

By: Senator(s) Harkins

To: Finance

SENATE BILL NO. 2405  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, AS  
2 AMENDED BY HOUSE BILL NO. 1525, 2024 REGULAR SESSION, AND SENATE  
3 BILL NO. 2567, 2024 REGULAR SESSION, TO PROVIDE THAT IN THE CASE  
4 OF A PERSON HOLDING A PACKAGE RETAILER'S PERMIT ISSUED BEFORE JULY  
5 1, 2024, SUCH A PERSON MAY OWN ONE ADDITIONAL PACKAGE RETAILER'S  
6 PERMIT IF THE ADDITIONAL PERMIT IS ISSUED FOR A PREMISES WITH A  
7 MINIMUM CAPITAL INVESTMENT OF \$20,000,000.00 THAT IS PART OF A  
8 MAJOR RETAIL DEVELOPMENT PROJECT AND LOCATED IN ONE OF THE THREE  
9 MOST SOUTHERN COUNTIES IN THE STATE OF MISSISSIPPI, AND NOT WITHIN  
10 ONE HUNDRED MILES OF ANOTHER LOCATION IN THE STATE OF MISSISSIPPI,  
11 FOR WHICH THE PERMITTEE HOLDS SUCH A PERMIT; AND FOR RELATED  
12 PURPOSES.

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

14 **SECTION 1.** Section 67-1-51, Mississippi Code of 1972, as  
15 amended by House Bill No. 1525, 2024 Regular Session, and Senate  
16 Bill No. 2567, 2024 Regular Session, is amended as follows:

17 67-1-51. (1) Permits which may be issued by the department  
18 shall be as follows:

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



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

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

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

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

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

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

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



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

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



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



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

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

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



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

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

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

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



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

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



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

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

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





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

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



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



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

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

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

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



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

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

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

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



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

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



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

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



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

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



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

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





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

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

413 "Festival" means any event at which three (3) or more vendors are  
414 present at a location for the sale or distribution of goods. The  
415 holder of a Festival Wine Permit is not required to purchase the  
416 alcoholic beverages authorized to be sold by this paragraph from  
417 the department's liquor distribution warehouse. However, if the  
418 holder does not purchase the alcoholic beverages from the  
419 department's liquor distribution warehouse, the holder of this



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

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

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



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

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



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

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

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



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

515           (w) **On-premises tobacco permit.** An on-premises tobacco  
516 permit shall authorize the permittee to sell alcoholic beverages  
517 for consumption on the licensed premises. In addition to all  
518 other requirements to obtain an alcoholic beverage permit, the  
519 permittee must obtain and maintain a tobacco permit issued by the



520 State of Mississippi, and have a capital investment of not less  
521 than Five Hundred Thousand Dollars (\$500,000.00) in the premises  
522 for which the permit is issued. In addition to alcoholic  
523 beverages, the permittee is authorized to sell only cigars,  
524 cheroots, tobacco pipes, pipe tobacco, and/or stogies.  
525 Additionally, seventy-five percent (75%) of the permittee's annual  
526 gross revenue must be derived from the sale of cigars, cheroots,  
527 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall  
528 be required, but food may be sold on the premises. The issuance  
529 of this permit does not remove any obligation a permittee may have  
530 to follow local ordinances or actions prohibiting the use of  
531 tobacco products.

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

535 (3) (a) Except as otherwise provided in this subsection, no  
536 authority shall be granted to any person to manufacture, sell or  
537 store for sale any intoxicating liquor as specified in this  
538 article within four hundred (400) feet of any church, school  
539 (excluding any community college, junior college, college or  
540 university), kindergarten or funeral home. However, within an  
541 area zoned commercial or business, such minimum distance shall be  
542 not less than one hundred (100) feet.

