility, an art studio or gallery, or
284 a cooking school, and shall authorize the holder to serve
285 complimentary by the glass wine only, including native wine, at
286 the holder's spa facility, art studio or gallery, or cooking
287 school. A merchant permit holder shall obtain all wine from the
288 holder of a package retailer's permit.

289 (m) **Temporary alcoholic beverages charitable auction**
290 **permit.** A temporary permit, not to exceed five (5) days, may be
291 issued to a qualifying charitable nonprofit organization that is
292 exempt from taxation under Section 501(c)(3) or (4) of the
293 Internal Revenue Code of 1986. The permit shall authorize the
294 holder to sell alcoholic beverages for the limited purpose of
295 raising funds for the organization during a live or silent auction
296 that is conducted by the organization and that meets the following



297 requirements: (i) the auction is conducted in an area of the
298 state where the sale of alcoholic beverages is authorized; (ii) if
299 the auction is conducted on the premises of an on-premises
300 retailer's permit holder, then the alcoholic beverages to be
301 auctioned must be stored separately from the alcoholic beverages
302 sold, stored or served on the premises, must be removed from the
303 premises immediately following the auction, and may not be
304 consumed on the premises; (iii) the permit holder may not conduct
305 more than two (2) auctions during a calendar year; (iv) the permit
306 holder may not pay a commission or promotional fee to any person
307 to arrange or conduct the auction.

308 (n) **Event venue retailer's permit.** An event venue
309 retailer's permit shall authorize the holder thereof to purchase
310 and resell alcoholic beverages, including native wines and native
311 spirits, for consumption on the premises during legal hours during
312 events held on the licensed premises if food is being served at
313 the event by a caterer who is not affiliated with or related to
314 the permittee. The caterer must serve at least three (3) entrees.
315 The permit may only be issued for venues that can accommodate two
316 hundred (200) persons or more. The number of persons a venue may
317 accommodate shall be determined by the local fire department and
318 such determination shall be provided in writing and submitted
319 along with all other documents required to be provided for an
320 on-premises retailer's permit. The permittee must derive the
321 majority of its revenue from event-related fees, including, but



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

328 (o) **Temporary theatre permit.** A temporary theatre
329 permit, not to exceed five (5) days, may be issued to a charitable
330 nonprofit organization that is exempt from taxation under Section
331 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
332 a theatre facility that features plays and other theatrical
333 performances and productions. Except as otherwise provided in
334 subsection (5) of this section, the permit shall authorize the
335 holder to sell alcoholic beverages, including native wines and
336 native spirits, to patrons of the theatre during performances and
337 productions at the theatre facility for consumption during such
338 performances and productions on the premises of the facility
339 described in the permit. A temporary theatre permit holder shall
340 obtain all alcoholic beverages from package retailers located in
341 the county in which the permit is issued. Alcoholic beverages
342 remaining in stock upon expiration of the temporary theatre permit
343 may be returned by the permittee to the package retailer for a
344 refund of the purchase price upon consent of the package retailer
345 or may be kept by the permittee exclusively for personal use and



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

348 (p) **Charter ship operator's permit.** Subject to the
349 provisions of this paragraph (p), a charter ship operator's permit
350 shall authorize the holder thereof and its employees to serve,
351 monitor, store and otherwise control the serving and availability
352 of alcoholic beverages to customers of the permit holder during
353 private charters under contract provided by the permit holder. A
354 charter ship operator's permit shall authorize such action by the
355 permit holder and its employees only as to alcoholic beverages
356 brought onto the permit holder's ship by customers of the permit
357 holder as part of such a private charter. All such alcoholic
358 beverages must be removed from the charter ship at the conclusion
359 of each private charter. A charter ship operator's permit shall
360 not authorize the permit holder to sell, charge for or otherwise
361 supply alcoholic beverages to customers, except as authorized in
362 this paragraph (p). For the purposes of this paragraph (p),
363 "charter ship operator" means a common carrier that (i) is
364 certified to carry at least one hundred fifty (150) passengers
365 and/or provide overnight accommodations for at least fifty (50)
366 passengers, (ii) operates only in the waters within the State of
367 Mississippi, which lie adjacent to the State of Mississippi south
368 of the three (3) most southern counties in the State of
369 Mississippi, and (iii) provides charters under contract for tours
370 and trips in such waters.



