

House Amendments to Senate Bill No. 2405

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

36 SECTION 1. As used in Sections 1 through 12 of this act, the
37 following words shall have the meanings as defined in this section
38 unless the context otherwise requires:

39 (a) "Department" means the Department of Revenue.

40 (b) "Direct shipper" means the holder of a direct
41 shipper's permit issued by the department under Sections 1 through
42 12 of this act.

43 (c) "Common carrier" means a person that holds itself
44 out to the general public as engaged in the business of
45 transporting goods for a fee and is engaged in the business of
46 transporting and delivering alcoholic beverages from a direct
47 shipper's permittee directly to consumers in this state who are
48 twenty-one (21) years of age or older.

49 (d) "Fulfillment provider" means a person who acts on
50 behalf of a holder of a direct shipper's permit to ship wine to a
51 consumer and arranges for transport by an eligible common carrier
52 to the consumer.

53 (e) "Wine fulfillment provider permit" means a permit
54 issued by the department that authorizes a fulfillment provider to
55 ship wine to a consumer on behalf of a holder of a direct
56 shipper's permit.

57 (f) "Wine" means any product obtained from the
58 alcoholic fermentation of the juice of sound, ripe grapes, fruits
59 or berries, made in accordance with the revenue laws of the United
60 States, and containing more than five percent (5%) of alcohol by
61 weight.

62 In addition, the definitions in Section 67-1-5 shall be
63 applicable to the terms used in Sections 1 through 12 of this act
64 unless the context otherwise requires.

65 **SECTION 2.** A person must hold a permit as a direct shipper
66 issued by the department before the person may engage in selling
67 and shipping wine directly to a resident in this state. A direct
68 shipper may sell and ship wine directly to residents in this state
69 without being required to transact the sale and shipment through
70 the Alcoholic Beverage Control Division of the department. A
71 direct shipper may sell and ship wine to an address in the state
72 regardless of whether the address is in an area in which the sale
73 of alcoholic beverages is otherwise authorized or otherwise
74 prohibited by law.

75 **SECTION 3.** To qualify for a direct shipper's permit, an
76 applicant shall be a holder of a Class 2 manufacturer's permit
77 issued in accordance with Section 67-1-51, or a person licensed or

78 permitted outside of this state to engage in the activity of
79 manufacturing wine in any other state.

80 **SECTION 4.** (1) An applicant for a direct shipper's permit
81 shall:

82 (a) Submit to the department a completed application on
83 a form provided by the department, containing all information that
84 is required by the department;

85 (b) Provide to the department a copy of the applicant's
86 current license or permit to engage in the activity of
87 manufacturing wine in this or any other state; and

88 (c) Pay to the department the tax prescribed in Section
89 27-71-5.

90 (2) After a person complies with the provisions of
91 subsection (1) of this section, the department may conduct any
92 investigation as it considers necessary regarding the issuance of
93 a permit, and the department shall issue a permit to the applicant
94 if the requirements of Sections 1 through 12 of this act are met.

95 **SECTION 5.** (1) A direct shipper shall:

96 (a) Ensure that all containers of wine sold and shipped
97 directly to a resident in this state are conspicuously labeled
98 with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21
99 YEARS OR OLDER REQUIRED FOR DELIVERY";

100 (b) Report to the department on an quarterly basis in a
101 manner prescribed by the department all of the following
102 information for each wine shipment into the state pursuant to
103 Sections 1 through 12 of this act:

- 104 (i) The name and address of the Mississippi
105 resident who placed the order;
- 106 (ii) For each completed shipment, evidence of
107 signature by an individual age twenty-one (21) years or older;
- 108 (iii) The name and license number of the common or
109 permit carrier engaged in the shipment;
- 110 (iv) For each shipment by a holder of a wine
111 fulfillment provider permit on behalf of the direct shipper, the
112 name and license number of the wine fulfillment provider permittee
113 engaged in the shipment;
- 114 (v) The date of shipment;
- 115 (vi) The carrier tracking number; and
- 116 (vii) The quantity of wine in the shipment;
- 117 (c) Maintain for at least three (3) years all records
118 that allow the department to ascertain the truthfulness of the
119 information filed under Sections 1 through 12 of this act;
- 120 (d) Allow the department to perform an audit of the
121 direct shipper's records upon request; and
- 122 (e) Be deemed to have consented to the jurisdiction of
123 the department or any other state agency and the state courts
124 concerning enforcement of Sections 1 through 12 of this act and
125 any related laws, rules or regulations.

126 Information reported to the department under paragraph (b) of
127 this subsection shall not be subject to disclosure under the
128 Mississippi Public Records Act of 1983.

129 (2) A direct shipper shall not:

130 (a) Sell or ship any light wine, light spirit products
131 or beer that is regulated under Section 67-3-1 et seq. or any
132 alcoholic beverage other than wine;

133 (b) Sell or ship wine that is contracted through
134 Mississippi distributors, brokers, and solicitors within the
135 state. Wines which are very limited in quantity and are commonly
136 referred to by the broker as highly allocated items noted as
137 "Allocated Item - See Broker" on the TAP Alcoholic Beverage
138 Control Division of the Department of Revenue website are eligible
139 for sale at a package retailer and also through direct shipment by
140 a direct shipper;

141 (c) Sell or ship more than fifteen hundred (1,500)
142 nine-liter cases, or thirteen thousand five hundred (13,500)
143 liters, in total of wine in a calendar year to Mississippi
144 consumers;

145 (d) Sell or ship any wine to any residential household
146 address in Mississippi that has already received a total of nine
147 (9) nine-liter cases of wine in the calendar year. Prior to
148 shipping any wine, the direct shipper shall validate that the
149 consumer has not received their total case limit of wine for the
150 calendar year and is therefore eligible to receive a shipment of
151 wine;

152 (e) Sell or ship wine to any nonresidential address,
153 including lockers or post office boxes;

154 (f) Sell or ship wine to any address or property of a
155 public or private elementary, secondary, or post-secondary

156 educational school, including any dormitory, housing, or common
157 space located on the campus of any elementary, secondary, or
158 post-secondary educational school.

159 **SECTION 6.** A direct shipper may annually renew his or her
160 permit, if the direct shipper:

161 (a) Is otherwise entitled to receive a permit;

162 (b) Provides to the department a copy of his or her
163 current license or permit to engage in the activity of
164 manufacturing wine in this or any other state; and

165 (c) Pays to the department a privilege license tax as
166 prescribed in Section 27-71-5.

167 **SECTION 7.** (1) To purchase and receive a direct shipment of
168 wine from a direct shipper, a resident of this state must be at
169 least twenty-one (21) years of age, and a person who is at least
170 twenty-one (21) years of age must sign for any wine shipped from a
171 direct shipper.

172 (2) A shipment of wine may be ordered or purchased from a
173 direct shipper through a computer network.

174 (3) A person who receives a direct shipment of wine from a
175 direct shipper shall use the wine for personal consumption only
176 and may not resell it.

177 (4) A resident of this state shall not order, purchase, or
178 receive more than a total of nine (9) nine-liter cases of wine in
179 a calendar year to their residential household address. A holder
180 of a direct shipper's permit shall not ship any wine to any

181 household in this state that has already received direct shipments
182 of nine (9) nine-liter cases of wine in the calendar year.

183 (5) A resident of this state who causes shipment of more
184 than the allowable total of nine (9) nine-liter cases of wine in a
185 calendar year to their residential household address, is guilty of
186 a misdemeanor and, upon conviction thereof, shall be punished by a
187 fine not exceeding One Thousand Dollars (\$1,000.00) or
188 imprisonment in the county jail for not more than six (6) months,
189 or both. Each sale or shipment in violation of this section and
190 Sections 1 through 12 of this act shall constitute a separate
191 offense.

192 **SECTION 8.** (1) Any person who makes, participates in,
193 transports, imports or receives a sale or shipment of wine in
194 violation of Sections 1 through 12 of this act is guilty of a
195 misdemeanor and, upon conviction thereof, shall be punished by a
196 fine not exceeding One Thousand Dollars (\$1,000.00) or
197 imprisonment in the county jail for not more than six (6) months,
198 or both. Each sale or shipment in violation of Sections 1 through
199 12 of this act shall constitute a separate offense.

200 (2) If any holder of a direct shipper's permit violates any
201 provision of Sections 1 through 12 of this act, the department
202 shall suspend or revoke the permit and impose civil penalties as
203 authorized under Section 67-1-1 et seq.

204 **SECTION 9.** (1) Any person who is not a common or permit
205 carrier and who does not hold a direct shipper, wholesaler,
206 retailer, manufacturer, or importer permit issued by the

207 department and who is not owned or controlled by a common or
208 permit carrier or a direct shipper, wholesaler, retailer,
209 manufacturer, or importer permittee of the department may obtain a
210 wine fulfillment provider permit from the department as provided
211 in this section. A holder of a wine fulfillment provider permit,
212 subject to compliance with all terms and provisions of Sections 1
213 through 12 of this act, may contract with a common or permit
214 carrier for the shipment of unopened containers of wine on behalf
215 of the holder of a direct shipper's permit directly to a
216 Mississippi resident who is at least twenty-one (21) years of age,
217 for personal use by the individual and not for resale.

218 (2) A person shall obtain a separate wine fulfillment
219 provider permit for each physical premises that is to be used as a
220 wine fulfillment provider before shipping wine to any Mississippi
221 resident from that premises, and shall pay an annual license fee
222 of Five Hundred Dollars (\$500.00), plus an additional One Hundred
223 Dollars (\$100.00) for each additional premises from which
224 shipments to Mississippi residents will be made.

225 (3) The holder of a wine fulfillment provider permit may
226 only provide logistics services of warehousing, packaging, order
227 fulfillment, and shipment of wine for a direct shipper permittee
228 for which the wine fulfillment provider permittee is the bailee of
229 the wine. Wine held in bailment by a wine fulfillment provider
230 permittee shall remain the property of the direct shipper
231 permittee until loaded on conveyance for direct shipment to a
232 Mississippi resident.

233 (4) A wine fulfillment provider permittee shall not ship
234 wine into or within the state from, or on behalf of, any of the
235 following:

236 (a) An unlicensed direct shipper of wine, either
237 in-state or out-of-state;

238 (b) A retailer licensed by the department;

239 (c) An out-of-state retailer; or

240 (d) A person that does not hold a direct shipper's
241 permit in the State of Mississippi.

242 (5) A wine fulfillment provider permit applicant shall
243 provide all of the following information to the department as part
244 of its application:

245 (a) The precise location or locations at which the
246 permittee will engage in logistics services for wine to be shipped
247 into the state; and

248 (b) Any other information required by the department.

