

By: Senator(s) McMahan

To: Finance

SENATE BILL NO. 2567

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE THE DEPARTMENT OF REVENUE TO ISSUE AN ON-PREMISES
 3 TOBACCO PERMIT TO ALLOW PERMITTEES TO SELL ALCOHOLIC BEVERAGES ON
 4 LICENSED PREMISES WHERE CIGARS, CHEROOTS, TOBACCO PIPES, PIPE
 5 TOBACCO, AND/OR STOGIES, BUT NOT CIGARETTES, ARE SOLD; TO AMEND
 6 SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO IMPOSE AN ANNUAL
 7 PRIVILEGE LICENSE TAX OF \$450.00 FOR THE PERMIT; AND FOR RELATED
 8 PURPOSES.

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

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

12 67-1-51. (1) Permits which may be issued by the department
 13 shall be as follows:

14 (a) **Manufacturer's permit.** A manufacturer's permit
 15 shall permit the manufacture, importation in bulk, bottling and
 16 storage of alcoholic liquor and its distribution and sale to
 17 manufacturers holding permits under this article in this state and
 18 to persons outside the state who are authorized by law to purchase
 19 the same, and to sell as provided by this article.

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



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

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

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

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

36 (b) **Package retailer's permit.** Except as otherwise
37 provided in this paragraph and Section 67-1-52, a package
38 retailer's permit shall authorize the holder thereof to operate a
39 store exclusively for the sale at retail in original sealed and
40 unopened packages of alcoholic beverages, including native wines,
41 native spirits and edibles, not to be consumed on the premises
42 where sold. Alcoholic beverages shall not be sold by any retailer
43 in any package or container containing less than fifty (50)
44 milliliters by liquid measure. A package retailer's permit, with
45 prior approval from the department, shall authorize the holder



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

59 (c) **On-premises retailer's permit.** Except as otherwise
60 provided in subsection (5) of this section, an on-premises
61 retailer's permit shall authorize the sale of alcoholic beverages,
62 including native wines and native spirits, for consumption on the
63 licensed premises only; however, a patron of the permit holder may
64 remove one (1) bottle of wine from the licensed premises if: (i)
65 the patron consumed a portion of the bottle of wine in the course
66 of consuming a meal purchased on the licensed premises; (ii) the
67 permit holder securely reseals the bottle; (iii) the bottle is
68 placed in a bag that is secured in a manner so that it will be
69 visibly apparent if the bag is opened; and (iv) a dated receipt
70 for the wine and the meal is available. Additionally, as part of



71 a carryout order, a permit holder may sell one (1) bottle of wine
72 to be removed from the licensed premises for every two (2) entrees
73 ordered. In addition, an on-premises retailer's permittee at a
74 permitted premises located on Jefferson Davis Avenue within
75 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
76 beverages by the glass to a patron in a vehicle using a
77 drive-through method of delivery if the permitted premises is
78 located in a leisure and recreation district established under
79 Section 67-1-101. Such a sale will be considered to be made on
80 the permitted premises. An on-premises retailer's permit shall be
81 issued only to qualified hotels, restaurants and clubs, small
82 craft breweries, microbreweries, and to common carriers with
83 adequate facilities for serving passengers. In resort areas,
84 whether inside or outside of a municipality, the department, in
85 its discretion, may issue on-premises retailer's permits to such
86 establishments as it deems proper. An on-premises retailer's
87 permit when issued to a common carrier shall authorize the sale
88 and serving of alcoholic beverages aboard any licensed vehicle
89 while moving through any county of the state; however, the sale of
90 such alcoholic beverages shall not be permitted while such vehicle
91 is stopped in a county that has not legalized such sales. If an
92 on-premises retailer's permit is applied for by a common carrier
93 operating solely in the water, such common carrier must, along
94 with all other qualifications for a permit, (i) be certified to
95 carry at least one hundred fifty (150) passengers and/or provide



96 overnight accommodations for at least fifty (50) passengers and
97 (ii) operate primarily in the waters within the State of
98 Mississippi which lie adjacent to the State of Mississippi south
99 of the three (3) most southern counties in the State of
100 Mississippi and/or on the Mississippi River or navigable waters
101 within any county bordering on the Mississippi River.