543 (b) A church or funeral home may waive the distance  
544 restrictions imposed in this subsection in favor of allowing



545 issuance by the department of a permit, pursuant to subsection (1)  
546 of this section, to authorize activity relating to the  
547 manufacturing, sale or storage of alcoholic beverages which would  
548 otherwise be prohibited under the minimum distance criterion.  
549 Such waiver shall be in written form from the owner, the governing  
550 body, or the appropriate officer of the church or funeral home  
551 having the authority to execute such a waiver, and the waiver  
552 shall be filed with and verified by the department before becoming  
553 effective.

554 (c) The distance restrictions imposed in this  
555 subsection shall not apply to the sale or storage of alcoholic  
556 beverages at a bed and breakfast inn listed in the National  
557 Register of Historic Places or to the sale or storage of alcoholic  
558 beverages in a historic district that is listed in the National  
559 Register of Historic Places, is a qualified resort area and is  
560 located in a municipality having a population greater than one  
561 hundred thousand (100,000) according to the latest federal  
562 decennial census.

563 (d) The distance restrictions imposed in this  
564 subsection shall not apply to the sale or storage of alcoholic  
565 beverages at a qualified resort area as defined in Section  
566 67-1-5(o)(iii)32.

567 (e) The distance restrictions imposed in this  
568 subsection shall not apply to the sale or storage of alcoholic  
569 beverages at a licensed premises in a building formerly owned by a



570 municipality and formerly leased by the municipality to a  
571 municipal school district and used by the municipal school  
572 district as a district bus shop facility.

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

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

584 (h) The distance restrictions imposed in this  
585 subsection shall not apply to the sale or storage of alcoholic  
586 beverages at a theatre facility that features plays and other  
587 theatrical performances and productions and (i) is capable of  
588 seating more than seven hundred fifty (750) people, (ii) is owned  
589 by a municipality which has a population greater than ten thousand  
590 (10,000) according to the latest federal decennial census, (iii)  
591 was constructed prior to 1930, (iv) is on the National Register of  
592 Historic Places, and (v) is located in a historic district.

593 (i) The distance restrictions imposed in this  
594 subsection shall not apply to the sale or storage of alcoholic





595 beverages at a licensed premises in a building located  
596 approximately one and six-tenths (1.6) miles north of the  
597 intersection of Mississippi Highway 15 and Mississippi Highway 4  
598 on the west side of Mississippi Highway 15.

599 (4) No person, either individually or as a member of a firm,  
600 partnership, limited liability company or association, or as a  
601 stockholder, officer or director in a corporation, shall own or  
602 control any interest in more than one (1) package retailer's  
603 permit, nor shall such person's spouse, if living in the same  
604 household of such person, any relative of such person, if living  
605 in the same household of such person, or any other person living  
606 in the same household with such person own any interest in any  
607 other package retailer's permit; however, in the case of a person  
608 holding a package retailer's permit issued before July 1, 2024,  
609 such a person may own one (1) additional package retailer's permit  
610 if the additional permit is issued for a premises with a minimum  
611 capital investment of Twenty Million Dollars (\$20,000,000.00) that  
612 is part of a major retail development project and located in one  
613 (1) of the three (3) most southern counties in the State of  
614 Mississippi, and not within one hundred (100) miles of another  
615 location in the State of Mississippi, for which the permittee  
616 holds such a permit.

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



620 sell or otherwise provide alcoholic beverages and/or wine to a  
621 patron of the permit holder in the manner authorized in the permit  
622 and the patron may remove an open glass, cup or other container of  
623 the alcoholic beverage and/or wine from the licensed premises and  
624 may possess and consume the alcoholic beverage or wine outside of  
625 the licensed premises if: (i) the licensed premises is located  
626 within a leisure and recreation district created under Section  
627 67-1-101 and (ii) the patron remains within the boundaries of the  
628 leisure and recreation district while in possession of the  
629 alcoholic beverage or wine.

630 (b) Nothing in this subsection shall be construed to  
631 allow a person to bring any alcoholic beverages into a permitted  
632 premises except to the extent otherwise authorized by this  
633 article.

634 **SECTION 2.** This act shall take effect and be in force from  
635 and after July 1, 2024.