249 (6) A wine fulfillment provider permittee shall do all of
250 the following:

251 (a) Annually renew its wine fulfillment provider permit
252 in a manner as established by rule of the department and pay any
253 initial and annual license fees;

254 (b) Enter into a contract with a direct wine shipper
255 permittee designating the wine fulfillment provider permittee as
256 the agent of the direct wine shipper permittee for purposes of
257 Sections 1 through 12 of this act. A wine fulfillment provider
258 permittee may not avoid liability under this section by

259 subcontracting with a third party to perform its obligations
260 pursuant to this section;

261 (c) Maintain a compliance program documenting that all
262 wine shipped by each direct shipper permittee through the wine
263 fulfillment provider permittee satisfies the requirements set
264 forth in Sections 1 through 12 of this act and any other
265 requirements set forth by the department;

266 (d) Make all commercially reasonable efforts to verify
267 the validity of each direct shipper permit prior to making any
268 shipment on behalf of the direct shipper permittee;

269 (e) Ensure all containers of wine shipped by the wine
270 fulfillment provider permittee to a Mississippi resident are
271 conspicuously labeled with the following words: "CONTAINS
272 ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR
273 DELIVERY";

274 (f) Report to the department on an quarterly basis in a
275 manner prescribed by the department all of the following
276 information for each wine shipment into the state pursuant to this
277 section:

278 (i) The name, address, and license number of the
279 direct shipper permittee and the point of origin of shipment from
280 which the wine fulfillment provider permittee received the wine,
281 if different from the address of the direct shipper permittee;

282 (ii) The name and address of the Mississippi
283 resident who placed the order;

284 (iii) For each completed shipment, evidence of
285 signature by an individual age twenty-one (21) years or older;
286 (iv) The name and license number of the common or
287 permit carrier engaged in the shipment;
288 (v) The date of shipment;
289 (vi) The carrier tracking number; and
290 (vii) The quantity of wine in the shipment; and
291 (g) Maintain for a minimum of three (3) years from the
292 date of receipt from a direct shipper permittee or the date of
293 shipment to a Mississippi resident, as applicable, and permit the
294 department and any of its designees to inspect, verify, or perform
295 an audit of all of the information listed in paragraph (f) of this
296 subsection;
297 (h) Upon violation of Sections 1 through 12 of this act
298 or a rule of the department, be subject to a civil penalty imposed
299 by the department by administrative proceedings that apply to
300 alcoholic beverage licenses, as follows:
301 (i) For the first violation, a civil penalty not
302 to exceed Five Hundred Dollars (\$500.00);
303 (ii) For a second violation, a civil penalty not
304 to exceed Three Thousand Dollars (\$3,000.00);
305 (iii) For a third or any subsequent violation, a
306 civil penalty not to exceed Six Thousand Dollars (\$6,000.00); and
307 (i) Be deemed to have consented to the jurisdiction of
308 the department and the other state agencies and the state courts
309 concerning enforcement of Sections 1 through 12 of this act.

310 (7) Any fines or fees received by the department under this
311 section shall be used by the department in order to perform its
312 regulatory duties.

313 **SECTION 10.** (1) Shipments of wine into this state under
314 Sections 1 through 12 of this act shall be made by a duly licensed
315 carrier. A common carrier shall not deliver a shipment of wine to
316 a consumer unless the carrier has verified the validity of the
317 direct shipper's permit and fulfillment provider's permit prior to
318 accepting shipment. A carrier may consider a direct shipper's
319 permit to be valid for the remainder of the stated permit period
320 unless notified otherwise by the department. Any failure to
321 verify the validity of a direct shipper's permit may result in the
322 suspension of the common carrier's license to operate in the state
323 or the imposition of any other penalty as follows: (i) for the
324 first violation, a civil penalty not to exceed Five Hundred
325 Dollars (\$500.00); (ii) for a second violation, a civil penalty
326 not to exceed Three Thousand Dollars (\$3,000.00); (iii) for a
327 third or any subsequent violation, a civil penalty not to exceed
328 Six Thousand Dollars (\$6,000.00).

329 (2) It shall be the duty of every common or contract
330 carrier, and of every firm or corporation that shall bring, carry
331 or transport wine from outside the state for delivery inside the
332 state to consumers to prepare and file reports with the
333 department, on a schedule as determined by the department, of
334 known wine shipments. Such reports shall contain: (a) the name
335 of the common or contract carrier, firm or corporation making the

336 report; (b) the period of time covered by said report; (c) the
337 name and business address of the person who directed the common
338 carrier to make the shipment; (d) the name and permit number of
339 the direct shipper; (e) the name and address of each consignee
340 receiving such wine; (f) the weight of the shipment delivered to
341 each consignee; (g) the common carrier's unique tracking number
342 for the package; and (h) the date of delivery. Reports received
343 by the department shall be made available by the department to the
344 public via the Mississippi Public Records Act process in the same
345 manner as other state alcohol filings.

346 (3) Upon the department's request, any records supporting
347 the report shall be made available to the department within a
348 reasonable time after the department makes a written request for
349 such records. Any records containing information relating to such
350 reports, including the signatures of the individual who physically
351 received the shipment, shall be kept and preserved for a period of
352 three (3) years, unless their destruction sooner is authorized, in
353 writing, by the department, and shall be open and available to
354 inspection by the department upon the department's written
355 request. Reports shall also be made available to any law
356 enforcement or regulatory body in the state in which the railroad
357 company, express company, common or contract carrier making the
358 report resides or does business.

359 (4) Any common or contract carrier that willfully fails to
360 make reports, as provided by this section or any of the rules and
361 regulations of the department for the administration and

362 enforcement of this section, is subject to a notification of
363 violation. In the case of a continuing failure to make reports,
364 the common or contract carrier is subject to possible license
365 suspension and revocation at the department's discretion.

366 **SECTION 11.** The department may adopt any rules or
367 regulations as necessary to carry out Sections 1 through 12 of
368 this act. All of the enforcement provisions of Section 67-1-1 et
369 seq., that are not in conflict with Sections 1 through 12 of this
370 act may be used by the department to enforce the provisions of
371 Sections 1 through 12 of this act.

372 **SECTION 12.** If any provision of this act, or its application
373 to any person or circumstance, is determined by a court to be
374 invalid or unconstitutional, the remaining provisions shall be
375 construed in accordance with the intent of the Legislature to
376 further limit rather than expand commerce in alcoholic beverages
377 to protect the health, safety, and welfare of the state's
378 residents, and to enhance strict regulatory control over taxation,
379 distribution and sale of alcoholic beverages through the
380 three-tier regulatory system imposed by this article upon all
381 alcoholic beverages to curb relationships and practices calculated
382 to stimulate sales and impair the state's policy favoring trade
383 stability and the promotion of temperance.

384 **SECTION 13.** Section 27-71-5, Mississippi Code of 1972, is
385 amended as follows:

386 27-71-5. (1) Upon each person approved for a permit under
387 the provisions of the Alcoholic Beverage Control Law and

388 amendments thereto, there is levied and imposed for each location
389 for the privilege of engaging and continuing in this state in the
390 business authorized by such permit, an annual privilege license
391 tax in the amount provided in the following schedule:

392 (a) Except as otherwise provided in this subsection
393 (1), manufacturer's permit, Class 1, distiller's and/or
394 rectifier's:

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

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

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

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

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

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

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

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

411 (h) On-premises retailer's permit for wine of more than
412 five percent (5%) alcohol by weight, but not more than twenty-one
413 percent (21%) alcohol by weight, each.....\$ 225.00

414	(i) On-premises retailer's permit for clubs...	\$ 225.00
415	(j) On-premises retailer's permit for common carriers,	
416	per car, plane, or other vehicle.....	\$ 120.00
417	(k) Solicitor's permit, regardless of any other	
418	provision of law, solicitor's permits shall be issued only in the	
419	discretion of the department.....	\$ 100.00
420	(l) Filing fee for each application except for an	
421	employee identification card.....	\$ 25.00
422	(m) Temporary permit, Class 1, each.....	\$ 10.00
423	(n) Temporary permit, Class 2, each.....	\$ 50.00
424	(o) (i) Caterer's permit.....	\$ 600.00
425	(ii) Caterer's permit for holders of on-premises	
426	retailer's permit.....	\$ 150.00
427	(p) Research permit.....	\$ 100.00
428	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
429	(r) Special service permit.....	\$ 225.00
430	(s) Merchant permit.....	\$ 225.00
431	(t) Temporary alcoholic beverages charitable auction	
432	permit.....	\$ 10.00
433	(u) Event venue retailer's permit.....	\$ 225.00
434	(v) Temporary theatre permit, each.....	\$ 10.00
435	(w) Charter ship operator's permit.....	\$ 100.00
436	(x) Distillery retailer's permit.....	\$ 450.00
437	(y) Festival wine permit.....	\$ 10.00
438	(z) Charter vessel operator's permit.....	\$ 100.00
439	(aa) Native spirit retailer's permit.....	\$ 50.00

440	(bb)	Delivery service permit.....	\$ 500.00
441	(cc)	Food truck permit.....	\$ 100.00
442	(dd)	<u>Direct shipper's permit.....</u>	<u>\$ 100.00</u>
443	(ee)	<u>Wine fulfillment provider permit.....</u>	<u>\$ 500.00</u>

444 In addition to the filing fee imposed by paragraph (l) of
445 this subsection, a fee to be determined by the Department of
446 Revenue may be charged to defray costs incurred to process
447 applications. The additional fees shall be paid into the State
448 Treasury to the credit of a special fund account, which is hereby
449 created, and expenditures therefrom shall be made only to defray
450 the costs incurred by the Department of Revenue in processing
451 alcoholic beverage applications. Any unencumbered balance
452 remaining in the special fund account on June 30 of any fiscal
453 year shall lapse into the State General Fund.

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

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

462 (2) (a) There is imposed and shall be collected from each
463 permittee, except a common carrier, solicitor, a temporary
464 permittee, holder of a direct shipper's permit or a delivery
465 service permittee, by the department, an additional license tax

466 equal to the amounts imposed under subsection (1) of this section
467 for the privilege of doing business within any municipality or
468 county in which the licensee is located.

469 (b) (i) In addition to the tax imposed in paragraph
470 (a) of this subsection, there is imposed and shall be collected by
471 the department from each permittee described in subsection (1)(g),
472 (h), (i), (n) and (u) of this section, an additional license tax
473 for the privilege of doing business within any municipality or
474 county in which the licensee is located in the amount of Two
475 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
476 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
477 (\$225.00) for each additional purchase of Five Thousand Dollars
478 (\$5,000.00), or fraction thereof.

479 (ii) In addition to the tax imposed in paragraph
480 (a) of this subsection, there is imposed and shall be collected by
481 the department from each permittee described in subsection (1)(o)
482 and (s) of this section, an additional license tax for the
483 privilege of doing business within any municipality or county in
484 which the licensee is located in the amount of Two Hundred Fifty
485 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
486 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
487 additional purchase of Five Thousand Dollars (\$5,000.00), or
488 fraction thereof.

