

By: Representative Powell

To: State Affairs

## HOUSE BILL NO. 94

1 AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO  
2 DEFINE THE TERM "GROCERY STORE" UNDER THE LOCAL OPTION ALCOHOLIC  
3 BEVERAGE CONTROL LAW; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE  
4 OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO ISSUE GROCERY  
5 STORE WINE-ONLY RETAILER'S PERMITS THAT AUTHORIZE THE HOLDER  
6 THEREOF TO SELL WINE AT RETAIL AT A GROCERY STORE IN ORIGINAL  
7 SEALED AND UNOPENED PACKAGES NOT TO BE CONSUMED ON THE PREMISES  
8 WHERE SOLD; TO PROVIDE THAT THE HOLDER OF A PACKAGE RETAILER'S  
9 PERMIT MAY SELL OTHER PRODUCTS AND MERCHANDISE, EXCEPT BEER, BUT  
10 MUST DERIVE AT LEAST 50% OF THE REVENUE OF THE LICENSED PREMISES  
11 FROM THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN ORIGINAL SEALED AND  
12 UNOPENED PACKAGES NOT TO BE CONSUMED ON THE LICENSED PREMISES; TO  
13 REVISE THE TYPE OF PERMITS FOR WHICH CERTAIN TEMPORARY PERMITS MAY  
14 BE ISSUED; TO AUTHORIZE A PERSON TO OWN OR CONTROL ANY INTEREST IN  
15 NO MORE THAN SIX PACKAGE RETAILER'S PERMITS; TO AMEND SECTION  
16 27-71-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THE LICENSE TAX  
17 REQUIRED FOR GROCERY STORE WINE-ONLY RETAILER'S PERMITS; TO AMEND  
18 SECTIONS 67-1-41, 67-1-75, 67-1-83 AND 67-1-85, MISSISSIPPI CODE  
19 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 67-1-5, Mississippi Code of 1972, is  
22 amended as follows:

23 67-1-5. For the purposes of this article and unless  
24 otherwise required by the context:

25 (a) "Alcoholic beverage" means any alcoholic liquid,  
26 including wines of more than five percent (5%) of alcohol by



weight, capable of being consumed as a beverage by a human being, but shall not include light wine, light spirit product and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines and native spirits. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state.

(b) "Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(c) "Distilled spirits" means any beverage containing more than six percent (6%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages.

(d) "Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits, honey or berries and made in accordance with the revenue laws of the United States.

(e) "Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.



(f) "Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.

(g) "Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.

(h) "Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale.

(i) "State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division.

(j) "Division" means the Alcoholic Beverage Control Division of the Department of Revenue.

(k) "Municipality" means any incorporated city or town of this state.

(l) "Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are



75 located at least twenty (20) adequately furnished and completely  
76 separate sleeping rooms with adequate facilities that persons  
77 usually apply for and receive as overnight accommodations. Hotels  
78 in towns or cities of more than twenty-five thousand (25,000)  
79 population are similarly defined except that they must have fifty  
80 (50) or more sleeping rooms. Any such establishment described in  
81 this paragraph with less than fifty (50) beds shall operate one or  
82 more regular dining rooms designed to be constantly frequented by  
83 customers each day. When used in this article, the word "hotel"  
84 shall also be construed to include any establishment that meets  
85 the definition of "bed and breakfast inn" as provided in this  
86 section.

87 (m) "Restaurant" means:

88 (i) A place which is regularly and in a bona fide  
89 manner used and kept open for the serving of meals to guests for  
90 compensation, which has suitable seating facilities for guests,  
91 and which has suitable kitchen facilities connected therewith for  
92 cooking an assortment of foods and meals commonly ordered at  
93 various hours of the day; the service of such food as sandwiches  
94 and salads only shall not be deemed in compliance with this  
95 requirement. Except as otherwise provided in this paragraph, no  
96 place shall qualify as a restaurant under this article unless  
97 twenty-five percent (25%) or more of the revenue derived from such  
98 place shall be from the preparation, cooking and serving of meals  
99 and not from the sale of beverages, or unless the value of food



given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue; or

(ii) Any privately owned business located in a building in a historic district where the district is listed in the National Register of Historic Places, where the building has a total occupancy rating of not less than one thousand (1,000) and where the business regularly utilizes ten thousand (10,000) square feet or more in the building for live entertainment, including not only the stage, lobby or area where the audience sits and/or stands, but also any other portion of the building necessary for the operation of the business, including any kitchen area, bar area, storage area and office space, but excluding any area for parking. In addition to the other requirements of this subparagraph, the business must also serve food to guests for compensation within the building and derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales to live entertainment in the building, and from the rental of all or part of the facilities of the business in the building to another party for a specific event or function.

(n) "Club" means an association or a corporation:

(i) Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;



(ii) Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;

(iii) Maintained by its members through the payment of annual dues;

(iv) Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;

(v) The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and

(vi) No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.