371 (q) **Distillery retailer's permit.** The holder of a
372 Class 1 manufacturer's permit may obtain a distillery retailer's
373 permit. A distillery retailer's permit shall authorize the holder
374 thereof to sell at retail alcoholic beverages to consumers for
375 on-premises consumption, or to consumers by the sealed and
376 unopened bottle from a retail location at the distillery for
377 off-premises consumption. The holder may only sell product
378 manufactured by the manufacturer at the distillery described in
379 the permit. However, when selling to consumers for on-premises
380 consumption, a holder of a distillery retailer's permit may add
381 other beverages, alcoholic or not, so long as the total volume of
382 other beverage components containing alcohol does not exceed
383 twenty percent (20%). Hours of sale shall be the same as those
384 authorized for on-premises permittees in the city or county in
385 which the distillery retailer is located.

386 The holder shall not sell at retail more than ten percent
387 (10%) of the alcoholic beverages produced annually at its
388 distillery. The holder shall not make retail sales of more than
389 two and twenty-five one-hundredths (2.25) liters, in the
390 aggregate, of the alcoholic beverages produced at its distillery
391 to any one (1) individual for consumption off the premises of the
392 distillery within a twenty-four-hour period. The hours of sale
393 shall be the same as those hours for package retailers under this
394 article. The holder of a distillery retailer's permit is not
395 required to purchase the alcoholic beverages authorized to be sold



396 by this paragraph from the department's liquor distribution
397 warehouse; however, if the holder does not purchase the alcoholic
398 beverages from the department's liquor distribution warehouse, the
399 holder shall pay to the department all taxes, fees and surcharges
400 on the alcoholic beverages that are imposed upon the sale of
401 alcoholic beverages shipped by the department or its warehouse
402 operator. In addition to alcoholic beverages, the holder of a
403 distillery retailer's permit may sell at retail promotional
404 products from the same retail location, including shirts, hats,
405 glasses, and other promotional products customarily sold by
406 alcoholic beverage manufacturers.

407 (r) **Festival Wine Permit.** Any wine manufacturer or
408 native wine producer permitted by Mississippi or any other state
409 is eligible to obtain a Festival Wine Permit. This permit
410 authorizes the entity to transport product manufactured by it to
411 festivals held within the State of Mississippi and sell sealed,
412 unopened bottles to festival participants. The holder of this
413 permit may provide samples at no charge to participants.
414 "Festival" means any event at which three (3) or more vendors are
415 present at a location for the sale or distribution of goods. The
416 holder of a Festival Wine Permit is not required to purchase the
417 alcoholic beverages authorized to be sold by this paragraph from
418 the department's liquor distribution warehouse. However, if the
419 holder does not purchase the alcoholic beverages from the
420 department's liquor distribution warehouse, the holder of this



421 permit shall pay to the department all taxes, fees and surcharges
422 on the alcoholic beverages sold at such festivals that are imposed
423 upon the sale of alcoholic beverages shipped by the Alcoholic
424 Beverage Control Division of the Department of Revenue.
425 Additionally, the entity shall file all applicable reports and
426 returns as prescribed by the department. This permit is issued
427 per festival and provides authority to sell for two (2)
428 consecutive days during the hours authorized for on-premises
429 permittees' sales in that county or city. The holder of the
430 permit shall be required to maintain all requirements set by Local
431 Option Law for the service and sale of alcoholic beverages. This
432 permit may be issued to entities participating in festivals at
433 which a Class 1 temporary permit is in effect.