489 (iii) Any person who has paid the additional
490 privilege license tax imposed by this paragraph, and whose permit
491 is renewed, may add any unused fraction of Five Thousand Dollars

492 (\$5,000.00) purchases to the first Five Thousand Dollars
493 (\$5,000.00) purchases authorized by the renewal permit, and no
494 additional license tax will be required until purchases exceed the
495 sum of the two (2) figures.

496 (c) If the licensee is located within a municipality,
497 the department shall pay the amount of additional license tax
498 collected under this section to the municipality, and if outside a
499 municipality the department shall pay the additional license tax
500 to the county in which the licensee is located. Payments by the
501 department to the respective local government subdivisions shall
502 be made once each month for any collections during the preceding
503 month.

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

510 (4) The number of permits issued by the department shall not
511 be restricted or limited on a population basis; however, the
512 foregoing limitation shall not be construed to preclude the right
513 of the department to refuse to issue a permit because of the
514 undesirability of the proposed location.

515 (5) If any person shall engage or continue in any business
516 which is taxable under this section without having paid the tax as
517 provided in this section, the person shall be liable for the full

518 amount of the tax plus a penalty thereon equal to the amount
519 thereof, and, in addition, shall be punished by a fine of not more
520 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
521 county jail for a term of not more than six (6) months, or by both
522 such fine and imprisonment, in the discretion of the court.

523 (6) It shall be unlawful for any person to consume alcoholic
524 beverages on the premises of any hotel restaurant, restaurant,
525 club or the interior of any public place defined in Chapter 1,
526 Title 67, Mississippi Code of 1972, when the owner or manager
527 thereof displays in several conspicuous places inside the
528 establishment and at the entrances of establishment a sign
529 containing the following language: NO ALCOHOLIC BEVERAGES
530 ALLOWED.

531 **SECTION 14.** Section 27-71-7, Mississippi Code of 1972, is
532 amended as follows:

533 27-71-7. (1) There is hereby levied and assessed an excise
534 tax upon each case of alcoholic beverages sold by the department
535 to be collected from each retail licensee at the time of sale in
536 accordance with the following schedule:

537 (a) Distilled spirits.....\$2.50 per
538 gallon

539 (b) Sparkling wine and champagne.....\$1.00 per
540 gallon

541 (c) Other wines, including native wines...\$.35 per
542 gallon

543 (2) (a) In addition to the tax levied by subsection (1) of
544 this section, and in addition to any other markup collected, the
545 Alcoholic Beverage Control Division shall collect a markup of
546 three percent (3%) on all alcoholic beverages, as defined in
547 Section 67-1-5, Mississippi Code of 1972, which are sold by the
548 division. The proceeds of the markup shall be collected by the
549 division from each purchaser at the time of purchase.

550 (b) Until June 30, 1987, the revenue derived from this
551 three percent (3%) markup shall be deposited by the division in
552 the State Treasury to the credit of the "Alcoholism Treatment and
553 Rehabilitation Fund," a special fund which is hereby created in
554 the State Treasury, and shall be used by the Division of Alcohol
555 and Drug Abuse of the State Department of Mental Health and public
556 or private centers or organizations solely for funding of
557 treatment and rehabilitation programs for alcoholics and alcohol
558 abusers which are sponsored by the division or public or private
559 centers or organizations in such amounts as the Legislature may
560 appropriate to the division for use by the division or public or
561 private centers or organizations for such programs. Any tax
562 revenue in the fund which is not encumbered at the end of the
563 fiscal year shall lapse to the General Fund. It is the intent of
564 the Legislature that the State Department of Mental Health shall
565 continue to seek funds from other sources and shall use the funds
566 appropriated for the purposes of this section and Section 27-71-29
567 to match all federal funds which may be available for alcoholism
568 treatment and rehabilitation.

569 From and after July 1, 1987, the revenue derived from this
570 three percent (3%) markup shall be deposited by the division in
571 the State Treasury to the credit of the "Mental Health Programs
572 Fund," a special fund which is hereby created in the State
573 Treasury and shall be used by the State Department of Mental
574 Health for the service programs of the department. Any revenue in
575 the "Alcoholism Treatment and Rehabilitation Fund" which is not
576 encumbered at the end of Fiscal Year 1987 shall be deposited to
577 the credit of the "Mental Health Programs Fund."

578 (3) There is levied and assessed upon the holder of a direct
579 shipper's permit, a tax in the amount of eighteen percent (18%) of
580 the sales price of each sale and shipment of wine made to a
581 resident in this state. The holder of a direct shipper's permit
582 shall file a monthly report with the department along with a copy
583 of the invoice for each sale and shipment of wine and remit any
584 taxes due; however, no report shall be required for months in
585 which no sales or shipments were made into this state. The
586 report, together with copies of the invoices and the payment of
587 all taxes, shall be filed with the department not later than the
588 twentieth day of the month following the month in which the
589 shipment was made. Permittees who fail to timely file and pay
590 taxes as required by this subsection shall pay a late fee in the
591 amount of Five Hundred Dollars (\$500.00), and the department shall
592 suspend the direct shipper's permit until all outstanding taxes
593 are paid in full, for a first offense. Upon a second offense, the
594 department shall revoke the direct shipper's permit.

595 **SECTION 15.** Section 27-71-15, Mississippi Code of 1972, is
596 amended as follows:

597 27-71-15. Except as otherwise provided in Section 67-9-1 for
598 the transportation of limited amounts of alcoholic beverages for
599 the use of an alcohol processing permittee, and in Sections 1
600 through 12 of this act for the sale and shipment of wine by the
601 holder of a direct shipper's permit, if transportation requires
602 passage through a county which has not authorized the sale of
603 alcoholic beverages, such transportation shall be by a sealed
604 vehicle. Such seal shall remain unbroken until the vehicle shall
605 reach the place of business operated by the permittee. The
606 operator of any vehicle transporting alcoholic beverages shall
607 have in his possession an invoice issued by the * * * department
608 at the time of the wholesale sale covering the merchandise
609 transported by the vehicle. The * * * department is authorized to
610 issue regulations controlling the transportation of alcoholic
611 beverages.

612 When the restrictions imposed by this section and by the
613 regulation of the * * * department have not been violated, the
614 person transporting alcoholic beverages through a county wherein
615 the sale of alcoholic beverages is prohibited shall not be guilty
616 of unlawful possession and such merchandise shall be immune from
617 seizure.

618 **SECTION 16.** Section 27-71-29, Mississippi Code of 1972, is
619 amended as follows:

620 27-71-29. (1) All taxes levied by this article shall be
621 paid to the Department of Revenue in cash or by personal check,
622 cashier's check, bank exchange, post office money order or express
623 money order and shall be deposited by the department in the State
624 Treasury on the same day collected, but no remittances other than
625 cash shall be a final discharge of liability for the tax herein
626 imposed and levied unless and until it has been paid in cash to
627 the department.

628 All taxes levied under Section 27-71-7(1) and received by the
629 department under this article shall be paid into the General Fund,
630 and the three percent (3%) levied under Section 27-71-7(2) and
631 received by the department under this article shall be paid into
632 the special fund in the State Treasury designated as the
633 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
634 Any funds derived from the sale of alcoholic beverages in excess
635 of inventory requirements shall be paid not less often than
636 annually into the General Fund, except for a portion of the
637 twenty-seven and one-half percent (27-1/2%) markup provided for in
638 Section 27-71-11, as specified in subsection (2) of this section,
639 and except for fees charged by the department for the defraying of
640 costs associated with shipping alcoholic beverages. The revenue
641 derived from these fees shall be deposited by the department into
642 a special fund, hereby created in the State Treasury, which is
643 designated the "ABC Shipping Fund." The monies in this special
644 fund shall be earmarked for use by the department for any
645 expenditure made to ship alcoholic beverages. Any net proceeds

646 remaining in the special fund on August 1 of any fiscal year shall
647 lapse into the General Fund. "Net proceeds" in this section means
648 the total of all fees collected by the department to defray the
649 costs of shipping less the actual costs of shipping.

650 (2) If the special bond sinking fund created in Section 7(3)
651 of Chapter 483, Laws of 2022 has a balance below the minimum
652 amount specified in the resolution providing for the issuance of
653 the bonds, or below one and one-half (1-1/2) times the amount
654 needed to pay the annual debt obligations related to the bonds
655 issued under Section 7 of Chapter 483, Laws of 2022, whichever is
656 the lesser amount, the Commissioner of Revenue shall transfer the
657 deficit amount to the bond sinking fund from revenue derived from
658 the twenty-seven and one-half percent (27-1/2%) markup provided
659 for in Section 27-71-11.

660 (3) All taxes levied under Section 27-71-7(3) and received
661 by the department under this article shall be paid into the
662 General Fund, except for an amount equivalent to the three percent
663 (3%) levied under Section 27-71-7(2), which shall be paid into the
664 special fund in the State Treasury designated as the "Mental
665 Health Programs Fund" as required by law.

666 **SECTION 17.** Section 67-1-41, Mississippi Code of 1972, is
667 amended as follows:

668 67-1-41. (1) The department is hereby created a wholesale
669 distributor and seller of alcoholic beverages, not including malt
670 liquors, within the State of Mississippi. It is granted the right
671 to import and sell alcoholic beverages at wholesale within the

672 state, and no person who is granted the right to sell, distribute
673 or receive alcoholic beverages at retail shall purchase any
674 alcoholic beverages from any source other than the department,
675 except as authorized in subsections (4), (9) and (12) of this
676 section and Sections 1 through 12 of this act. The department may
677 establish warehouses, and the department may purchase alcoholic
678 beverages in such quantities and from such sources as it may deem
679 desirable and sell the alcoholic beverages to authorized
680 permittees within the state including, at the discretion of the
681 department, any retail distributors operating within any military
682 post or qualified resort areas within the boundaries of the state,
683 keeping a correct and accurate record of all such transactions and
684 exercising such control over the distribution of alcoholic
685 beverages as seem right and proper in keeping with the provisions
686 or purposes of this article.

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

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

697 (4) The department may promulgate rules and regulations
698 which authorize on-premises retailers to purchase limited amounts
699 of alcoholic beverages from package retailers and for package
700 retailers to purchase limited amounts of alcoholic beverages from
701 other package retailers. The department shall develop and provide
702 forms to be completed by the on-premises retailers and the package
703 retailers verifying the transaction. The completed forms shall be
704 forwarded to the department within a period of time prescribed by
705 the department.

706 (5) The department may promulgate rules which authorize the
707 holder of a package retailer's permit to permit individual retail
708 purchasers of packages of alcoholic beverages to return, for
709 exchange, credit or refund, limited amounts of original sealed and
710 unopened packages of alcoholic beverages purchased by the
711 individual from the package retailer.

712 (6) The department shall maintain all forms to be completed
713 by applicants necessary for licensure by the department at all
714 district offices of the department.