The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of its application for a license under this article, two (2) copies of a list of the names and residences of its members and similarly



148 file, within ten (10) days after the election of any additional  
149 member, his name and address. Each club applying for a license  
150 shall also file with the department at the time of the application  
151 a copy of its articles of association, charter of incorporation,  
152 bylaws or other instruments governing the business and affairs  
153 thereof.

154 (o) "Qualified resort area" means any area or locality  
155 outside of the limits of incorporated municipalities in this state  
156 commonly known and accepted as a place which regularly and  
157 customarily attracts tourists, vacationists and other transients  
158 because of its historical, scenic or recreational facilities or  
159 attractions, or because of other attributes which regularly and  
160 customarily appeal to and attract tourists, vacationists and other  
161 transients in substantial numbers; however, no area or locality  
162 shall so qualify as a resort area until it has been duly and  
163 properly approved as such by the department. The department may  
164 not approve an area as a qualified resort area after July 1, 2018,  
165 if any portion of such proposed area is located within two (2)  
166 miles of a convent or monastery that is located in a county  
167 traversed by Interstate 55 and U.S. Highway 98. A convent or  
168 monastery may waive such distance restrictions in favor of  
169 allowing approval by the department of an area as a qualified  
170 resort area. Such waiver shall be in written form from the owner,  
171 the governing body, or the appropriate officer of the convent or  
172 monastery having the authority to execute such a waiver, and the



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

(i) The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.

(ii) The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this article, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.

(iii) The term includes:

1. The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park;

2. The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities where the golf course, tennis courts and related





198 facilities and swimming pool and related facilities are adjacent  
199 to one or more planned residential developments and the golf  
200 course and all such developments collectively include at least  
201 seven hundred fifty (750) acres and at least four hundred (400)  
202 residential units;

203                   3. Any facility located on property that is a  
204 game reserve with restricted access that consists of at least  
205 three thousand (3,000) contiguous acres with no public roads and  
206 that offers as a service hunts for a fee to overnight guests of  
207 the facility;

208                   4. Any facility located on federal property  
209 surrounding a lake and designated as a recreational area by the  
210 United States Army Corps of Engineers that consists of at least  
211 one thousand five hundred (1,500) acres;

212                   5. Any facility that is located in a  
213 municipality that is bordered by the Pearl River, traversed by  
214 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
215 International Airport and is located in a county which has voted  
216 against coming out from under the dry law; however, any such  
217 facility may only be located in areas designated by the governing  
218 authorities of such municipality;

219                   6. Any municipality with a population in  
220 excess of ten thousand (10,000) according to the latest federal  
221 decennial census that is located in a county that is bordered by  
222 the Pearl River and is not traversed by Interstate Highway 20,



with a population in excess of forty-five thousand (45,000)  
according to the latest federal decennial census;

7. The West Pearl Restaurant Tax District as  
defined in Chapter 912, Local and Private Laws of 2007;

8. a. Land that is located in any county in  
which Mississippi Highway 43 and Mississippi Highway 25 intersect  
and:

A. Owned by the Pearl River Valley  
Water Supply District, and/or

B. Located within the Reservoir  
Community District, zoned commercial, east of Old Fannin Road,  
north of Regatta Drive, south of Spillway Road, west of Hugh Ward  
Boulevard and accessible by Old Fannin Road, Spillway Road, Spann  
Drive and/or Lake Vista Place, and/or

C. Located within the Reservoir  
Community District, zoned commercial, west of Old Fannin Road,  
south of Spillway Road and extending to the boundary of the  
corporate limits of the City of Flowood, Mississippi;

b. The board of supervisors of such  
county, with respect to B and C of item 8.a., may by resolution or  
other order:

A. Specify the hours of operation  
of facilities that offer alcoholic beverages for sale,

B. Specify the percentage of  
revenue that facilities that offer alcoholic beverages for sale



must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and

C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

9. Any facility located on property that is a game reserve with restricted access that consists of at least eight hundred (800) contiguous acres with no public roads, that offers as a service hunts for a fee to overnight guests of the facility, and has accommodations for at least fifty (50) overnight guests;

10. Any facility that:

a. Consists of at least six thousand (6,000) square feet being heated and cooled along with an additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and cooled,

b. For a fee is used to host events such as weddings, reunions and conventions,

c. Provides lodging accommodations regardless of whether part of the facility and/or located adjacent to or in close proximity to the facility, and

d. Is located on property that consists of at least thirty (30) contiguous acres;

11. Any facility and related property:



272                   a. Located on property that consists of  
273 at least one hundred twenty-five (125) contiguous acres and  
274 consisting of an eighteen-hole golf course, and/or located in a  
275 facility that consists of at least eight thousand (8,000) square  
276 feet being heated and cooled,

277                   b. Used for the purpose of providing  
278 meals and hosting events, and

