

By: Representative Lancaster

To: State Affairs

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 51

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE RESTRICTIONS ON THE MANUFACTURING, SALE OR  
3 STORAGE OF INTOXICATING LIQUORS WITHIN CERTAIN DISTANCES OF  
4 CHURCHES, SCHOOLS, KINDERGARTENS AND FUNERAL HOMES SHALL NOT APPLY  
5 TO THE SALE OR STORAGE OF ALCOHOLIC BEVERAGES AT CERTAIN  
6 LOCATIONS; AND FOR RELATED PURPOSES.

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

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

10 67-1-51. (1) Permits which may be issued by the department  
11 shall be as follows:

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

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

19 Class 1. Distiller's and/or rectifier's permit, which shall  
20 authorize the holder thereof to operate a distillery for the



21 production of distilled spirits by distillation or redistillation  
22 and/or to operate a rectifying plant for the purifying, refining,  
23 mixing, blending, flavoring or reducing in proof of distilled  
24 spirits and alcohol.

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

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

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

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



so long as the sampling otherwise complies with this article and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers, other beverages commonly used to mix with alcoholic beverages, and fruits and foods that have been submerged in alcohol and are commonly referred to as edibles. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees



71 ordered. In addition, an on-premises retailer's permittee at a  
72 permitted premises located on Jefferson Davis Avenue within  
73 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic  
74 beverages by the glass to a patron in a vehicle using a  
75 drive-through method of delivery if the permitted premises is  
76 located in a leisure and recreation district established under  
77 Section 67-1-101. Such a sale will be considered to be made on  
78 the permitted premises. An on-premises retailer's permit shall be  
79 issued only to qualified hotels, restaurants and clubs, small  
80 craft breweries, microbreweries, and to common carriers with  
81 adequate facilities for serving passengers. In resort areas,  
82 however, whether inside or outside of a municipality, the  
83 department, in its discretion, may issue on-premises retailer's  
84 permits to any establishments located therein as it deems proper.  
85 An on-premises retailer's permit when issued to a common carrier  
86 shall authorize the sale and serving of alcoholic beverages aboard  
87 any licensed vehicle while moving through any county of the state;  
88 however, the sale of such alcoholic beverages shall not be  
89 permitted while such vehicle is stopped in a county that has not  
90 legalized such sales. If an on-premises retailer's permit is  
91 applied for by a common carrier operating solely in the water,  
92 such common carrier must, along with all other qualifications for  
93 a permit, (i) be certified to carry at least one hundred fifty  
94 (150) passengers and/or provide overnight accommodations for at  
95 least fifty (50) passengers and (ii) operate primarily in the



96 waters within the State of Mississippi which lie adjacent to the  
97 State of Mississippi south of the three (3) most southern counties  
98 in the State of Mississippi and/or on the Mississippi River or  
99 navigable waters within any county bordering on the Mississippi  
100 River.

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

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



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

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

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

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.



Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

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

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2



temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

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





provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (1) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed



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

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the



professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

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

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

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with



an airport facility to provide fueling and other associated services to commercial and private aircraft.

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

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



consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.



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

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during



private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product



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

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





395 distillery retailer's permit may sell at retail promotional  
396 products from the same retail location, including shirts, hats,  
397 glasses, and other promotional products customarily sold by  
398 alcoholic beverage manufacturers.

399           (r) **Festival Wine Permit.** Any wine manufacturer or  
400 native wine producer permitted by Mississippi or any other state  
401 is eligible to obtain a Festival Wine Permit. This permit  
402 authorizes the entity to transport product manufactured by it to  
403 festivals held within the State of Mississippi and sell sealed,  
404 unopened bottles to festival participants. The holder of this  
405 permit may provide samples at no charge to participants.  
406 "Festival" means any event at which three (3) or more vendors are  
407 present at a location for the sale or distribution of goods. The  
408 holder of a Festival Wine Permit is not required to purchase the  
409 alcoholic beverages authorized to be sold by this paragraph from  
410 the department's liquor distribution warehouse. However, if the  
411 holder does not purchase the alcoholic beverages from the  
412 department's liquor distribution warehouse, the holder of this  
413 permit shall pay to the department all taxes, fees and surcharges  
414 on the alcoholic beverages sold at such festivals that are imposed  
415 upon the sale of alcoholic beverages shipped by the Alcoholic  
416 Beverage Control Division of the Department of Revenue.  
417 Additionally, the entity shall file all applicable reports and  
418 returns as prescribed by the department. This permit is issued  
419 per festival and provides authority to sell for two (2)



consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

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

(s) **Charter vessel operator's permit.** Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate 10 in the three (3) most southern counties in the State of



Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph(s).

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

(u) **Delivery service permit.** Any individual, limited liability company, corporation or partnership registered to do business in this state is eligible to obtain a delivery service permit. Subject to the provisions of Section 67-1-51.1, this permit authorizes the permittee, or its employee or an independent



contractor acting on its behalf, to deliver alcoholic beverages, beer, light wine and light spirit product from a licensed retailer to a person in this state who is at least twenty-one (21) years of age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit.

(v) **Food truck permit.** A food truck permit shall authorize the holder of an on-premises retailer's permit to use a food truck to sell alcoholic beverages off its premises to guests who must consume the beverages in open containers. For the purposes of this paragraph (v), "food truck" means a fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor, standing within the frame of the establishment, prepares, cooks, sells and serves food for immediate human consumption. The term "food truck" does not include a food cart that is not motorized. Food trucks shall maintain such distance requirements from schools, churches, kindergartens and funeral homes as are required



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

(w) **On-premises tobacco permit.** An on-premises tobacco permit shall authorize the permittee to sell alcoholic beverages for consumption on the licensed premises. In addition to all other requirements to obtain an alcoholic beverage permit, the permittee must obtain and maintain a tobacco permit issued by the State of Mississippi, and have a capital investment of not less than Five Hundred Thousand Dollars (\$500,000.00) in the premises for which the permit is issued. In addition to alcoholic beverages, the permittee is authorized to sell only cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. Additionally, seventy-five percent (75%) of the permittee's annual gross revenue must be derived from the sale of cigars, cheroots,



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

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

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

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



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

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

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

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

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



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

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

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

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

(j) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a qualified resort area as defined in Section





67-1-5(o)(iii)83.

(k) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a qualified resort area as defined in Section 67-1-5(o)(iii)84.

(l) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located at 1801 Government Street in the City of Ocean Springs, Mississippi.

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



location in the State of Mississippi, for which the permittee holds such a permit.

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

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

**SECTION 2.** This act shall take effect and be in force from and after its passage.