715 (7) The department may promulgate rules which authorize the
716 manufacturer of an alcoholic beverage or wine to import, transport
717 and furnish or give a sample of alcoholic beverages or wines to
718 the holders of package retailer's permits, on-premises retailer's
719 permits, native wine or native spirit retailer's permits and
720 temporary retailer's permits who have not previously purchased the
721 brand of that manufacturer from the department. For each holder
722 of the designated permits, the manufacturer may furnish not more

723 than five hundred (500) milliliters of any brand of alcoholic
724 beverage and not more than three (3) liters of any brand of wine.

725 (8) The department may promulgate rules disallowing open
726 product sampling of alcoholic beverages or wines by the holders of
727 package retailer's permits and permitting open product sampling of
728 alcoholic beverages by the holders of on-premises retailer's
729 permits. Permitted sample products shall be plainly identified
730 "sample" and the actual sampling must occur in the presence of the
731 manufacturer's representatives during the legal operating hours of
732 on-premises retailers.

733 (9) The department may promulgate rules and regulations that
734 authorize the holder of a research permit to import and purchase
735 limited amounts of alcoholic beverages from importers, wineries
736 and distillers of alcoholic beverages or from the department. The
737 department shall develop and provide forms to be completed by the
738 research permittee verifying each transaction. The completed
739 forms shall be forwarded to the department within a period of time
740 prescribed by the department. The records and inventory of
741 alcoholic beverages shall be open to inspection at any time by the
742 Director of the Alcoholic Beverage Control Division or any duly
743 authorized agent.

744 (10) The department may promulgate rules facilitating a
745 retailer's on-site pickup of alcoholic beverages sold by the
746 department or as authorized by the department, including, but not
747 limited to, native wines and native spirits, so that those
748 alcoholic beverages may be delivered to the retailer at the

749 manufacturer's location instead of via shipment from the
750 department's warehouse.

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

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

757 (12) (a) An individual resident of this state who is at
758 least twenty-one (21) years of age may purchase wine from a winery
759 and have the purchase shipped into this state so long as it is
760 shipped to a package retailer permittee in Mississippi; however,
761 the permittee shall pay to the department all taxes, fees and
762 surcharges on the wine that are imposed upon the sale of wine
763 shipped by the department or its warehouse operator. No credit
764 shall be provided to the permittee for any taxes paid to another
765 state as a result of the transaction. Package retailers may
766 charge a service fee for receiving and handling shipments from
767 wineries on behalf of the purchasers. The department shall
768 develop and provide forms to be completed by the package retailer
769 permittees verifying the transaction. The completed forms shall
770 be forwarded to the department within a period of time prescribed
771 by the department.

772 (b) The purchaser of wine that is to be shipped to a
773 package retailer's store shall be required to get the prior
774 approval of the package retailer before any wine is shipped to the

775 package retailer. A purchaser is limited to no more than ten (10)
776 cases of wine per year to be shipped to a package retailer. A
777 package retailer shall notify a purchaser of wine within two (2)
778 days after receiving the shipment of wine. If the purchaser of
779 the wine does not pick up or take the wine from the package
780 retailer within thirty (30) days after being notified by the
781 package retailer, the package retailer may sell the wine as part
782 of his inventory.

783 (c) Shipments of wine into this state under this
784 section shall be made by a duly licensed carrier. It shall be the
785 duty of every common or contract carrier, and of every firm or
786 corporation that shall bring, carry or transport wine from outside
787 the state for delivery inside the state to package retailer
788 permittees on behalf of consumers, to prepare and file with the
789 department, on a schedule as determined by the department, of
790 known wine shipments containing the name of the common or contract
791 carrier, firm or corporation making the report, the period of time
792 covered by said report, the name and permit number of the winery,
793 the name and permit number of the package retailer permittee
794 receiving such wine, the weight of the package delivered to each
795 package retailer permittee, a unique tracking number, and the date
796 of delivery. Reports received by the department shall be made
797 available by the department to the public via the Mississippi
798 Public Records Act process in the same manner as other state
799 alcohol filings.

800 Upon the department's request, any records supporting the
801 report shall be made available to the department within a
802 reasonable time after the department makes a written request for
803 such records. Any records containing information relating to such
804 reports shall be kept and preserved for a period of two (2) years,
805 unless their destruction sooner is authorized, in writing, by the
806 department, and shall be open and available to inspection by the
807 department upon the department's written request. Reports shall
808 also be made available to any law enforcement or regulatory body
809 in the state in which the railroad company, express company,
810 common or contract carrier making the report resides or does
811 business.

812 Any common or contract carrier that willfully fails to make
813 reports, as provided by this section or any of the rules and
814 regulations of the department for the administration and
815 enforcement of this section, is subject to a notification of
816 violation. In the case of a continuing failure to make reports,
817 the common or contract carrier is subject to possible license
818 suspension and revocation at the department's discretion.

819 (d) A winery that ships wine under this section shall
820 be deemed to have consented to the jurisdiction of the courts of
821 this state, of the department, of any other state agency regarding
822 the enforcement of this section, and of any related law, rules or
823 regulations.

824 (e) Any person who makes, participates in, transports,
825 imports or receives a shipment in violation of this section is

826 guilty of a misdemeanor and, upon conviction thereof, shall be
827 punished by a fine of One Thousand Dollars (\$1,000.00) or
828 imprisonment in the county jail for not more than six (6) months,
829 or both. Each shipment shall constitute a separate offense.

830 (13) If any provision of this article, or its application to
831 any person or circumstance, is determined by a court to be invalid
832 or unconstitutional, the remaining provisions shall be construed
833 in accordance with the intent of the Legislature to further limit
834 rather than expand commerce in alcoholic beverages to protect the
835 health, safety, and welfare of the state's residents, and to
836 enhance strict regulatory control over taxation, distribution and
837 sale of alcoholic beverages through the three-tier regulatory
838 system imposed by this article upon all alcoholic beverages to
839 curb relationships and practices calculated to stimulate sales and
840 impair the state's policy favoring trade stability and the
841 promotion of temperance.

842 **SECTION 18.** Section 67-1-45, Mississippi Code of 1972, is
843 amended as follows:

844 67-1-45. No manufacturer, rectifier or distiller of
845 alcoholic beverages shall sell or attempt to sell any such
846 alcoholic beverages, except malt liquor, within the State of
847 Mississippi, except to the department, or as provided in Section
848 67-1-41, or pursuant to Section 67-1-51. A producer of native
849 wine or native spirit may sell native wines or native spirits,
850 respectively, to the department or to consumers at the location of
851 the native winery or native distillery or its immediate vicinity.

852 The holder of a direct shipper's permit may sell wines directly to
853 residents in this state as authorized by Sections 1 through 12 of
854 this act.

855 Any violation of this section by any manufacturer, rectifier
856 or distiller shall be punished by a fine of not less than Five
857 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
858 (\$2,000.00), to which may be added imprisonment in the county jail
859 not to exceed six (6) months.

860 **SECTION 19.** Section 67-1-51, Mississippi Code of 1972, is
861 amended as follows:

862 67-1-51. (1) Permits which may be issued by the department
863 shall be as follows:

864 (a) **Manufacturer's permit.** A manufacturer's permit
865 shall permit the manufacture, importation in bulk, bottling and
866 storage of alcoholic liquor and its distribution and sale to
867 manufacturers holding permits under this article in this state and
868 to persons outside the state who are authorized by law to purchase
869 the same, and to sell as provided by this article.

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

871 Class 1. Distiller's and/or rectifier's permit, which shall
872 authorize the holder thereof to operate a distillery for the
873 production of distilled spirits by distillation or redistillation
874 and/or to operate a rectifying plant for the purifying, refining,
875 mixing, blending, flavoring or reducing in proof of distilled
876 spirits and alcohol.

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

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

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

886 (b) **Package retailer's permit.** Except as otherwise
887 provided in this paragraph and Section 67-1-52, a package
888 retailer's permit shall authorize the holder thereof to operate a
889 store exclusively for the sale at retail in original sealed and
890 unopened packages of alcoholic beverages, including native wines,
891 native spirits and edibles, not to be consumed on the premises
892 where sold. Alcoholic beverages shall not be sold by any retailer
893 in any package or container containing less than fifty (50)
894 milliliters by liquid measure. A package retailer's permit, with
895 prior approval from the department, shall authorize the holder
896 thereof to sample new product furnished by a manufacturer's
897 representative or his employees at the permitted place of business
898 so long as the sampling otherwise complies with this article and
899 applicable department regulations. Such samples may not be
900 provided to customers at the permitted place of business. In
901 addition to the sale at retail of packages of alcoholic beverages,
902 the holder of a package retailer's permit is authorized to sell at

903 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
904 other beverages commonly used to mix with alcoholic beverages, and
905 fruits and foods that have been submerged in alcohol and are
906 commonly referred to as edibles. Nonalcoholic beverages sold by
907 the holder of a package retailer's permit shall not be consumed on
908 the premises where sold.

909 (c) **On-premises retailer's permit.** Except as otherwise
910 provided in subsection (5) of this section, an on-premises
911 retailer's permit shall authorize the sale of alcoholic beverages,
912 including native wines and native spirits, for consumption on the
913 licensed premises only; however, a patron of the permit holder may
914 remove one (1) bottle of wine from the licensed premises if: (i)
915 the patron consumed a portion of the bottle of wine in the course
916 of consuming a meal purchased on the licensed premises; (ii) the
917 permit holder securely reseals the bottle; (iii) the bottle is
918 placed in a bag that is secured in a manner so that it will be
919 visibly apparent if the bag is opened; and (iv) a dated receipt
920 for the wine and the meal is available. Additionally, as part of
921 a carryout order, a permit holder may sell one (1) bottle of wine
922 to be removed from the licensed premises for every two (2) entrees
923 ordered. In addition, an on-premises retailer's permittee at a
924 permitted premises located on Jefferson Davis Avenue within
925 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
926 beverages by the glass to a patron in a vehicle using a
927 drive-through method of delivery if the permitted premises is
928 located in a leisure and recreation district established under

929 Section 67-1-101. Such a sale will be considered to be made on
930 the permitted premises. An on-premises retailer's permit shall be
931 issued only to qualified hotels, restaurants and clubs, small
932 craft breweries, microbreweries, and to common carriers with
933 adequate facilities for serving passengers. In resort areas,
934 whether inside or outside of a municipality, the department, in
935 its discretion, may issue on-premises retailer's permits to such
936 establishments as it deems proper. An on-premises retailer's
937 permit when issued to a common carrier shall authorize the sale
938 and serving of alcoholic beverages aboard any licensed vehicle
939 while moving through any county of the state; however, the sale of
940 such alcoholic beverages shall not be permitted while such vehicle
941 is stopped in a county that has not legalized such sales. If an
942 on-premises retailer's permit is applied for by a common carrier
943 operating solely in the water, such common carrier must, along
944 with all other qualifications for a permit, (i) be certified to
945 carry at least one hundred fifty (150) passengers and/or provide
946 overnight accommodations for at least fifty (50) passengers and
947 (ii) operate primarily in the waters within the State of
948 Mississippi which lie adjacent to the State of Mississippi south
949 of the three (3) most southern counties in the State of
950 Mississippi and/or on the Mississippi River or navigable waters
951 within any county bordering on the Mississippi River.