279                   c. Used for the purpose of teaching  
280 culinary arts courses and/or turf management and grounds keeping  
281 courses, and/or outdoor recreation and leadership courses;

282                   12. Any facility and related property that:

283                   a. Consist of at least eight thousand  
284 (8,000) square feet being heated and cooled,

285                   b. For a fee is used to host events,

286                   c. Is used for the purpose of culinary  
287 arts courses, and/or live entertainment courses and art  
288 performances, and/or outdoor recreation and leadership courses;

289                   13. The clubhouse and associated golf course  
290 where the golf course is adjacent to one or more residential  
291 developments and the golf course and all such developments  
292 collectively include at least two hundred (200) acres and at least  
293 one hundred fifty (150) residential units and are located a. in a  
294 county that has voted against coming out from under the dry law;  
295 and b. outside of but in close proximity to a municipality in such



county which has voted under Section 67-1-14, after January 1, 2013, to come out from under the dry law;

14. The clubhouse and associated eighteen-hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law;

15. a. Land that is planned for mixed-use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments collectively planned to include at least two hundred (200) residential units when completed, and also including a facility that consists of at least four thousand (4,000) square feet that is not part of such land but is located adjacent to or in close proximity thereto, and which land is located:

A. In a county that has voted to come out from under the dry law,

B. Outside the corporate limits of any municipality in such county and adjacent to or in close proximity to a golf course located in a municipality in such county, and

C. Within one (1) mile of a state institution of higher learning;

b. The board of supervisors of such county may by resolution or other order:



320 A. Specify the hours of operation  
321 of facilities that offer alcoholic beverages for sale,

322 B. Specify the percentage of  
323 revenue that facilities that offer alcoholic beverages for sale  
324 must derive from the preparation, cooking and serving of meals and  
325 not from the sale of beverages, and

326 C. Designate the areas in which  
327 facilities that offer alcoholic beverages for sale may be located;

328 16. Any facility with a capacity of five  
329 hundred (500) people or more, to be used as a venue for private  
330 events, on a tract of land in the Southwest Quarter of Section 33,  
331 Township 2 South, Range 7 East, of a county where U.S. Highway 45  
332 and U.S. Highway 72 intersect and that has not voted to come out  
333 from under the dry law;

334 17. One hundred five (105) contiguous acres,  
335 more or less, located in Hinds County, Mississippi, and in the  
336 City of Jackson, Mississippi, whereon are constructed a variety of  
337 buildings, improvements, grounds or objects for the purpose of  
338 holding events thereon to promote agricultural and industrial  
339 development in Mississippi;

340 18. Land that is owned by a state institution  
341 of higher learning, land that is owned by an entity that is bound  
342 by an affiliation agreement with a state institution of higher  
343 learning, or land that is owned by one or more other entities so  
344 long as such other entities are solely owned, either directly or



through additional entities, by an institution of higher learning and/or one or more entities bound by affiliation agreements with such institution, and:

a. Located entirely within a county that has elected by majority vote not to permit the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer pursuant to Section 67-3-7; and

b. A. Located adjacent to but outside the incorporated limits of a municipality that has elected by majority vote to permit the sale, receipt, storage and transportation of light wine and beer pursuant to Section 67-3-9; or

B. Located in an area bounded on the north by College View Drive, on the east by Mississippi Highway 12 East, on the south by Mississippi Highway 12 East, on the west by Mill Street, on the north by Russell Street, then on the west by Colonel Muldrow Avenue, on the north by University Drive, on the west by Adkerson Way within a municipality through which run Mississippi Highway 25, Mississippi Highway 12 and U.S. Highway 82.

If any portion of the land described in this item 18 has been declared a qualified resort area by the department before July 1, 2020, then that qualified resort area shall be incorporated into the qualified resort area created by this item 18;

19. Any facility and related property:



370 a. Used as a flea market or similar  
371 venue during a weekend (Saturday and Sunday) immediately preceding  
372 the first Monday of a month and having an annual average of at  
373 least one thousand (1,000) visitors for each such weekend and five  
374 hundred (500) vendors for Saturday of each such weekend, and

375 b. Located in a county that has not  
376 voted to come out from under the dry law and outside of but in  
377 close proximity to a municipality located in such county and which  
378 municipality has voted to come out from under the dry law;

379 20. Blocks 1, 2 and 3 of the original town  
380 square in any municipality with a population in excess of one  
381 thousand five hundred (1,500) according to the latest federal  
382 decennial census and which is located in:

383 a. A county traversed by Interstate 55  
384 and Interstate 20, and

385 b. A judicial district that has not  
386 voted to come out from under the dry law;

387 21. Any municipality with a population in  
388 excess of two thousand (2,000) according to the latest federal  
389 decennial census and in which is located a part of White's Creek  
390 Lake and in which U.S. Highway 82 intersects with Mississippi  
391 Highway 9 and located in a county that is partially bordered on  
392 one (1) side by the Big Black River;