434 This paragraph (r) shall stand repealed from and after July
435 1, 2026.

436 (s) **Charter vessel operator's permit.** Subject to the
437 provisions of this paragraph (s), a charter vessel operator's
438 permit shall authorize the holder thereof and its employees to
439 sell and serve alcoholic beverages to passengers of the permit
440 holder during public tours, historical tours, ecological tours and
441 sunset cruises provided by the permit holder. The permit shall
442 authorize the holder to only sell alcoholic beverages, including
443 native wines, to passengers of the charter vessel operator during
444 public tours, historical tours, ecological tours and sunset
445 cruises provided by the permit holder aboard the charter vessel



446 operator for consumption during such tours and cruises on the
447 premises of the charter vessel operator described in the permit.
448 For the purposes of this paragraph (s), "charter vessel operator"
449 means a common carrier that (i) is certified to carry at least
450 forty-nine (49) passengers, (ii) operates only in the waters
451 within the State of Mississippi, which lie south of Interstate 10
452 in the three (3) most southern counties in the State of
453 Mississippi, and lie adjacent to the State of Mississippi south of
454 the three (3) most southern counties in the State of Mississippi,
455 extending not further than one (1) mile south of such counties,
456 and (iii) provides vessel services for tours and cruises in such
457 waters as provided in this paragraph(s).

458 (t) **Native spirit retailer's permit.** Except as
459 otherwise provided in subsection (5) of this section, a native
460 spirit retailer's permit shall be issued only to a holder of a
461 Class 4 manufacturer's permit, and shall authorize the holder
462 thereof to make retail sales of native spirits to consumers for
463 on-premises consumption or to consumers in originally sealed and
464 unopened containers at an establishment located on the premises of
465 or in the immediate vicinity of a native distillery. When selling
466 to consumers for on-premises consumption, a holder of a native
467 spirit retailer's permit may add to the native spirit alcoholic
468 beverages not produced on the premises, so long as the total
469 volume of foreign beverage components does not exceed twenty
470 percent (20%) of the mixed beverage. Hours of sale shall be the



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

473 (u) **Delivery service permit.** Any individual, limited
474 liability company, corporation or partnership registered to do
475 business in this state is eligible to obtain a delivery service
476 permit. Subject to the provisions of Section 67-1-51.1, this
477 permit authorizes the permittee, or its employee or an independent
478 contractor acting on its behalf, to deliver alcoholic beverages,
479 beer, light wine and light spirit product from a licensed retailer
480 to a person in this state who is at least twenty-one (21) years of
481 age for the individual's use and not for resale. This permit does
482 not authorize the delivery of alcoholic beverages, beer, light
483 wine or light spirit product to the premises of a location with a
484 permit for the manufacture, distribution or retail sale of
485 alcoholic beverages, beer, light wine or light spirit product.
486 The holder of a package retailer's permit or an on-premises
487 retailer's permit under Section 67-1-51 or of a beer, light wine
488 and light spirit product permit under Section 67-3-19 is
489 authorized to apply for a delivery service permit as a privilege
490 separate from its existing retail permit.

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



496 food service establishment on a motor vehicle or on a trailer that
497 a motor vehicle pulls to transport, and from which a vendor,
498 standing within the frame of the establishment, prepares, cooks,
499 sells and serves food for immediate human consumption. The term
500 "food truck" does not include a food cart that is not motorized.
501 Food trucks shall maintain such distance requirements from
502 schools, churches, kindergartens and funeral homes as are required
503 for on-premises retailer's permittees under this article, and all
504 sales must be made within a valid leisure and recreation district
505 established under Section 67-1-101. Food trucks cannot sell or
506 serve alcoholic beverages unless also offering food prepared and
507 cooked within the food truck, and permittees must maintain a
508 twenty-five percent (25%) food sale revenue requirement based on
509 the food sold from the food truck alone. The hours allowed for
510 sale shall be the same as those for on-premises retailer's
511 permittees in the location. This permit will not be required for
512 the holder of a caterer's permit issued under this article to
513 cater an event as allowed by law. Permittees must provide notice
514 of not less than forty-eight (48) hours to the department of each
515 location at which alcoholic beverages will be sold.