952 (d) **Solicitor's permit.** A solicitor's permit shall
953 authorize the holder thereof to act as salesman for a manufacturer
954 or wholesaler holding a proper permit, to solicit on behalf of his

955 employer orders for alcoholic beverages, and to otherwise promote
956 his employer's products in a legitimate manner. Such a permit
957 shall authorize the representation of and employment by one (1)
958 principal only. However, the permittee may also, in the
959 discretion of the department, be issued additional permits to
960 represent other principals. No such permittee shall buy or sell
961 alcoholic beverages for his own account, and no such beverage
962 shall be brought into this state in pursuance of the exercise of
963 such permit otherwise than through a permit issued to a wholesaler
964 or manufacturer in the state.

965 (e) **Native wine retailer's permit.** Except as otherwise
966 provided in subsection (5) of this section, a native wine
967 retailer's permit shall be issued only to a holder of a Class 3
968 manufacturer's permit, and shall authorize the holder thereof to
969 make retail sales of native wines to consumers for on-premises
970 consumption or to consumers in originally sealed and unopened
971 containers at an establishment located on the premises of or in
972 the immediate vicinity of a native winery. When selling to
973 consumers for on-premises consumption, a holder of a native wine
974 retailer's permit may add to the native wine alcoholic beverages
975 not produced on the premises, so long as the total volume of
976 foreign beverage components does not exceed twenty percent (20%)
977 of the mixed beverage. Hours of sale shall be the same as those
978 authorized for on-premises permittees in the city or county in
979 which the native wine retailer is located.

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

985 Temporary retailer's permits shall be of the following
986 classes:

987 Class 1. A temporary one-day permit may be issued to bona
988 fide nonprofit civic or charitable organizations authorizing the
989 sale of alcoholic beverages, including native wine and native
990 spirit, for consumption on the premises described in the temporary
991 permit only. Class 1 permits may be issued only to applicants
992 demonstrating to the department, by a statement signed under
993 penalty of perjury submitted ten (10) days prior to the proposed
994 date or such other time as the department may determine, that they
995 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
996 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
997 Class 1 permittees shall obtain all alcoholic beverages from
998 package retailers located in the county in which the temporary
999 permit is issued. Alcoholic beverages remaining in stock upon
1000 expiration of the temporary permit may be returned by the
1001 permittee to the package retailer for a refund of the purchase
1002 price upon consent of the package retailer or may be kept by the
1003 permittee exclusively for personal use and consumption, subject to
1004 all laws pertaining to the illegal sale and possession of
1005 alcoholic beverages. The department, following review of the

1006 statement provided by the applicant and the requirements of the
1007 applicable statutes and regulations, may issue the permit.

1008 Class 2. A temporary permit, not to exceed seventy (70)
1009 days, may be issued to prospective permittees seeking to transfer
1010 a permit authorized in paragraph (c) of this subsection. A Class
1011 2 permit may be issued only to applicants demonstrating to the
1012 department, by a statement signed under the penalty of perjury,
1013 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1014 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1015 67-1-59. The department, following a preliminary review of the
1016 statement provided by the applicant and the requirements of the
1017 applicable statutes and regulations, may issue the permit.

1018 Class 2 temporary permittees must purchase their alcoholic
1019 beverages directly from the department or, with approval of the
1020 department, purchase the remaining stock of the previous
1021 permittee. If the proposed applicant of a Class 1 or Class 2
1022 temporary permit falsifies information contained in the
1023 application or statement, the applicant shall never again be
1024 eligible for a retail alcohol beverage permit and shall be subject
1025 to prosecution for perjury.

1026 Class 3. A temporary one-day permit may be issued to a
1027 retail establishment authorizing the complimentary distribution of
1028 wine, including native wine, to patrons of the retail
1029 establishment at an open house or promotional event, for
1030 consumption only on the premises described in the temporary
1031 permit. A Class 3 permit may be issued only to an applicant

1032 demonstrating to the department, by a statement signed under
1033 penalty of perjury submitted ten (10) days before the proposed
1034 date or such other time as the department may determine, that it
1035 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1036 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1037 A Class 3 permit holder shall obtain all alcoholic beverages from
1038 the holder(s) of a package retailer's permit located in the county
1039 in which the temporary permit is issued. Wine remaining in stock
1040 upon expiration of the temporary permit may be returned by the
1041 Class 3 temporary permit holder to the package retailer for a
1042 refund of the purchase price, with consent of the package
1043 retailer, or may be kept by the Class 3 temporary permit holder
1044 exclusively for personal use and consumption, subject to all laws
1045 pertaining to the illegal sale and possession of alcoholic
1046 beverages. The department, following review of the statement
1047 provided by the applicant and the requirements of the applicable
1048 statutes and regulations, may issue the permit. No retailer may
1049 receive more than twelve (12) Class 3 temporary permits in a
1050 calendar year. A Class 3 temporary permit shall not be issued to
1051 a retail establishment that either holds a merchant permit issued
1052 under paragraph (1) of this subsection, or holds a permit issued
1053 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1054 the holder to engage in the business of a retailer of light wine
1055 or beer.

1056 (g) **Caterer's permit.** A caterer's permit shall permit
1057 the purchase of alcoholic beverages by a person engaging in

1058 business as a caterer and the resale of alcoholic beverages by
1059 such person in conjunction with such catering business. No person
1060 shall qualify as a caterer unless forty percent (40%) or more of
1061 the revenue derived from such catering business shall be from the
1062 serving of prepared food and not from the sale of alcoholic
1063 beverages and unless such person has obtained a permit for such
1064 business from the Department of Health. A caterer's permit shall
1065 not authorize the sale of alcoholic beverages on the premises of
1066 the person engaging in business as a caterer; however, the holder
1067 of an on-premises retailer's permit may hold a caterer's permit.
1068 When the holder of an on-premises retailer's permit or an
1069 affiliated entity of the holder also holds a caterer's permit, the
1070 caterer's permit shall not authorize the service of alcoholic
1071 beverages on a consistent, recurring basis at a separate, fixed
1072 location owned or operated by the caterer, on-premises retailer or
1073 affiliated entity and an on-premises retailer's permit shall be
1074 required for the separate location. All sales of alcoholic
1075 beverages by holders of a caterer's permit shall be made at the
1076 location being catered by the caterer, and, except as otherwise
1077 provided in subsection (5) of this section, such sales may be made
1078 only for consumption at the catered location. The location being
1079 catered may be anywhere within a county or judicial district that
1080 has voted to come out from under the dry laws or in which the sale
1081 and distribution of alcoholic beverages is otherwise authorized by
1082 law. Such sales shall be made pursuant to any other conditions
1083 and restrictions which apply to sales made by on-premises retail

1084 permittees. The holder of a caterer's permit or his employees
1085 shall remain at the catered location as long as alcoholic
1086 beverages are being sold pursuant to the permit issued under this
1087 paragraph (g), and the permittee shall have at the location the
1088 identification card issued by the Alcoholic Beverage Control
1089 Division of the department. No unsold alcoholic beverages may be
1090 left at the catered location by the permittee upon the conclusion
1091 of his business at that location. Appropriate law enforcement
1092 officers and Alcoholic Beverage Control Division personnel may
1093 enter a catered location on private property in order to enforce
1094 laws governing the sale or serving of alcoholic beverages.

1095 (h) **Research permit.** A research permit shall authorize
1096 the holder thereof to operate a research facility for the
1097 professional research of alcoholic beverages. Such permit shall
1098 authorize the holder of the permit to import and purchase limited
1099 amounts of alcoholic beverages from the department or from
1100 importers, wineries and distillers of alcoholic beverages for
1101 professional research.

1102 (i) **Alcohol processing permit.** An alcohol processing
1103 permit shall authorize the holder thereof to purchase, transport
1104 and possess alcoholic beverages for the exclusive use in cooking,
1105 processing or manufacturing products which contain alcoholic
1106 beverages as an integral ingredient. An alcohol processing permit
1107 shall not authorize the sale of alcoholic beverages on the
1108 premises of the person engaging in the business of cooking,
1109 processing or manufacturing products which contain alcoholic

1110 beverages. The amounts of alcoholic beverages allowed under an
1111 alcohol processing permit shall be set by the department.

1112 (j) **Hospitality cart permit.** A hospitality cart permit
1113 shall authorize the sale of alcoholic beverages from a mobile cart
1114 on a golf course that is the holder of an on-premises retailer's
1115 permit. The alcoholic beverages sold from the cart must be
1116 consumed within the boundaries of the golf course.

1117 (k) **Special service permit.** A special service permit
1118 shall authorize the holder to sell commercially sealed alcoholic
1119 beverages to the operator of a commercial or private aircraft for
1120 en route consumption only by passengers. A special service permit
1121 shall be issued only to a fixed-base operator who contracts with
1122 an airport facility to provide fueling and other associated
1123 services to commercial and private aircraft.

1124 (l) **Merchant permit.** Except as otherwise provided in
1125 subsection (5) of this section, a merchant permit shall be issued
1126 only to the owner of a spa facility, an art studio or gallery, or
1127 a cooking school, and shall authorize the holder to serve
1128 complimentary by the glass wine only, including native wine, at
1129 the holder's spa facility, art studio or gallery, or cooking
1130 school. A merchant permit holder shall obtain all wine from the
1131 holder of a package retailer's permit.

1132 (m) **Temporary alcoholic beverages charitable auction**
1133 **permit.** A temporary permit, not to exceed five (5) days, may be
1134 issued to a qualifying charitable nonprofit organization that is
1135 exempt from taxation under Section 501(c)(3) or (4) of the

1136 Internal Revenue Code of 1986. The permit shall authorize the
1137 holder to sell alcoholic beverages for the limited purpose of
1138 raising funds for the organization during a live or silent auction
1139 that is conducted by the organization and that meets the following
1140 requirements: (i) the auction is conducted in an area of the
1141 state where the sale of alcoholic beverages is authorized; (ii) if
1142 the auction is conducted on the premises of an on-premises
1143 retailer's permit holder, then the alcoholic beverages to be
1144 auctioned must be stored separately from the alcoholic beverages
1145 sold, stored or served on the premises, must be removed from the
1146 premises immediately following the auction, and may not be
1147 consumed on the premises; (iii) the permit holder may not conduct
1148 more than two (2) auctions during a calendar year; (iv) the permit
1149 holder may not pay a commission or promotional fee to any person
1150 to arrange or conduct the auction.