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

115 (e) **Native wine retailer's permit.** Except as otherwise
116 provided in subsection (5) of this section, a native wine
117 retailer's permit shall be issued only to a holder of a Class 3
118 manufacturer's permit, and shall authorize the holder thereof to
119 make retail sales of native wines to consumers for on-premises
120 consumption or to consumers in originally sealed and unopened



121 containers at an establishment located on the premises of or in
122 the immediate vicinity of a native winery. When selling to
123 consumers for on-premises consumption, a holder of a native wine
124 retailer's permit may add to the native wine alcoholic beverages
125 not produced on the premises, so long as the total volume of
126 foreign beverage components does not exceed twenty percent (20%)
127 of the mixed beverage. Hours of sale shall be the same as those
128 authorized for on-premises permittees in the city or county in
129 which the native wine retailer is located.

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

135 Temporary retailer's permits shall be of the following
136 classes:

137 Class 1. A temporary one-day permit may be issued to bona
138 fide nonprofit civic or charitable organizations authorizing the
139 sale of alcoholic beverages, including native wine and native
140 spirit, for consumption on the premises described in the temporary
141 permit only. Class 1 permits may be issued only to applicants
142 demonstrating to the department, by a statement signed under
143 penalty of perjury submitted ten (10) days prior to the proposed
144 date or such other time as the department may determine, that they
145 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)



146 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
147 Class 1 permittees shall obtain all alcoholic beverages from
148 package retailers located in the county in which the temporary
149 permit is issued. Alcoholic beverages remaining in stock upon
150 expiration of the temporary permit may be returned by the
151 permittee to the package retailer for a refund of the purchase
152 price upon consent of the package retailer or may be kept by the
153 permittee exclusively for personal use and consumption, subject to
154 all laws pertaining to the illegal sale and possession of
155 alcoholic beverages. The department, following review of the
156 statement provided by the applicant and the requirements of the
157 applicable statutes and regulations, may issue the permit.

158 Class 2. A temporary permit, not to exceed seventy (70)
159 days, may be issued to prospective permittees seeking to transfer
160 a permit authorized in paragraph (c) of this subsection. A Class
161 2 permit may be issued only to applicants demonstrating to the
162 department, by a statement signed under the penalty of perjury,
163 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
164 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
165 67-1-59. The department, following a preliminary review of the
166 statement provided by the applicant and the requirements of the
167 applicable statutes and regulations, may issue the permit.

168 Class 2 temporary permittees must purchase their alcoholic
169 beverages directly from the department or, with approval of the
170 department, purchase the remaining stock of the previous



171 permittee. If the proposed applicant of a Class 1 or Class 2
172 temporary permit falsifies information contained in the
173 application or statement, the applicant shall never again be
174 eligible for a retail alcohol beverage permit and shall be subject
175 to prosecution for perjury.

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



196 beverages. The department, following review of the statement
197 provided by the applicant and the requirements of the applicable
198 statutes and regulations, may issue the permit. No retailer may
199 receive more than twelve (12) Class 3 temporary permits in a
200 calendar year. A Class 3 temporary permit shall not be issued to
201 a retail establishment that either holds a merchant permit issued
202 under paragraph (1) of this subsection, or holds a permit issued
203 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
204 the holder to engage in the business of a retailer of light wine
205 or beer.