393                   22. A restaurant located on a two-acre tract  
394 adjacent to a five-hundred-fifty-acre lake in the northeast corner  
395 of a county traversed by U.S. Interstate 55 and U.S. Highway 84;

396                   23. Any tracts of land in Oktibbeha County,  
397 situated north of Bailey Howell Drive, Lee Boulevard and Old  
398 Mayhew Road, east of George Perry Street and south of Mississippi  
399 Highway 182, and not located on the property of a state  
400 institution of higher learning; however, the board of supervisors  
401 of such county may by resolution or other order:

402                   a. Specify the hours of operation of  
403 facilities that offer alcoholic beverages for sale;

404                   b. Specify the percentage of revenue  
405 that facilities that offer alcoholic beverages for sale must  
406 derive from the preparation, cooking and serving of meals and not  
407 from the sale of beverages; and

408                   c. Designate the areas in which  
409 facilities that offer alcoholic beverages for sale may be located;

410                   24. A municipality in which Mississippi  
411 Highway 27 and Mississippi Highway 28 intersect;

412                   25. A municipality through which run  
413 Mississippi Highway 35 and Interstate 20;

414                   26. A municipality in which Mississippi  
415 Highway 16 and Mississippi Highway 35 intersect;

416                   27. A municipality in which U.S. Highway 82  
417 and Old Highway 61 intersect;



418                   28. A municipality in which Mississippi  
419 Highway 8 meets Mississippi Highway 1;  
420                   29. A municipality in which U.S. Highway 82  
421 and Mississippi Highway 1 intersect;  
422                   30. A municipality in which Mississippi  
423 Highway 50 meets Mississippi Highway 9;  
424                   31. An area bounded on the north by Pearl  
425 Street, on the east by West Street, on the south by Court Street  
426 and on the west by Farish Street, within a municipality bordered  
427 on the east by the Pearl River and through which run Interstate 20  
428 and Interstate 55;  
429                   32. Any facility and related property that:  
430                   a. Is contracted for mixed-use  
431 development improvements consisting of office and residential  
432 space and a restaurant and lounge, partially occupying the  
433 renovated space of a four-story commercial building which  
434 previously served as a financial institution; and adjacent  
435 property to the west consisting of a single-story office building  
436 that was originally occupied by the Brotherhood of Carpenters and  
437 Joiners of American Local Number 569; and  
438                   b. Is situated on a tract of land  
439 consisting of approximately one and one-tenth (1.10) acres, and  
440 the adjacent property to the west consisting of approximately 0.5  
441 acres, located in a municipality which is the seat of county  
442 government, situated south of Interstate 10, traversed by U.S.



Highway 90, partially bordered on one (1) side by the Pascagoula River and having its most southern boundary bordered by the Gulf of Mexico, with a population greater than twenty-two thousand (22,000) according to the 2010 federal decennial census; however, the governing authorities of such a municipality may by ordinance:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

C. Designate the areas within the facilities in which alcoholic beverages may be offered for sale;

33. Any facility with a maximum capacity of one hundred twenty (120) people that consists of at least three thousand (3,000) square feet being heated and cooled, has a commercial kitchen, has a pavilion that consists of at least nine thousand (9,000) square feet and is located on land more particularly described as follows:

All that part of the East Half of the Northwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi, that lies South of Mississippi State Highway 348 right-of-way and containing 19.48 acres, more or less.

ALSO,



The Northeast 38 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi.

ALSO,

The South 81 1/2 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi;

34. A municipality in which U.S. Highway 51 and Mississippi Highway 16 intersect;

35. A municipality in which Interstate 20 passes over Mississippi Highway 15;

36. Any municipality that is bordered in its northwestern boundary by the Pearl River, traversed by U.S. Highway 49 and Interstate 20, and is located in a county which has voted against coming out from under the dry law;

37. A municipality in which Mississippi Highway 28 and Mississippi Highway 29 North intersect;

38. An area bounded as follows within a municipality through which run Interstate 22 and Mississippi Highway 15: Beginning at a point at the intersection of Bankhead Street and Tallahatchie Trails; then running to a point at the intersection of Tallahatchie Trails and Interstate 22; then running to a point at the intersection of Interstate 22 and Carter Avenue; then running to a point at the intersection of Carter Avenue and Camp Avenue; then running to a point at the intersection of Camp Avenue and King Street; then running to a point at the intersection of King Street and E. Main Street; then



492 running to a point at the intersection of E. Main Street and Camp  
493 Avenue; then running to a point at the intersection of Camp Avenue  
494 and Highland Street; then running to a point at the intersection  
495 of Highland Street and Adams Street; then running to a point at  
496 the intersection of Adams Street and Cleveland Street; then  
497 running to a point at the intersection of Cleveland Street and N.  
498 Railroad Avenue; then running to a point at the intersection of N.  
499 Railroad Avenue and McGill Street; then running to a point at the  
500 intersection of McGill Street and Snyder Street; then running to a  
501 point at the intersection of Snyder Street and Bankhead Street;  
502 then running to a point at the intersection of Bankhead Street and  
503 Tallahatchie Trails and the point of the beginning;