1151 (n) **Event venue retailer's permit.** An event venue
1152 retailer's permit shall authorize the holder thereof to purchase
1153 and resell alcoholic beverages, including native wines and native
1154 spirits, for consumption on the premises during legal hours during
1155 events held on the licensed premises if food is being served at
1156 the event by a caterer who is not affiliated with or related to
1157 the permittee. The caterer must serve at least three (3) entrees.
1158 The permit may only be issued for venues that can accommodate two
1159 hundred (200) persons or more. The number of persons a venue may
1160 accommodate shall be determined by the local fire department and
1161 such determination shall be provided in writing and submitted

1162 along with all other documents required to be provided for an
1163 on-premises retailer's permit. The permittee must derive the
1164 majority of its revenue from event-related fees, including, but
1165 not limited to, admission fees or ticket sales for live
1166 entertainment in the building. "Event-related fees" do not
1167 include alcohol, beer or light wine sales or any fee which may be
1168 construed to cover the cost of alcohol, beer or light wine. This
1169 determination shall be made on a per event basis. An event may
1170 not last longer than two (2) consecutive days per week.

1171 (o) **Temporary theatre permit.** A temporary theatre
1172 permit, not to exceed five (5) days, may be issued to a charitable
1173 nonprofit organization that is exempt from taxation under Section
1174 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
1175 a theatre facility that features plays and other theatrical
1176 performances and productions. Except as otherwise provided in
1177 subsection (5) of this section, the permit shall authorize the
1178 holder to sell alcoholic beverages, including native wines and
1179 native spirits, to patrons of the theatre during performances and
1180 productions at the theatre facility for consumption during such
1181 performances and productions on the premises of the facility
1182 described in the permit. A temporary theatre permit holder shall
1183 obtain all alcoholic beverages from package retailers located in
1184 the county in which the permit is issued. Alcoholic beverages
1185 remaining in stock upon expiration of the temporary theatre permit
1186 may be returned by the permittee to the package retailer for a
1187 refund of the purchase price upon consent of the package retailer

1188 or may be kept by the permittee exclusively for personal use and
1189 consumption, subject to all laws pertaining to the illegal sale
1190 and possession of alcoholic beverages.

1191 (p) **Charter ship operator's permit.** Subject to the
1192 provisions of this paragraph (p), a charter ship operator's permit
1193 shall authorize the holder thereof and its employees to serve,
1194 monitor, store and otherwise control the serving and availability
1195 of alcoholic beverages to customers of the permit holder during
1196 private charters under contract provided by the permit holder. A
1197 charter ship operator's permit shall authorize such action by the
1198 permit holder and its employees only as to alcoholic beverages
1199 brought onto the permit holder's ship by customers of the permit
1200 holder as part of such a private charter. All such alcoholic
1201 beverages must be removed from the charter ship at the conclusion
1202 of each private charter. A charter ship operator's permit shall
1203 not authorize the permit holder to sell, charge for or otherwise
1204 supply alcoholic beverages to customers, except as authorized in
1205 this paragraph (p). For the purposes of this paragraph (p),
1206 "charter ship operator" means a common carrier that (i) is
1207 certified to carry at least one hundred fifty (150) passengers
1208 and/or provide overnight accommodations for at least fifty (50)
1209 passengers, (ii) operates only in the waters within the State of
1210 Mississippi, which lie adjacent to the State of Mississippi south
1211 of the three (3) most southern counties in the State of
1212 Mississippi, and (iii) provides charters under contract for tours
1213 and trips in such waters.

1214 (q) **Distillery retailer's permit.** The holder of a
1215 Class 1 manufacturer's permit may obtain a distillery retailer's
1216 permit. A distillery retailer's permit shall authorize the holder
1217 thereof to sell at retail alcoholic beverages to consumers for
1218 on-premises consumption, or to consumers by the sealed and
1219 unopened bottle from a retail location at the distillery for
1220 off-premises consumption. The holder may only sell product
1221 manufactured by the manufacturer at the distillery described in
1222 the permit. However, when selling to consumers for on-premises
1223 consumption, a holder of a distillery retailer's permit may add
1224 other beverages, alcoholic or not, so long as the total volume of
1225 other beverage components containing alcohol does not exceed
1226 twenty percent (20%). Hours of sale shall be the same as those
1227 authorized for on-premises permittees in the city or county in
1228 which the distillery retailer is located.

1229 The holder shall not sell at retail more than ten percent
1230 (10%) of the alcoholic beverages produced annually at its
1231 distillery. The holder shall not make retail sales of more than
1232 two and twenty-five one-hundredths (2.25) liters, in the
1233 aggregate, of the alcoholic beverages produced at its distillery
1234 to any one (1) individual for consumption off the premises of the
1235 distillery within a twenty-four-hour period. The hours of sale
1236 shall be the same as those hours for package retailers under this
1237 article. The holder of a distillery retailer's permit is not
1238 required to purchase the alcoholic beverages authorized to be sold
1239 by this paragraph from the department's liquor distribution

1240 warehouse; however, if the holder does not purchase the alcoholic
1241 beverages from the department's liquor distribution warehouse, the
1242 holder shall pay to the department all taxes, fees and surcharges
1243 on the alcoholic beverages that are imposed upon the sale of
1244 alcoholic beverages shipped by the department or its warehouse
1245 operator. In addition to alcoholic beverages, the holder of a
1246 distillery retailer's permit may sell at retail promotional
1247 products from the same retail location, including shirts, hats,
1248 glasses, and other promotional products customarily sold by
1249 alcoholic beverage manufacturers.

1250 (r) **Festival Wine Permit.** Any wine manufacturer or
1251 native wine producer permitted by Mississippi or any other state
1252 is eligible to obtain a Festival Wine Permit. This permit
1253 authorizes the entity to transport product manufactured by it to
1254 festivals held within the State of Mississippi and sell sealed,
1255 unopened bottles to festival participants. The holder of this
1256 permit may provide samples at no charge to participants.
1257 "Festival" means any event at which three (3) or more vendors are
1258 present at a location for the sale or distribution of goods. The
1259 holder of a Festival Wine Permit is not required to purchase the
1260 alcoholic beverages authorized to be sold by this paragraph from
1261 the department's liquor distribution warehouse. However, if the
1262 holder does not purchase the alcoholic beverages from the
1263 department's liquor distribution warehouse, the holder of this
1264 permit shall pay to the department all taxes, fees and surcharges
1265 on the alcoholic beverages sold at such festivals that are imposed

1266 upon the sale of alcoholic beverages shipped by the Alcoholic
1267 Beverage Control Division of the Department of Revenue.
1268 Additionally, the entity shall file all applicable reports and
1269 returns as prescribed by the department. This permit is issued
1270 per festival and provides authority to sell for two (2)
1271 consecutive days during the hours authorized for on-premises
1272 permittees' sales in that county or city. The holder of the
1273 permit shall be required to maintain all requirements set by Local
1274 Option Law for the service and sale of alcoholic beverages. This
1275 permit may be issued to entities participating in festivals at
1276 which a Class 1 temporary permit is in effect.

1277 This paragraph (r) shall stand repealed from and after July
1278 1, 2026.

1279 (s) **Charter vessel operator's permit.** Subject to the
1280 provisions of this paragraph (s), a charter vessel operator's
1281 permit shall authorize the holder thereof and its employees to
1282 sell and serve alcoholic beverages to passengers of the permit
1283 holder during public tours, historical tours, ecological tours and
1284 sunset cruises provided by the permit holder. The permit shall
1285 authorize the holder to only sell alcoholic beverages, including
1286 native wines, to passengers of the charter vessel operator during
1287 public tours, historical tours, ecological tours and sunset
1288 cruises provided by the permit holder aboard the charter vessel
1289 operator for consumption during such tours and cruises on the
1290 premises of the charter vessel operator described in the permit.
1291 For the purposes of this paragraph (s), "charter vessel operator"

1292 means a common carrier that (i) is certified to carry at least
1293 forty-nine (49) passengers, (ii) operates only in the waters
1294 within the State of Mississippi, which lie south of Interstate 10
1295 in the three (3) most southern counties in the State of
1296 Mississippi, and lie adjacent to the State of Mississippi south of
1297 the three (3) most southern counties in the State of Mississippi,
1298 extending not further than one (1) mile south of such counties,
1299 and (iii) provides vessel services for tours and cruises in such
1300 waters as provided in this paragraph(s).

1301 (t) **Native spirit retailer's permit.** Except as
1302 otherwise provided in subsection (5) of this section, a native
1303 spirit retailer's permit shall be issued only to a holder of a
1304 Class 4 manufacturer's permit, and shall authorize the holder
1305 thereof to make retail sales of native spirits to consumers for
1306 on-premises consumption or to consumers in originally sealed and
1307 unopened containers at an establishment located on the premises of
1308 or in the immediate vicinity of a native distillery. When selling
1309 to consumers for on-premises consumption, a holder of a native
1310 spirit retailer's permit may add to the native spirit alcoholic
1311 beverages not produced on the premises, so long as the total
1312 volume of foreign beverage components does not exceed twenty
1313 percent (20%) of the mixed beverage. Hours of sale shall be the
1314 same as those authorized for on-premises permittees in the city or
1315 county in which the native spirit retailer is located.

1316 (u) **Delivery service permit.** Any individual, limited
1317 liability company, corporation or partnership registered to do

1318 business in this state is eligible to obtain a delivery service
1319 permit. Subject to the provisions of Section 67-1-51.1, this
1320 permit authorizes the permittee, or its employee or an independent
1321 contractor acting on its behalf, to deliver alcoholic beverages,
1322 beer, light wine and light spirit product from a licensed retailer
1323 to a person in this state who is at least twenty-one (21) years of
1324 age for the individual's use and not for resale. This permit does
1325 not authorize the delivery of alcoholic beverages, beer, light
1326 wine or light spirit product to the premises of a location with a
1327 permit for the manufacture, distribution or retail sale of
1328 alcoholic beverages, beer, light wine or light spirit product.
1329 The holder of a package retailer's permit or an on-premises
1330 retailer's permit under Section 67-1-51 or of a beer, light wine
1331 and light spirit product permit under Section 67-3-19 is
1332 authorized to apply for a delivery service permit as a privilege
1333 separate from its existing retail permit.

1334 (v) **Food truck permit.** A food truck permit shall
1335 authorize the holder of an on-premises retailer's permit to use a
1336 food truck to sell alcoholic beverages off its premises to guests
1337 who must consume the beverages in open containers. For the
1338 purposes of this paragraph (v), "food truck" means a fully encased
1339 food service establishment on a motor vehicle or on a trailer that
1340 a motor vehicle pulls to transport, and from which a vendor,
1341 standing within the frame of the establishment, prepares, cooks,
1342 sells and serves food for immediate human consumption. The term
1343 "food truck" does not include a food cart that is not motorized.