206 (g) **Caterer's permit.** A caterer's permit shall permit
207 the purchase of alcoholic beverages by a person engaging in
208 business as a caterer and the resale of alcoholic beverages by
209 such person in conjunction with such catering business. No person
210 shall qualify as a caterer unless forty percent (40%) or more of
211 the revenue derived from such catering business shall be from the
212 serving of prepared food and not from the sale of alcoholic
213 beverages and unless such person has obtained a permit for such
214 business from the Department of Health. A caterer's permit shall
215 not authorize the sale of alcoholic beverages on the premises of
216 the person engaging in business as a caterer; however, the holder
217 of an on-premises retailer's permit may hold a caterer's permit.
218 When the holder of an on-premises retailer's permit or an
219 affiliated entity of the holder also holds a caterer's permit, the
220 caterer's permit shall not authorize the service of alcoholic



221 beverages on a consistent, recurring basis at a separate, fixed
222 location owned or operated by the caterer, on-premises retailer or
223 affiliated entity and an on-premises retailer's permit shall be
224 required for the separate location. All sales of alcoholic
225 beverages by holders of a caterer's permit shall be made at the
226 location being catered by the caterer, and, except as otherwise
227 provided in subsection (5) of this section, such sales may be made
228 only for consumption at the catered location. The location being
229 catered may be anywhere within a county or judicial district that
230 has voted to come out from under the dry laws or in which the sale
231 and distribution of alcoholic beverages is otherwise authorized by
232 law. Such sales shall be made pursuant to any other conditions
233 and restrictions which apply to sales made by on-premises retail
234 permittees. The holder of a caterer's permit or his employees
235 shall remain at the catered location as long as alcoholic
236 beverages are being sold pursuant to the permit issued under this
237 paragraph (g), and the permittee shall have at the location the
238 identification card issued by the Alcoholic Beverage Control
239 Division of the department. No unsold alcoholic beverages may be
240 left at the catered location by the permittee upon the conclusion
241 of his business at that location. Appropriate law enforcement
242 officers and Alcoholic Beverage Control Division personnel may
243 enter a catered location on private property in order to enforce
244 laws governing the sale or serving of alcoholic beverages.



245 (h) **Research permit.** A research permit shall authorize
246 the holder thereof to operate a research facility for the
247 professional research of alcoholic beverages. Such permit shall
248 authorize the holder of the permit to import and purchase limited
249 amounts of alcoholic beverages from the department or from
250 importers, wineries and distillers of alcoholic beverages for
251 professional research.

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

262 (j) **Hospitality cart permit.** A hospitality cart permit
263 shall authorize the sale of alcoholic beverages from a mobile cart
264 on a golf course that is the holder of an on-premises retailer's
265 permit. The alcoholic beverages sold from the cart must be
266 consumed within the boundaries of the golf course.

267 (k) **Special service permit.** A special service permit
268 shall authorize the holder to sell commercially sealed alcoholic
269 beverages to the operator of a commercial or private aircraft for



270 en route consumption only by passengers. A special service permit
271 shall be issued only to a fixed-base operator who contracts with
272 an airport facility to provide fueling and other associated
273 services to commercial and private aircraft.

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

282 (m) **Temporary alcoholic beverages charitable auction**
283 **permit.** A temporary permit, not to exceed five (5) days, may be
284 issued to a qualifying charitable nonprofit organization that is
285 exempt from taxation under Section 501(c)(3) or (4) of the
286 Internal Revenue Code of 1986. The permit shall authorize the
287 holder to sell alcoholic beverages for the limited purpose of
288 raising funds for the organization during a live or silent auction
289 that is conducted by the organization and that meets the following
290 requirements: (i) the auction is conducted in an area of the
291 state where the sale of alcoholic beverages is authorized; (ii) if
292 the auction is conducted on the premises of an on-premises
293 retailer's permit holder, then the alcoholic beverages to be
294 auctioned must be stored separately from the alcoholic beverages



295 sold, stored or served on the premises, must be removed from the
296 premises immediately following the auction, and may not be
297 consumed on the premises; (iii) the permit holder may not conduct
298 more than two (2) auctions during a calendar year; (iv) the permit
299 holder may not pay a commission or promotional fee to any person
300 to arrange or conduct the auction.