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

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



521 store for sale any intoxicating liquor as specified in this
522 article within four hundred (400) feet of any church, school
523 (excluding any community college, junior college, college or
524 university), kindergarten or funeral home. However, within an
525 area zoned commercial or business, such minimum distance shall be
526 not less than one hundred (100) feet.

527 (b) A church or funeral home may waive the distance
528 restrictions imposed in this subsection in favor of allowing
529 issuance by the department of a permit, pursuant to subsection (1)
530 of this section, to authorize activity relating to the
531 manufacturing, sale or storage of alcoholic beverages which would
532 otherwise be prohibited under the minimum distance criterion.
533 Such waiver shall be in written form from the owner, the governing
534 body, or the appropriate officer of the church or funeral home
535 having the authority to execute such a waiver, and the waiver
536 shall be filed with and verified by the department before becoming
537 effective.

538 (c) The distance restrictions imposed in this
539 subsection shall not apply to the sale or storage of alcoholic
540 beverages at a bed and breakfast inn listed in the National
541 Register of Historic Places or to the sale or storage of alcoholic
542 beverages in a historic district that is listed in the National
543 Register of Historic Places, is a qualified resort area and is
544 located in a municipality having a population greater than one



545 hundred thousand (100,000) according to the latest federal
546 decennial census.

547 (d) The distance restrictions imposed in this
548 subsection shall not apply to the sale or storage of alcoholic
549 beverages at a qualified resort area as defined in Section
550 67-1-5(o)(iii)32.

551 (e) The distance restrictions imposed in this
552 subsection shall not apply to the sale or storage of alcoholic
553 beverages at a licensed premises in a building formerly owned by a
554 municipality and formerly leased by the municipality to a
555 municipal school district and used by the municipal school
556 district as a district bus shop facility.

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

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

568 (h) The distance restrictions imposed in this
569 subsection shall not apply to the sale or storage of alcoholic



570 beverages at a theatre facility that features plays and other
571 theatrical performances and productions and (i) is capable of
572 seating more than seven hundred fifty (750) people, (ii) is owned
573 by a municipality which has a population greater than ten thousand
574 (10,000) according to the latest federal decennial census, (iii)
575 was constructed prior to 1930, (iv) is on the National Register of
576 Historic Places, and (v) is located in a historic district.

577 (i) The distance restrictions imposed in this
578 subsection shall not apply to the sale or storage of alcoholic
579 beverages at a licensed premises in a building located
580 approximately one and six-tenths (1.6) miles north of the
581 intersection of Mississippi Highway 15 and Mississippi Highway 4
582 on the west side of Mississippi Highway 15.

583 (4) No person, either individually or as a member of a firm,
584 partnership, limited liability company or association, or as a
585 stockholder, officer or director in a corporation, shall own or
586 control any interest in more than one (1) package retailer's
587 permit, nor shall such person's spouse, if living in the same
588 household of such person, any relative of such person, if living
589 in the same household of such person, or any other person living
590 in the same household with such person own any interest in any
591 other package retailer's permit.

592 (5) (a) In addition to any other authority granted under
593 this section, the holder of a permit issued under subsection
594 (1) (c), (e), (f), (g), (l), (n) and/or (o) of this section may



595 sell or otherwise provide alcoholic beverages and/or wine to a
596 patron of the permit holder in the manner authorized in the permit
597 and the patron may remove an open glass, cup or other container of
598 the alcoholic beverage and/or wine from the licensed premises and
599 may possess and consume the alcoholic beverage or wine outside of
600 the licensed premises if: (i) the licensed premises is located
601 within a leisure and recreation district created under Section
602 67-1-101 and (ii) the patron remains within the boundaries of the
603 leisure and recreation district while in possession of the
604 alcoholic beverage or wine.

605 (b) Nothing in this subsection shall be construed to
606 allow a person to bring any alcoholic beverages into a permitted
607 premises except to the extent otherwise authorized by this
608 article.