1344 Food trucks shall maintain such distance requirements from
1345 schools, churches, kindergartens and funeral homes as are required
1346 for on-premises retailer's permittees under this article, and all
1347 sales must be made within a valid leisure and recreation district
1348 established under Section 67-1-101. Food trucks cannot sell or
1349 serve alcoholic beverages unless also offering food prepared and
1350 cooked within the food truck, and permittees must maintain a
1351 twenty-five percent (25%) food sale revenue requirement based on
1352 the food sold from the food truck alone. The hours allowed for
1353 sale shall be the same as those for on-premises retailer's
1354 permittees in the location. This permit will not be required for
1355 the holder of a caterer's permit issued under this article to
1356 cater an event as allowed by law. Permittees must provide notice
1357 of not less than forty-eight (48) hours to the department of each
1358 location at which alcoholic beverages will be sold.

1359 (w) **Direct shipper's permit.** A direct shipper's permit
1360 shall authorize the holder to sell and ship wine directly to
1361 residents in this state in accordance with the provisions of
1362 Sections 1 through 12 of this act, without being required to
1363 transact the sale and shipment of those wines through the
1364 Alcoholic Beverage Control Division of the department.

1365 (x) **Wine Fulfillment Provider Permit.** A wine
1366 fulfillment provider permit shall authorize the holder to only
1367 provide logistics services of warehousing, packaging, order
1368 fulfillment, and shipment of wine for a direct shipper permittee
1369 for which the wine fulfillment provider permittee is the bailee of

1370 the wine under Sections 1 through 12 of this act. Wine held in
1371 bailment by a wine fulfillment provider permittee shall remain the
1372 property of the direct shipper permittee until loaded on
1373 conveyance for direct shipment to a Mississippi resident.

1374 (2) Except as otherwise provided in subsection (4) of this
1375 section, retail permittees may hold more than one (1) retail
1376 permit, at the discretion of the department.

1377 (3) (a) Except as otherwise provided in this subsection, no
1378 authority shall be granted to any person to manufacture, sell or
1379 store for sale any intoxicating liquor as specified in this
1380 article within four hundred (400) feet of any church, school,
1381 kindergarten or funeral home. However, within an area zoned
1382 commercial or business, such minimum distance shall be not less
1383 than one hundred (100) feet.

1384 (b) A church or funeral home may waive the distance
1385 restrictions imposed in this subsection in favor of allowing
1386 issuance by the department of a permit, pursuant to subsection (1)
1387 of this section, to authorize activity relating to the
1388 manufacturing, sale or storage of alcoholic beverages which would
1389 otherwise be prohibited under the minimum distance criterion.
1390 Such waiver shall be in written form from the owner, the governing
1391 body, or the appropriate officer of the church or funeral home
1392 having the authority to execute such a waiver, and the waiver
1393 shall be filed with and verified by the department before becoming
1394 effective.

1395 (c) The distance restrictions imposed in this
1396 subsection shall not apply to the sale or storage of alcoholic
1397 beverages at a bed and breakfast inn listed in the National
1398 Register of Historic Places or to the sale or storage of alcoholic
1399 beverages in a historic district that is listed in the National
1400 Register of Historic Places, is a qualified resort area and is
1401 located in a municipality having a population greater than one
1402 hundred thousand (100,000) according to the latest federal
1403 decennial census.

1404 (d) The distance restrictions imposed in this
1405 subsection shall not apply to the sale or storage of alcoholic
1406 beverages at a qualified resort area as defined in Section
1407 67-1-5(o)(iii)32.

1408 (e) The distance restrictions imposed in this
1409 subsection shall not apply to the sale or storage of alcoholic
1410 beverages at a licensed premises in a building formerly owned by a
1411 municipality and formerly leased by the municipality to a
1412 municipal school district and used by the municipal school
1413 district as a district bus shop facility.

1414 (f) The distance restrictions imposed in this
1415 subsection shall not apply to the sale or storage of alcoholic
1416 beverages at a licensed premises in a building consisting of at
1417 least five thousand (5,000) square feet and located approximately
1418 six hundred (600) feet from the intersection of Mississippi
1419 Highway 15 and Mississippi Highway 4.

1420 (g) The distance restrictions imposed in this
1421 subsection shall not apply to the sale or storage of alcoholic
1422 beverages at a licensed premises in a building located at or near
1423 the intersection of Ward and Tate Streets and adjacent properties
1424 in the City of Senatobia, Mississippi.

1425 (h) The distance restrictions imposed in this
1426 subsection shall not apply to the sale or storage of alcoholic
1427 beverages at a theatre facility that features plays and other
1428 theatrical performances and productions and (i) is capable of
1429 seating more than seven hundred fifty (750) people, (ii) is owned
1430 by a municipality which has a population greater than ten thousand
1431 (10,000) according to the latest federal decennial census, (iii)
1432 was constructed prior to 1930, (iv) is on the National Register of
1433 Historic Places, and (v) is located in a historic district.

1434 (i) The distance restrictions imposed in this
1435 subsection shall not apply to the sale or storage of alcoholic
1436 beverages at a licensed premises in a building located
1437 approximately one and six-tenths (1.6) miles north of the
1438 intersection of Mississippi Highway 15 and Mississippi Highway 4
1439 on the west side of Mississippi Highway 15.

1440 (4) No person, either individually or as a member of a firm,
1441 partnership, limited liability company or association, or as a
1442 stockholder, officer or director in a corporation, shall own or
1443 control any interest in more than one (1) package retailer's
1444 permit, nor shall such person's spouse, if living in the same
1445 household of such person, any relative of such person, if living

1446 in the same household of such person, or any other person living
1447 in the same household with such person own any interest in any
1448 other package retailer's permit.

1449 (5) (a) In addition to any other authority granted under
1450 this section, the holder of a permit issued under subsection
1451 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1452 sell or otherwise provide alcoholic beverages and/or wine to a
1453 patron of the permit holder in the manner authorized in the permit
1454 and the patron may remove an open glass, cup or other container of
1455 the alcoholic beverage and/or wine from the licensed premises and
1456 may possess and consume the alcoholic beverage or wine outside of
1457 the licensed premises if: (i) the licensed premises is located
1458 within a leisure and recreation district created under Section
1459 67-1-101 and (ii) the patron remains within the boundaries of the
1460 leisure and recreation district while in possession of the
1461 alcoholic beverage or wine.

1462 (b) Nothing in this subsection shall be construed to
1463 allow a person to bring any alcoholic beverages into a permitted
1464 premises except to the extent otherwise authorized by this
1465 article.

1466 **SECTION 20.** Section 67-1-53, Mississippi Code of 1972, is
1467 amended as follows:

1468 67-1-53. (1) Application for permits shall be in such form
1469 and shall contain such information as shall be required by the
1470 regulations of the * * * department; however, no regulation of
1471 the * * * department shall require personal financial information

1472 from any officer of a corporation applying for an on-premises
1473 retailer's permit to sell alcoholic beverages unless such officer
1474 owns ten percent (10%) or more of the stock of such corporation.

1475 (2) Every applicant for each type of permit authorized by
1476 Section 67-1-51 shall give notice of such application by
1477 publication for two (2) consecutive issues in a newspaper of
1478 general circulation published in the city or town in which
1479 applicant's place of business is located. However, in instances
1480 where no newspaper is published in the city or town, then the
1481 notice shall be published in a newspaper of general circulation
1482 published in the county where the applicant's business is located.
1483 If no newspaper is published in the county, the notice shall be
1484 published in a qualified newspaper which is published in the
1485 closest neighboring county and circulated in the county of
1486 applicant's residence. The notice shall be printed in ten-point
1487 black face type and shall set forth the type of permit to be
1488 applied for, the exact location of the place of business, the name
1489 of the owner or owners thereof, and if operating under an assumed
1490 name, the trade name together with the names of all owners, and if
1491 a corporation, the names and titles of all officers. The cost of
1492 such notice shall be borne by the applicant. The provisions of
1493 this subsection (2) shall not apply to applicants for a direct
1494 shipper's permit under Sections 1 through 12 of this act.

1495 (3) Each application or filing made under this section shall
1496 include the social security number(s) of the applicant in
1497 accordance with Section 93-11-64, Mississippi Code of 1972.

1498 **SECTION 21.** Section 67-1-55, Mississippi Code of 1972, is
1499 amended as follows:

1500 67-1-55. No permit of any type shall be issued by the * * *
1501 department until the applicant has first filed with the * * *
1502 department a sworn statement disclosing all persons who are
1503 financially involved in the operation of the business for which
1504 the permit is sought. If an applicant is an individual, he will
1505 swear that he owns one hundred percent (100%) of the business for
1506 which he is seeking a permit. If the applicant is a partnership,
1507 all partners and their addresses shall be disclosed and the extent
1508 of their interest in the partnership shall be disclosed. If the
1509 applicant is a corporation, the total stock in the corporation
1510 shall be disclosed and each shareholder and his address and the
1511 amount of stock in the corporation owned by him shall be
1512 disclosed. If the applicant is a limited liability company, each
1513 member and their addresses shall be disclosed and the extent of
1514 their interest in the limited liability company shall be
1515 disclosed. If the applicant is a trust, the trustee and all
1516 beneficiaries and their addresses shall be disclosed. If the
1517 applicant is a combination of any of the above, all information
1518 required to be disclosed above shall be required.

1519 All the disclosures shall be in writing and kept on file at
1520 the * * * department and shall be available to the public.

1521 Every applicant must, when applying for a renewal of his
1522 permit, disclose any change in the ownership of the business or
1523 any change in the beneficiaries of the income from the business.

1524 Any person who willfully fails to fully disclose the
1525 information required by this section, or who gives false
1526 information, shall be guilty of a misdemeanor and, upon conviction
1527 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1528 (\$500.00) or imprisoned for not more than one (1) year, or both,
1529 and the person or applicant shall never again be eligible for any
1530 permit pertaining to alcoholic beverages.

1531 The provisions of this section shall not apply to applicants
1532 for a direct shipper's permit under Sections 1 through 12 of this
1533 act.

1534 **SECTION 22.** Section 67-1-57, Mississippi Code of 1972, is
1535 amended as follows:

1536 67-1-57. Before a permit is issued the department shall
1537 satisfy itself:

1538 (a) That the applicant, if an individual, or if a
1539 partnership, each of the members of the partnership, or if a
1540 corporation, each of its principal officers and directors, or if a
1541 limited liability company, each member of the limited liability
1542 company, is of good moral character and, in addition, enjoys a
1543 reputation of being a peaceable, law-abiding citizen of the
1544 community in which he resides, and is generally fit for the trust
1545 to be reposed in him, is not less than twenty-one (21) years of
1546 age, and has not been convicted of a felony in any state or
1547 federal court.