301 (n) **Event venue retailer's permit.** An event venue
302 retailer's permit shall authorize the holder thereof to purchase
303 and resell alcoholic beverages, including native wines and native
304 spirits, for consumption on the premises during legal hours during
305 events held on the licensed premises if food is being served at
306 the event by a caterer who is not affiliated with or related to
307 the permittee. The caterer must serve at least three (3) entrees.
308 The permit may only be issued for venues that can accommodate two
309 hundred (200) persons or more. The number of persons a venue may
310 accommodate shall be determined by the local fire department and
311 such determination shall be provided in writing and submitted
312 along with all other documents required to be provided for an
313 on-premises retailer's permit. The permittee must derive the
314 majority of its revenue from event-related fees, including, but
315 not limited to, admission fees or ticket sales for live
316 entertainment in the building. "Event-related fees" do not
317 include alcohol, beer or light wine sales or any fee which may be
318 construed to cover the cost of alcohol, beer or light wine. This



319 determination shall be made on a per event basis. An event may
320 not last longer than two (2) consecutive days per week.

321 (o) **Temporary theatre permit.** A temporary theatre
322 permit, not to exceed five (5) days, may be issued to a charitable
323 nonprofit organization that is exempt from taxation under Section
324 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
325 a theatre facility that features plays and other theatrical
326 performances and productions. Except as otherwise provided in
327 subsection (5) of this section, the permit shall authorize the
328 holder to sell alcoholic beverages, including native wines and
329 native spirits, to patrons of the theatre during performances and
330 productions at the theatre facility for consumption during such
331 performances and productions on the premises of the facility
332 described in the permit. A temporary theatre permit holder shall
333 obtain all alcoholic beverages from package retailers located in
334 the county in which the permit is issued. Alcoholic beverages
335 remaining in stock upon expiration of the temporary theatre permit
336 may be returned by the permittee to the package retailer for a
337 refund of the purchase price upon consent of the package retailer
338 or may be kept by the permittee exclusively for personal use and
339 consumption, subject to all laws pertaining to the illegal sale
340 and possession of alcoholic beverages.

341 (p) **Charter ship operator's permit.** Subject to the
342 provisions of this paragraph (p), a charter ship operator's permit
343 shall authorize the holder thereof and its employees to serve,



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

364 (q) **Distillery retailer's permit.** The holder of a
365 Class 1 manufacturer's permit may obtain a distillery retailer's
366 permit. A distillery retailer's permit shall authorize the holder
367 thereof to sell at retail alcoholic beverages to consumers for
368 on-premises consumption, or to consumers by the sealed and



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

379 The holder shall not sell at retail more than ten percent
380 (10%) of the alcoholic beverages produced annually at its
381 distillery. The holder shall not make retail sales of more than
382 two and twenty-five one-hundredths (2.25) liters, in the
383 aggregate, of the alcoholic beverages produced at its distillery
384 to any one (1) individual for consumption off the premises of the
385 distillery within a twenty-four-hour period. The hours of sale
386 shall be the same as those hours for package retailers under this
387 article. The holder of a distillery retailer's permit is not
388 required to purchase the alcoholic beverages authorized to be sold
389 by this paragraph from the department's liquor distribution
390 warehouse; however, if the holder does not purchase the alcoholic
391 beverages from the department's liquor distribution warehouse, the
392 holder shall pay to the department all taxes, fees and surcharges
393 on the alcoholic beverages that are imposed upon the sale of



394 alcoholic beverages shipped by the department or its warehouse
395 operator. In addition to alcoholic beverages, the holder of a
396 distillery retailer's permit may sell at retail promotional
397 products from the same retail location, including shirts, hats,
398 glasses, and other promotional products customarily sold by
399 alcoholic beverage manufacturers.