609 **SECTION 2.** Section 67-1-37, Mississippi Code of 1972, is
610 amended as follows:

611 67-1-37. The Department of Revenue, under its duties and
612 powers with respect to the Alcoholic Beverage Control Division
613 therein, shall have the following powers, functions and duties:

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

618 (b) To revoke, suspend or cancel, for violation of or
619 noncompliance with the provisions of this article, or the law



620 governing the production and sale of native wines or native
621 spirits, or any lawful rules and regulations of the department
622 issued hereunder, or for other sufficient cause, any permit issued
623 by it under the provisions of this article. The department shall
624 also be authorized to suspend the permit of any permit holder for
625 being out of compliance with an order for support, as defined in
626 Section 93-11-153. The procedure for suspension of a permit for
627 being out of compliance with an order for support, and the
628 procedure for the reissuance or reinstatement of a permit
629 suspended for that purpose, and the payment of any fees for the
630 reissuance or reinstatement of a permit suspended for that
631 purpose, shall be governed by Section 93-11-157 or Section
632 93-11-163, as the case may be. If there is any conflict between
633 any provision of Section 93-11-157 or Section 93-11-163 and any
634 provision of this article, the provisions of Section 93-11-157 or
635 Section 93-11-163, as the case may be, shall control.

636 (c) To prescribe forms of permits and applications for
637 permits and of all reports which it deems necessary in
638 administering this article.

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



643 (e) To issue rules regulating the advertising of
644 alcoholic beverages in the state in any class of media and
645 permitting advertising of the retail price of alcoholic beverages.

646 (f) To issue reasonable rules and regulations, not
647 inconsistent with the federal laws or regulations, requiring
648 informative labeling of all alcoholic beverages offered for sale
649 within this state and providing for the standards of fill and
650 shapes of retail containers of alcoholic beverages; however, such
651 containers shall not contain less than fifty (50) milliliters by
652 liquid measure.

653 (g) Subject to the provisions of subsection (3) of
654 Section 67-1-51, to issue rules and regulations governing the
655 issuance of retail permits for premises located near or around
656 schools, colleges, universities, churches and other public
657 institutions, and specifying the distances therefrom within which
658 no such permit shall be issued. The Alcoholic Beverage Control
659 Division shall not issue a package retailer's or on-premises
660 retailer's permit for the sale or consumption of alcoholic
661 beverages in or on the campus of any public school * * *. The
662 Alcoholic Beverage Control Division shall not issue a package
663 retailer's permit for the sale of alcoholic beverages in or on the
664 campus of any community or junior college, college or university.

665 (h) To adopt and promulgate, repeal and amend, such
666 rules, regulations, standards, requirements and orders, not
667 inconsistent with this article or any law of this state or of the



668 United States, as it deems necessary to control the manufacture,
669 importation, transportation, distribution, delivery and sale of
670 alcoholic liquor, whether intended for beverage or nonbeverage use
671 in a manner not inconsistent with the provisions of this article
672 or any other statute, including the native wine and native spirit
673 laws.

674 (i) To call upon other administrative departments of
675 the state, county and municipal governments, county and city
676 police departments and upon prosecuting officers for such
677 information and assistance as it may deem necessary in the
678 performance of its duties.

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

685 (k) To inspect, or cause to be inspected, any premises
686 where alcoholic liquors intended for sale are manufactured,
687 stored, distributed or sold, and to examine or cause to be
688 examined all books and records pertaining to the business
689 conducted therein.

690 (l) To investigate the administration of laws in
691 relation to alcoholic liquors in this and other states and any
692 foreign countries, and to recommend from time to time to the



693 Governor and through him to the Legislature of this state such
694 amendments to this article, if any, as it may think desirable.

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

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

704 (o) To enforce the provisions made unlawful by Chapter
705 3, Title 67 and Section 97-5-49.

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

709 (q) To prescribe and charge a fee to defray the costs
710 of shipping alcoholic beverages, provided that such fee is
711 determined in a manner provided by the department by rules and/or
712 regulations adopted in accordance with the Mississippi
713 Administrative Procedures Law.

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