1548 (b) That, except in the case of an application for a
1549 solicitor's permit, the applicant is the true and actual owner of

1550 the business for which the permit is desired, and that he intends
1551 to carry on the business authorized for himself and not as the
1552 agent of any other person, and that he intends to superintend in
1553 person the management of the business or that he will designate a
1554 manager to manage the business for him. Except for managers
1555 employed by the holder of a direct shipper's permit, all managers
1556 must be approved by the department prior to completing any
1557 managerial tasks on behalf of the permittee and must possess all
1558 of the qualifications required of a permittee; however, a felony
1559 conviction, other than a crime of violence, does not automatically
1560 disqualify a person from being approved as a manager if the person
1561 was released from incarceration at least three (3) years prior to
1562 application for approval as a manager. A felony conviction, other
1563 than a crime of violence, may be considered by the department in
1564 determining whether all other qualifications are met.

1565 (c) That the applicant for a package retailer's permit,
1566 if an individual, is a resident of the State of Mississippi. If
1567 the applicant is a partnership, each member of the partnership
1568 must be a resident of the state. If the applicant is a limited
1569 liability company, each member of the limited liability company
1570 must be a resident of the state. If the applicant is a
1571 corporation, the designated manager of the corporation must be a
1572 resident of the state.

1573 (d) That the place for which the permit is to be issued
1574 is an appropriate one considering the character of the premises
1575 and the surrounding neighborhood.

1576 (e) That the place for which the permit is to be issued
1577 is within the corporate limits of an incorporated municipality or
1578 qualified resort area or club which comes within the provisions of
1579 this article.

1580 (f) That the applicant is not indebted to the state for
1581 any taxes, fees or payment of penalties imposed by any law of the
1582 State of Mississippi or by any rule or regulation of the * * *
1583 department.

1584 (g) That the applicant is not in the habit of using
1585 alcoholic beverages to excess and is not physically or mentally
1586 incapacitated, and that the applicant has the ability to read and
1587 write the English language.

1588 (h) That the * * * department does not believe and has
1589 no reason to believe that the applicant will sell or knowingly
1590 permit any agent, servant or employee to unlawfully sell liquor in
1591 a dry area or in any other manner contrary to law.

1592 (i) That the applicant is not residentially domiciled
1593 with any person whose permit or license has been cancelled for
1594 cause within the twelve (12) months next preceding the date of the
1595 present application for a permit.

1596 (j) That the * * * department has not, in the exercise
1597 of its discretion which is reserved and preserved to it, refused
1598 to grant permits under the restrictions of this section, as well
1599 as under any other pertinent provision of this article.

1600 (k) That there are not sufficient legal reasons to deny
1601 a permit on the ground that the premises for which the permit is

1602 sought has previously been operated, used or frequented for any
1603 purpose or in any manner that is lewd, immoral or offensive to
1604 public decency. In the granting or withholding of any permit to
1605 sell alcoholic beverages at retail, the * * * department in
1606 forming its conclusions may give consideration to any
1607 recommendations made in writing by the district or county attorney
1608 or county, circuit or chancery judge of the county, or the sheriff
1609 of the county, or the mayor or chief of police of an incorporated
1610 city or town wherein the applicant proposes to conduct his
1611 business and to any recommendations made by representatives of
1612 the * * * department.

1613 (1) That the applicant and the applicant's key
1614 employees, as determined by the * * * department, do not have a
1615 disqualifying criminal record. In order to obtain a criminal
1616 record history check, the applicant shall submit to the commission
1617 a set of fingerprints from any local law enforcement agency for
1618 each person for whom the records check is required. The * * *
1619 department shall forward the fingerprints to the Mississippi
1620 Department of Public Safety. If no disqualifying record is
1621 identified at the state level, the Department of Public Safety
1622 shall forward the fingerprints to the Federal Bureau of
1623 Investigation for a national criminal history record check. Costs
1624 for processing the set or sets of fingerprints shall be borne by
1625 the applicant. The department may waive the fingerprint
1626 requirement in the case of an applicant for a direct shipper's
1627 permit. The * * * department shall not deny employment to an

1628 employee of the applicant prior to the identification of a
1629 disqualifying record or other disqualifying information.

1630 **SECTION 23.** Section 67-1-73, Mississippi Code of 1972, is
1631 amended as follows:

1632 67-1-73. (1) Except as otherwise provided in subsection (3)
1633 of this section, every manufacturer, including native wine or
1634 native spirit producers, within or without the state, and every
1635 other shipper of alcoholic beverages who sells any alcoholic
1636 beverage, including native wine or native spirit, within the
1637 state, shall, at the time of making such sale, file with the
1638 department a copy of the invoice of such sale showing in detail
1639 the kind of alcoholic beverage sold, the quantities of each, the
1640 size of the container and the weight of the contents, the
1641 alcoholic content, and the name and address of the person to whom
1642 sold.

1643 (2) Except as otherwise provided in subsection (3) of this
1644 section, every person transporting alcoholic beverages, including
1645 native wine or native spirit, within this state to a point within
1646 this state, whether such transportation originates within or
1647 without this state, shall, within five (5) days after delivery of
1648 such shipment, furnish the department a copy of the bill of lading
1649 or receipt, showing the name or consignor or consignee, date,
1650 place received, destination, and quantity of alcoholic beverages
1651 delivered. Upon failure to comply with the provisions of this
1652 section, such person shall be deemed guilty of a misdemeanor and,

1653 upon conviction thereof, shall be fined in the sum of Fifty
1654 Dollars (\$50.00) for each offense.

1655 (3) Information regarding the sales, shipment, delivery and
1656 transportation of wine in this state by the holder of a direct
1657 shipper's permit under Sections 1 through 12 of this act shall be
1658 in such form and content as prescribed by the department.

1659 **SECTION 24.** Section 97-31-47, Mississippi Code of 1972, is
1660 amended as follows:

1661 97-31-47. It shall be unlawful for any transportation
1662 company, or any agent, employee, or officer of such company, or
1663 any other person, or corporation to transport into or deliver in
1664 this state in any manner or by any means any spirituous, vinous,
1665 malt, or other intoxicating liquors or drinks, or for any such
1666 person, company, or corporation to transport any spirituous, malt,
1667 vinous, or intoxicating liquors or drinks from one place within
1668 this state to another place within the state, or from one (1)
1669 point within this state to any point without the state, except in
1670 cases where this chapter * * *, Section 67-9-1, or Sections 1
1671 through 12 of this act authorizes the transportation.

1672 **SECTION 25.** Section 97-31-49, Mississippi Code of 1972, is
1673 amended as follows:

1674 97-31-49. Except as otherwise provided in Sections 1 through
1675 12 of this act, it shall be unlawful for any person, firm or
1676 corporation in this state, in person, by letter, circular, or
1677 other printed or written matter, or in any other manner, to
1678 solicit or take order in this state for any liquors, bitters or

1679 drinks prohibited by the laws of this state to be sold, bartered,
1680 or otherwise disposed of. The inhibition of this section shall
1681 apply to such liquors, bitters and drinks, whether the parties
1682 intend that the same shall be shipped into this state from outside
1683 of the state, or from one (1) point in this state to another point
1684 in this state. If such order be in writing, parol evidence
1685 thereof is admissible without producing or accounting for the
1686 absence of the original; and the taking or soliciting of such
1687 orders is within the inhibition of this section, although the
1688 orders are subject to approval by some other person, and no part
1689 of the price is paid, nor any part of the goods is delivered when
1690 the order is taken.

1691 **SECTION 26.** This act shall take effect and be in force from
1692 and after July 1, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF A CLASS 2
2 MANUFACTURER'S PERMIT UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE
3 CONTROL LAW, OR WHO IS LICENSED OR PERMITTED OUTSIDE OF THE STATE
4 TO ENGAGE IN THE ACTIVITY OF MANUFACTURING WINE TO SELL AND SHIP
5 WINE DIRECTLY TO RESIDENTS IN THIS STATE, IF THE PERSON OBTAINS A
6 DIRECT SHIPPER'S PERMIT FROM THE DEPARTMENT OF REVENUE; TO PROVIDE
7 FOR THE ISSUANCE OF DIRECT SHIPPER'S PERMITS AND THE ISSUANCE OF
8 WINE FULFILLMENT PROVIDER PERMITS; TO REQUIRE THE HOLDER OF A
9 DIRECT SHIPPER'S PERMIT TO KEEP CERTAIN RECORDS; TO REQUIRE THE
10 HOLDER OF A WINE FULFILLMENT PROVIDER PERMIT TO KEEP CERTAIN
11 RECORDS; TO PROHIBIT THE HOLDER OF A DIRECT SHIPPER'S PERMIT FROM
12 SELLING OR SHIPPING LIGHT WINE, LIGHT SPIRIT PRODUCTS OR BEER OR
13 ANY ALCOHOLIC BEVERAGE OTHER THAN WINE; TO LIMIT THE AMOUNT OF
14 WINE THAT A HOLDER OF A DIRECT SHIPPER'S PERMIT MAY SELL OR SHIP
15 TO AN INDIVIDUAL EACH YEAR; TO PROVIDE FOR THE ANNUAL RENEWAL OF
16 DIRECT SHIPPER'S PERMITS; TO PROVIDE THAT PERSONS PURCHASING OR
17 RECEIVING A DIRECT SHIPMENT OF WINE FROM A DIRECT SHIPPER MUST BE
18 AT LEAST TWENTY-ONE YEARS OF AGE; TO PROVIDE THAT PERSONS

19 RECEIVING A DIRECT SHIPMENT OF WINE FROM A DIRECT SHIPPER SHALL
20 USE THE WINE FOR PERSONAL USE ONLY AND MAY NOT RESELL IT; TO
21 IMPOSE CERTAIN REQUIREMENTS RELATING THE SHIPMENT OF WINE INTO
22 THIS STATE; TO AUTHORIZE THE COMMISSIONER OF REVENUE TO ADOPT ANY
23 RULES OR REGULATIONS AS NECESSARY TO CARRY OUT THIS ACT; TO
24 PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS
25 27-71-5, 27-71-7, 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972,
26 TO PROVIDE THE PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A DIRECT
27 SHIPPER'S PERMIT AND FOR THE PRIVILEGE TAX REQUIRED FOR THE
28 ISSUANCE OF A WINE FULFILLMENT PROVIDER PERMIT; TO LEVY A TAX UPON
29 THE SALES AND SHIPMENTS OF WINE MADE BY A DIRECT SHIPPER; TO
30 REQUIRE A CERTAIN AMOUNT OF THE TAXES LEVIED TO BE DEPOSITED INTO
31 THE MENTAL HEALTH PROGRAMS FUND; TO AMEND SECTIONS 67-1-41,
32 67-1-45, 67-1-51, 67-1-53, 67-1-55, 67-1-57, 67-1-73, 97-31-47 AND
33 97-31-49, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
34 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

HR31\SB2405PH.J

Andrew Ketchings
Clerk of the House of Representatives