400 (r) **Festival Wine Permit.** Any wine manufacturer or
401 native wine producer permitted by Mississippi or any other state
402 is eligible to obtain a Festival Wine Permit. This permit
403 authorizes the entity to transport product manufactured by it to
404 festivals held within the State of Mississippi and sell sealed,
405 unopened bottles to festival participants. The holder of this
406 permit may provide samples at no charge to participants.
407 "Festival" means any event at which three (3) or more vendors are
408 present at a location for the sale or distribution of goods. The
409 holder of a Festival Wine Permit is not required to purchase the
410 alcoholic beverages authorized to be sold by this paragraph from
411 the department's liquor distribution warehouse. However, if the
412 holder does not purchase the alcoholic beverages from the
413 department's liquor distribution warehouse, the holder of this
414 permit shall pay to the department all taxes, fees and surcharges
415 on the alcoholic beverages sold at such festivals that are imposed
416 upon the sale of alcoholic beverages shipped by the Alcoholic
417 Beverage Control Division of the Department of Revenue.
418 Additionally, the entity shall file all applicable reports and



419 returns as prescribed by the department. This permit is issued
420 per festival and provides authority to sell for two (2)
421 consecutive days during the hours authorized for on-premises
422 permittees' sales in that county or city. The holder of the
423 permit shall be required to maintain all requirements set by Local
424 Option Law for the service and sale of alcoholic beverages. This
425 permit may be issued to entities participating in festivals at
426 which a Class 1 temporary permit is in effect.

427 This paragraph (r) shall stand repealed from and after July
428 1, 2026.

429 (s) **Charter vessel operator's permit.** Subject to the
430 provisions of this paragraph (s), a charter vessel operator's
431 permit shall authorize the holder thereof and its employees to
432 sell and serve alcoholic beverages to passengers of the permit
433 holder during public tours, historical tours, ecological tours and
434 sunset cruises provided by the permit holder. The permit shall
435 authorize the holder to only sell alcoholic beverages, including
436 native wines, to passengers of the charter vessel operator during
437 public tours, historical tours, ecological tours and sunset
438 cruises provided by the permit holder aboard the charter vessel
439 operator for consumption during such tours and cruises on the
440 premises of the charter vessel operator described in the permit.
441 For the purposes of this paragraph (s), "charter vessel operator"
442 means a common carrier that (i) is certified to carry at least
443 forty-nine (49) passengers, (ii) operates only in the waters



444 within the State of Mississippi, which lie south of Interstate 10
445 in the three (3) most southern counties in the State of
446 Mississippi, and lie adjacent to the State of Mississippi south of
447 the three (3) most southern counties in the State of Mississippi,
448 extending not further than one (1) mile south of such counties,
449 and (iii) provides vessel services for tours and cruises in such
450 waters as provided in this paragraph(s).

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

466 (u) **Delivery service permit.** Any individual, limited
467 liability company, corporation or partnership registered to do
468 business in this state is eligible to obtain a delivery service



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

484 (v) **Food truck permit.** A food truck permit shall
485 authorize the holder of an on-premises retailer's permit to use a
486 food truck to sell alcoholic beverages off its premises to guests
487 who must consume the beverages in open containers. For the
488 purposes of this paragraph (v), "food truck" means a fully encased
489 food service establishment on a motor vehicle or on a trailer that
490 a motor vehicle pulls to transport, and from which a vendor,
491 standing within the frame of the establishment, prepares, cooks,
492 sells and serves food for immediate human consumption. The term
493 "food truck" does not include a food cart that is not motorized.



494 Food trucks shall maintain such distance requirements from
495 schools, churches, kindergartens and funeral homes as are required
496 for on-premises retailer's permittees under this article, and all
497 sales must be made within a valid leisure and recreation district
498 established under Section 67-1-101. Food trucks cannot sell or
499 serve alcoholic beverages unless also offering food prepared and
500 cooked within the food truck, and permittees must maintain a
501 twenty-five percent (25%) food sale revenue requirement based on
502 the food sold from the food truck alone. The hours allowed for
503 sale shall be the same as those for on-premises retailer's
504 permittees in the location. This permit will not be required for
505 the holder of a caterer's permit issued under this article to
506 cater an event as allowed by law. Permittees must provide notice
507 of not less than forty-eight (48) hours to the department of each
508 location at which alcoholic beverages will be sold.