504                   39. A municipality through which run  
505 Mississippi Highway 43 and U.S. Highway 80;

506                   40. The coliseum in a municipality in which  
507 U.S. Highway 72 passes over U.S. Highway 45;

508                   41. A piece of property on the northeast  
509 corner of the T-intersection where Builders Square Drive meets  
510 Mississippi Highway 471;

511                   42. The clubhouse and associated golf course,  
512 tennis courts and related facilities and swimming pool and related  
513 facilities located on Oaks Country Club Road less than one-half  
514 (1/2) mile to the east of Mississippi Highway 15;

515                   43. Any facility located on land more  
516 particularly described as follows:



517           The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of  
518   Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the  
519   Southwest Corner of the Southwest Quarter (SW 1/4) of the  
520   Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2  
521   East, running 210 feet east and west and 840 feet running north  
522   and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter  
523   (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in  
524   Rankin County, Mississippi;

525                       44. Any facility located on land more  
526   particularly described as follows:

527           Beginning at a point 1915 feet west and 2171 feet north of  
528   southeast corner, Section 11, Township 24 North, Range 2 West,  
529   Second Judicial District, Tallahatchie County, Mississippi, which  
530   point is the southwest corner of J.C. Section Lot mentioned in  
531   deed recorded in Book 50, page 34, in the records of the Chancery  
532   Clerk's Office at Sumner, in said District of said County; thence  
533   South 80° West, 19 feet to the east boundary of United States  
534   Highway 49-E, thence East along the east boundary of said Highway  
535   270 feet to point of beginning of Lot to be conveyed; thence  
536   southeast along the east boundary of said Highway 204 feet to a  
537   concrete post at the intersection of the east boundary of said  
538   Highway with the west boundary of gravel road from Sumner to Webb,  
539   known as Oil Mill Road, thence Northwest along west boundary of  
540   said Oil Mill Road 194 feet to center of driveway running  
541   southwest from said Oil Mill Road to U.S. Highway 49-E; thence



South 66° West along center of said driveway 128 feet to point of beginning, being situated in Northwest Quarter of Southeast Quarter of Section 11, together with all improvements situated thereon;

45. Any facility that:

a. Consists of at least five thousand six hundred (5,600) square feet being heated and cooled along with a lakeside patio that consists of at least two thousand two hundred (2,200) square feet, regardless of whether such patio is part of the facility and/or located adjacent to or in close proximity to the facility;

b. Includes a caterer's kitchen and green room for entertainment preparation;

c. For a fee is used to host events; and

d. Is located adjacent to or in close proximity to an approximately nine \* \* \*-acre lake on property that consists of at least one hundred twenty (120) acres in a county traversed by Mississippi Highway 15 and U.S. Highway 278;

46. Any municipality with a population in excess of one thousand (1,000) according to the 2010 federal decennial census and which is located in a county that is traversed by U.S. Highways 84 and 98 and has not voted to come out from under the dry law;

47. The clubhouse and associated nine-hole golf course, tennis courts and related facilities and swimming



pool and related facilities located on or near U.S. Highway 82  
between Mississippi Highway 15 and Mississippi Highway 9;

48. The downtown square area bound by East  
Service Drive, Commerce Street, Second Street and Court Street and  
adjacent properties in a municipality through which run Interstate  
55, U.S. Highway 51 and Mississippi Highway 306;

49. All parcels zoned for mixed-use  
development located west of Mississippi Highway 589, more than  
four hundred (400) feet north of Old Highway 24, east of  
Parkers Creek and Black Creek, and south of J M Burge Road;

50. Any facility used by a soccer club and  
located on Old Highway 11 between one-tenth (0.1) and two-tenths  
(0.2) of a mile from its intersection with Oak Grove Road, in a  
county in which U.S. Highway 98 and Mississippi Highway 589  
intersect;

51. Any municipality in which U.S. Highway 49  
and Mississippi Highway 469 intersect;

52. Any facility that is:

a. Owned by a Veterans of Foreign Wars  
(VFW) organization that is a nonprofit corporation and registered  
with the Mississippi Secretary of State;

b. Used by such organization for its  
headquarters and other organization related purposes; and

c. Located outside of a municipality in  
a county that has not voted to come out from under the dry law;





592                   53. The following within a municipality in  
593 which U.S. Highway 49 and U.S. 61 Highway intersect and through  
594 which flows the Sunflower River:

595                   a. An area bounded as follows: Starting  
596 at the southern point of the intersection of Sunflower Avenue and  
597 1st Street and going south along said avenue on its eastern side  
598 to 8th Street, then going east along said street on its northern  
599 side to West Tallahatchie Street, then going north along said  
600 street on its western side to 4th Street/Martin Luther King  
601 Boulevard, then going east along said street/boulevard on its  
602 northern side to Desoto Avenue, then going north along said avenue  
603 on its western side to 1st Street, then going west along said  
604 street on its southern side to the point of beginning along the  
605 southern side of Court Street;

606                   b. Lots located at or near the  
607 intersection of Madison Avenue, Walnut Street, and Riverside  
608 Avenue that are in a commercial zone; and

609                   c. Any facility located on the west side  
610 of Sunflower Avenue to the Sunflower River between the southern  
611 side of 6th Street and the northern side of 8th Street and which  
612 is operated as and/or was operated as a hotel or lodging facility,  
613 in consideration of payment, regardless of whether the facility  
614 meets the criteria for the definition of the term "hotel" in  
615 paragraph (1) of this section; and



616 d. Any facility located on the west side  
617 of Sunflower Avenue to the Sunflower River between the southern  
618 side of 3rd Street and the northern side of 4th Street/Martin  
619 Luther King Boulevard and which is operated as and/or was operated  
620 as a musical venue, in consideration of payment;

621 54. Any municipality in which Mississippi  
622 Highway 340 meets Mississippi Highway 15;

623 55. Any municipality in which Mississippi  
624 Highway 540 and Mississippi Highway 149 intersect;

625 56. Any municipality in which Mississippi  
626 Highway 15 and Mississippi Highway 345/Main Street intersect;

627 57. The property and structures thereon at  
628 the following locations within a municipality through which run  
629 U.S. Highway 45 and Mississippi Highway 145 and in which  
630 Mississippi Highway 370 and Mississippi Highway 145 intersect:  
631 104 West Main Street, 106 West Main Street, 108 West Main Street,  
632 110 West Main Street and 112 West Main Street;

633 58. Any municipality in which U.S. Highway 11  
634 and Main Street intersect and which is located in a county having  
635 two (2) judicial districts;

636 59. Any municipality in which Interstate 22  
637 passes over Mississippi Highway 9;

638 60. Any facility located on land more  
639 particularly described as follows:



640           A certain parcel of land being situated in the Southeast 1/4  
641 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County,  
642 Mississippi, and being more particularly described as follows:

643           Commence at an existing 1/2" iron pin marking the Southwest  
644 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of  
645 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13  
646 seconds East along the East line of the Southeast 1/4 of the  
647 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"  
648 iron pin; leaving said East line of the Southeast 1/4 of the  
649 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds  
650 East for a distance of 2.08 feet to an existing 1/2" iron pin; run  
651 thence North 00 degrees 22 minutes 19 seconds East for a distance  
652 of 561.90 feet to an existing 1/2" iron pin; run thence North 00  
653 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to  
654 a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel  
655 of land herein described; from said POINT OF BEGINNING, continue  
656 thence North 00 degrees 16 minutes 18 seconds East along an  
657 existing fence for a distance of 493.27 feet to an existing 1/2"  
658 iron pin; run thence North 03 degrees 08 minutes 15 seconds East  
659 for a distance of 170.22 feet to an existing 1/2" iron pin on the  
660 North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of  
661 Section 9; run thence North 89 degrees 46 minutes 45 seconds East  
662 along said North line of the Southeast 1/4 of the Northeast 1/4 of  
663 Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron  
664 pin marking Northeast corner thereof; leaving said North line of



665 the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence  
666 South 00 degrees 08 minutes 35 seconds West along the East line of  
667 said Southeast 1/4 of the Northeast 1/4 of Section 9 for a  
668 distance of 663.19 feet to a set 1/2" iron pin; leaving said East  
669 line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run  
670 thence South 89 degrees 46 minutes 45 seconds West for a distance  
671 of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00  
672 acres, more or less.

673 And Also: An easement for the purpose of ingress and egress  
674 being situated in the Southeast 1/4 of the Northeast 1/4 and in  
675 the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E,  
676 Rankin County, Mississippi, and being more particularly described  
677 as follows:

678 Begin at an existing 1/2" iron pin marking the Southwest  
679 corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of  
680 Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13  
681 seconds East along the East line of the Southeast 1/4 of the  
682 Northeast 1/4 for a distance of 33.18 feet to an existing 1/2"  
683 iron pin; leaving said East line of the Southeast 1/4 of the  
684 Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds  
685 East for a distance of 2.08 feet to an existing 1/2" iron pin; run  
686 thence North 00 degrees 22 minutes 19 seconds East for a distance  
687 of 561.90 feet to an existing 1/2" iron pin; run thence North 00  
688 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to  
689 a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45



690 seconds East for a distance of 25.00 feet to a set 1/2" iron pin;  
691 run thence South 00 degrees 16 minutes 18 seconds West for a  
692 distance of 76.66 feet to a set 1/2" iron pin; run thence South 00  
693 degrees 22 minutes 19 seconds West for a distance of 619.81 feet  
694 to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01  
695 seconds West for a distance of 26.81 feet to a set 1/2" iron pin;  
696 run thence North 00 degrees 06 minutes 13 seconds East along the  
697 West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of  
698 Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING,  
699 containing 17,525.4 square feet, more or less.