509 (w) **On-premises tobacco permit.** An on-premises tobacco
510 permit shall authorize the permittee to sell alcoholic beverages
511 for consumption on the licensed premises. In addition to all
512 other requirements to obtain an alcoholic beverage permit, the
513 permittee must obtain and maintain a tobacco permit issued by the
514 State of Mississippi. In addition to alcoholic beverages, the
515 permittee is authorized to sell cigars, cheroots, tobacco pipes,
516 pipe tobacco, and/or stogies. The permittee is prohibited from
517 selling cigarettes. Additionally, seventy-five percent (75%) of
518 the permittee's annual gross revenue must be derived from the sale



519 of cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies.
520 No food sales shall be required, but food may be sold on the
521 premises. The issuance of this permit does not remove any
522 obligation a permittee may have to follow local ordinances or
523 actions prohibiting the use of tobacco products.

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

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

534 (b) A church or funeral home may waive the distance
535 restrictions imposed in this subsection in favor of allowing
536 issuance by the department of a permit, pursuant to subsection (1)
537 of this section, to authorize activity relating to the
538 manufacturing, sale or storage of alcoholic beverages which would
539 otherwise be prohibited under the minimum distance criterion.
540 Such waiver shall be in written form from the owner, the governing
541 body, or the appropriate officer of the church or funeral home
542 having the authority to execute such a waiver, and the waiver



543 shall be filed with and verified by the department before becoming
544 effective.

545 (c) The distance restrictions imposed in this
546 subsection shall not apply to the sale or storage of alcoholic
547 beverages at a bed and breakfast inn listed in the National
548 Register of Historic Places or to the sale or storage of alcoholic
549 beverages in a historic district that is listed in the National
550 Register of Historic Places, is a qualified resort area and is
551 located in a municipality having a population greater than one
552 hundred thousand (100,000) according to the latest federal
553 decennial census.

554 (d) The distance restrictions imposed in this
555 subsection shall not apply to the sale or storage of alcoholic
556 beverages at a qualified resort area as defined in Section
557 67-1-5(o)(iii)32.

558 (e) The distance restrictions imposed in this
559 subsection shall not apply to the sale or storage of alcoholic
560 beverages at a licensed premises in a building formerly owned by a
561 municipality and formerly leased by the municipality to a
562 municipal school district and used by the municipal school
563 district as a district bus shop facility.

564 (f) The distance restrictions imposed in this
565 subsection shall not apply to the sale or storage of alcoholic
566 beverages at a licensed premises in a building consisting of at
567 least five thousand (5,000) square feet and located approximately



568 six hundred (600) feet from the intersection of Mississippi
569 Highway 15 and Mississippi Highway 4.

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

575 (h) The distance restrictions imposed in this
576 subsection shall not apply to the sale or storage of alcoholic
577 beverages at a theatre facility that features plays and other
578 theatrical performances and productions and (i) is capable of
579 seating more than seven hundred fifty (750) people, (ii) is owned
580 by a municipality which has a population greater than ten thousand
581 (10,000) according to the latest federal decennial census, (iii)
582 was constructed prior to 1930, (iv) is on the National Register of
583 Historic Places, and (v) is located in a historic district.

584 (i) The distance restrictions imposed in this
585 subsection shall not apply to the sale or storage of alcoholic
586 beverages at a licensed premises in a building located
587 approximately one and six-tenths (1.6) miles north of the
588 intersection of Mississippi Highway 15 and Mississippi Highway 4
589 on the west side of Mississippi Highway 15.

590 (4) No person, either individually or as a member of a firm,
591 partnership, limited liability company or association, or as a
592 stockholder, officer or director in a corporation, shall own or



593 control any interest in more than one (1) package retailer's
594 permit, nor shall such person's spouse, if living in the same
595 household of such person, any relative of such person, if living
596 in the same household of such person, or any other person living
597 in the same household with such person own any interest in any
598 other package retailer's permit.

599 (5) (a) In addition to any other authority granted under
600 this section, the holder of a permit issued under subsection
601 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
602 sell or otherwise provide alcoholic beverages and/or wine to a
603 patron of the permit holder in the manner authorized in the permit
604 and the patron may remove an open glass, cup or other container of
605 the alcoholic beverage and/or wine from the licensed premises and
606 may possess and consume the alcoholic beverage or wine outside of
607 the licensed premises if: (i) the licensed premises is located
608 within a leisure and recreation district created under Section
609 67-1-101 and (ii) the patron remains within the boundaries of the
610 leisure and recreation district while in possession of the
611 alcoholic beverage or wine.

612 (b) Nothing in this subsection shall be construed to
613 allow a person to bring any alcoholic beverages into a permitted
614 premises except to the extent otherwise authorized by this
615 article.

616 **SECTION 2.** Section 27-71-5, Mississippi Code of 1972, is
617 amended as follows:



618 27-71-5. (1) Upon each person approved for a permit under
619 the provisions of the Alcoholic Beverage Control Law and
620 amendments thereto, there is levied and imposed for each location
621 for the privilege of engaging and continuing in this state in the
622 business authorized by such permit, an annual privilege license
623 tax in the amount provided in the following schedule:

624 (a) Except as otherwise provided in this subsection
625 (1), manufacturer's permit, Class 1, distiller's and/or
626 rectifier's:

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

629 (ii) For a permittee with annual production under five thousand
630 (5,000) gallons.....\$2,800.00

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

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

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

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

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

641 (g) On-premises retailer's permit, except for clubs and
642 common carriers, each.....\$ 450.00



643	(h)	On-premises retailer's permit for wine of more than	
644		five percent (5%) alcohol by weight, but not more than twenty-one	
645		percent (21%) alcohol by weight, each.....	\$ 225.00
646	(i)	On-premises retailer's permit for clubs...	\$ 225.00
647	(j)	On-premises retailer's permit for common carriers,	
648		per car, plane, or other vehicle.....	\$ 120.00
649	(k)	Solicitor's permit, regardless of any other	
650		provision of law, solicitor's permits shall be issued only in the	
651		discretion of the department.....	\$ 100.00
652	(l)	Filing fee for each application except for an	
653		employee identification card.....	\$ 25.00
654	(m)	Temporary permit, Class 1, each.....	\$ 10.00
655	(n)	Temporary permit, Class 2, each.....	\$ 50.00
656	(o)	(i) Caterer's permit.....	\$ 600.00
657		(ii) Caterer's permit for holders of on-premises	
658		retailer's permit.....	\$ 150.00
659	(p)	Research permit.....	\$ 100.00
660	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
661	(r)	Special service permit.....	\$ 225.00
662	(s)	Merchant permit.....	\$ 225.00
663	(t)	Temporary alcoholic beverages charitable auction	
664		permit.....	\$ 10.00
665	(u)	Event venue retailer's permit.....	\$ 225.00
666	(v)	Temporary theatre permit, each.....	\$ 10.00
667	(w)	Charter ship operator's permit.....	\$ 100.00



668	(x)	Distillery retailer's permit.....	\$ 450.00
669	(y)	Festival wine permit.....	\$ 10.00
670	(z)	Charter vessel operator's permit.....	\$ 100.00
671	(aa)	Native spirit retailer's permit.....	\$ 50.00
672	(* * * <u>ab</u>)	Delivery service permit.....	\$ 500.00
673	(* * * <u>ac</u>)	Food truck permit.....	\$ 100.00
674	(ad)	<u>On-premises tobacco permit.....</u>	<u>\$ 450.00</u>