700 61. Any municipality bordered on the east by  
701 the Pascagoula River and on the south by the Mississippi Sound;

702 62. The property and structures thereon  
703 located at parcel numbers 4969 198 000; 4969 200 000; 4969 201  
704 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969  
705 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original  
706 town square in any municipality with a population in excess of one  
707 thousand five hundred (1,500) according to the latest federal  
708 decennial census and which is located in:

709 a. A county traversed by Interstate 55  
710 and Interstate 20, and

711 b. A judicial district that has not  
712 voted to come out from under the dry law;

713 63. Any municipality in which Mississippi  
714 Highway 12 meets Mississippi Highway 17;



715                   64. Any municipality in which U.S. Highway 49  
716 and Mississippi Highway 469 intersect;

717                   65. The clubhouse and associated nine-hole  
718 golf course and related facilities located on or near the eastern  
719 corner of the point at which Golf Course Road meets Athens Road,  
720 in a county in which Mississippi Highway 13 and Mississippi  
721 Highway 28 intersect, with GPS coordinates of approximately  
722 31.900370078041004, -89.7928067652611;

723                   66. Any facility located at the  
724 south-to-southwest corner of the intersection of Madison Street  
725 and Bolton Brownsville Road, in a municipality in which Bolton  
726 Brownsville Road passes over Interstate 20, with GPS coordinates  
727 of approximately 32.349067271758955, -90.4596221146197;

728                   67. Any facility located at the northwest  
729 corner of the intersection of Depot Street and Madison Street, in  
730 a municipality in which Bolton Brownsville Road passes over  
731 Interstate 20, with GPS coordinates of approximately  
732 32.34903152971068, -90.46047660172901;

733                   68. Any facility located on Hinds Boulevard  
734 approximately three-tenths (0.3) of a mile south of the point at  
735 which Hinds Boulevard diverges from Clinton Road, in a  
736 municipality whose northern boundary partially consists of Snake  
737 Creek Road, and whose southern boundary partially consists of  
738 Mississippi Highway 18, with GPS coordinates of approximately  
739 32.26384517526713, -90.41586570183475;



740                   69. Any facility located on Pleasant Grove  
741 Drive approximately one and three-tenths (1.3) miles southeast of  
742 its intersection with Harmony Drive, in a county through which run  
743 Interstate 55 and U.S. Highway 84, with GPS coordinates of  
744 approximately 31.512043770371907, -90.2506094382595;

745                   70. Any facility located immediately north of  
746 the intersection of two roads, both named Mason Clark Drive,  
747 located between two-tenths (0.2) and three-tenths (0.3) of a mile  
748 southwest of Mississippi Highway 57/63, with GPS coordinates of  
749 approximately 31.135950529733048, -88.53068674585575;

750                   71. Any facility located on Raj Road  
751 approximately three-tenths (0.3) of a mile south of Mississippi  
752 Highway 57/63, with GPS coordinates of approximately  
753 31.139553708288418, -88.53411203512971;

754                   72. Any facility located on Raj Road  
755 approximately one-tenth (0.1) of a mile south of Mississippi  
756 Highway 57/63, with GPS coordinates of approximately  
757 31.14184097577295, -88.53287700849411;

758                   73. Any municipality through which run U.S.  
759 Highway 45 and Mississippi Highway 145 and in which Mississippi  
760 Highway 370 and Mississippi Highway 145 intersect; however, this  
761 designation as a qualified resort area shall only apply to the  
762 portion of such municipality which is located in a county that has  
763 not voted to come out from under the dry law;



764                   74. A municipality through which runs a  
765 portion of the Tanglefoot Trail and in which Mississippi Highway  
766 32 and East Front Street intersect;

767                   75. Lot Three (3) in Block One Hundred  
768 Seventy-eight (178) of the D.H. McInnis First Survey, sometimes  
769 referred to as D.H. McInnis Railroad Addition, to the City of  
770 Hattiesburg, the said lot having a frontage of thirty (30) feet on  
771 the Eastern side of Front Street and extending back between  
772 parallel lines ninety (90) feet to an alley, and being located in  
773 the Northwest Quarter of Section 10, Township 4 North, Range 13  
774 West, Forrest County, Mississippi;

775                   76. An area of land in George County of  
776 approximately eight and five hundredths (8.05) acres, bordered on  
777 the east and northeast by Brushy Creek, on the northwest by Brushy  
778 Creek Road, on the west by Beaver Creek Road, and on the south by  
779 a property boundary running east and west;