675 In addition to the filing fee imposed by paragraph (l) of
676 this subsection, a fee to be determined by the Department of
677 Revenue may be charged to defray costs incurred to process
678 applications. The additional fees shall be paid into the State
679 Treasury to the credit of a special fund account, which is hereby
680 created, and expenditures therefrom shall be made only to defray
681 the costs incurred by the Department of Revenue in processing
682 alcoholic beverage applications. Any unencumbered balance
683 remaining in the special fund account on June 30 of any fiscal
684 year shall lapse into the State General Fund.

685 All privilege taxes imposed by this section shall be paid in
686 advance of doing business. A new permittee whose privilege tax is
687 determined by production volume will pay the tax for the first
688 year in accordance with department regulations. The additional
689 privilege tax imposed for an on-premises retailer's permit based
690 upon purchases shall be due and payable on demand.

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



693 (2) (a) There is imposed and shall be collected from each
694 permittee, except a common carrier, solicitor, a temporary
695 permittee or a delivery service permittee, by the department, an
696 additional license tax equal to the amounts imposed under
697 subsection (1) of this section for the privilege of doing business
698 within any municipality or county in which the licensee is
699 located.

700 (b) (i) In addition to the tax imposed in paragraph
701 (a) of this subsection, there is imposed and shall be collected by
702 the department from each permittee described in subsection (1)(g),
703 (h), (i), (n) and (u) of this section, an additional license tax
704 for the privilege of doing business within any municipality or
705 county in which the licensee is located in the amount of Two
706 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
707 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
708 (\$225.00) for each additional purchase of Five Thousand Dollars
709 (\$5,000.00), or fraction thereof.

710 (ii) In addition to the tax imposed in paragraph
711 (a) of this subsection, there is imposed and shall be collected by
712 the department from each permittee described in subsection (1)(o)
713 and (s) of this section, an additional license tax for the
714 privilege of doing business within any municipality or county in
715 which the licensee is located in the amount of Two Hundred Fifty
716 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
717 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each



718 additional purchase of Five Thousand Dollars (\$5,000.00), or
719 fraction thereof.

720 (iii) Any person who has paid the additional
721 privilege license tax imposed by this paragraph, and whose permit
722 is renewed, may add any unused fraction of Five Thousand Dollars
723 (\$5,000.00) purchases to the first Five Thousand Dollars
724 (\$5,000.00) purchases authorized by the renewal permit, and no
725 additional license tax will be required until purchases exceed the
726 sum of the two (2) figures.

727 (c) If the licensee is located within a municipality,
728 the department shall pay the amount of additional license tax
729 collected under this section to the municipality, and if outside a
730 municipality the department shall pay the additional license tax
731 to the county in which the licensee is located. Payments by the
732 department to the respective local government subdivisions shall
733 be made once each month for any collections during the preceding
734 month.

735 (3) When an application for any permit, other than for
736 renewal of a permit, has been rejected by the department, such
737 decision shall be final. Appeal may be made in the manner
738 provided by Section 67-1-39. Another application from an
739 applicant who has been denied a permit shall not be reconsidered
740 within a twelve-month period.

741 (4) The number of permits issued by the department shall not
742 be restricted or limited on a population basis; however, the



743 foregoing limitation shall not be construed to preclude the right
744 of the department to refuse to issue a permit because of the
745 undesirability of the proposed location.

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

754 (6) It shall be unlawful for any person to consume alcoholic
755 beverages on the premises of any hotel restaurant, restaurant,
756 club or the interior of any public place defined in Chapter 1,
757 Title 67, Mississippi Code of 1972, when the owner or manager
758 thereof displays in several conspicuous places inside the
759 establishment and at the entrances of establishment a sign
760 containing the following language: NO ALCOHOLIC BEVERAGES
761 ALLOWED.

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