780                   77. A municipality in which Mississippi  
781 Highway 15 intersects with Webster Street, and in which Webster  
782 Street splits into Mill Street and Maben Starkville Road;

783                   78. A municipality in which Mississippi  
784 Highway 492 meets Mississippi Highway 35;

785                   79. A facility operating as an event venue  
786 and located on Mississippi Highway 589, with GPS coordinates of  
787 approximately 31.36730, -89.50548;





788                   80. An area situated in the SW 1/4 of Section  
789 12, T7N-R2E, Madison County, Mississippi, and commencing at the  
790 point on the Ross Barnett Reservoir directly east of the  
791 intersection of North Natchez Street and Louisiana Street, then go  
792 west on Louisiana Street to the intersection of Louisiana Street  
793 and Andrew Jackson Street, then west on Andrew Jackson Street to  
794 the intersection of Andrew Jackson Street and Choctaw Street, then  
795 north on Choctaw Street to the intersection of Choctaw Street and  
796 Republic Street, then west on Republic Street to the intersection  
797 of Republic Street and Port Street, then north on Port Street to  
798 the Natchez Trace right-of-way, then east on the Natchez Trace  
799 right-of-way to the Ross Barnett Reservoir, then following the  
800 Ross Barnett Reservoir south back to the point of beginning;

801                   81. Any facility located on land more  
802 particularly described as follows:  
803 Commencing at a fence corner at the Northeast corner of Section  
804 34, Township 6 South, Range 3 East, Union County, Mississippi, for  
805 the point of beginning; thence run South 00 degrees 31 minutes 39  
806 seconds East, along the Section line, a distance of 161.83 feet to  
807 a one-half inch iron pin, thence North 88 degrees 20 minutes 48  
808 seconds West, along a fence, a distance of 1221.09 feet to a  
809 one-half iron pin, thence South 09 degrees 45 minutes 37 seconds  
810 West, along a fence, a distance of 61.49 feet to a one-half inch  
811 iron pin, thence North 84 degrees 18 minutes 01 seconds West,  
812 along a fence, (passing through a one-half inch iron pin at 196.83



813 feet) a distance of 234.62 feet to a mag-nail on the centerline of  
814 Union County Road No. 137, thence North 11 degrees 00 minutes 29  
815 seconds East a distance of 187.87 feet to a one-half inch iron pin  
816 on the West edge of said road, thence North 29 degrees 41 minutes  
817 28 seconds East a distance of 59.28 feet to a point on the  
818 centerline of said road, thence South 89 degrees 13 minutes 02  
819 seconds East (passing through a one-half inch iron pin at 30.0  
820 feet) along the South line of the Bernard Whiteside property as  
821 recorded in Deed Book 117, Pages 517-518 and Deed Book 214, page  
822 109, a distance of 646.07 feet to a concrete monument, thence  
823 South 89 degrees 13 minutes 02 seconds East a distance of 751.31  
824 feet to a one-half inch iron pin, thence South 00 degrees 31  
825 minutes 39 seconds East, along the aforesaid Section line, a  
826 distance of 52.93 feet to the point of beginning, said tract lying  
827 in the Southeast Quarter of Section 27, and the Northeast Quarter  
828 of Section 34, Township 6 South, Range 3 East and containing 6.99  
829 acres.

830 Subject to a perpetual all purpose non-exclusive easement for  
831 ingress, egress and public utilities together the right to enter  
832 upon the above described property and do any and all work  
833 necessary to build, repair and maintain a roadway or well or  
834 install public utilities all over upon and across the following  
835 described property:

836 A 25.0 foot easement for ingress and egress, being 12.5 feet to  
837 the right and 12.5 feet to the left of the following described



838 centerline: Commencing at a fence corner at the Northeast corner  
839 of Section 34, Township 6 South, Range 3 East, Union County,  
840 Mississippi, thence run South 00 degrees 31 minutes 39 seconds  
841 East, along the Section line, a distance of 149.33 feet to the  
842 point of beginning; thence North 88 degrees 20 minutes 48 seconds  
843 West a distance of 1231.46 feet to a point, thence South 09  
844 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a  
845 point, thence North 84 degrees 18 minutes 01 seconds West a  
846 distance of 221.82 feet to a point on the centerline of Union  
847 County Road #137, said tract lying in the Northeast Quarter of  
848 Section 34, Township 6 South, Range 3 East.

849 82. The clubhouse at a country club located:

850 a. In a county in which Mississippi  
851 Highway 15 and Mississippi Highway 16 intersect and which county  
852 has not voted to come out from under the dry law, and

853 b. Outside the corporate limits of any  
854 municipality in such county and within one (1) mile of the  
855 corporate limits of a municipality that is the county seat of such  
856 county;

857 83. Any facility located on North Jackson  
858 Street in a municipality through which run Mississippi Highway 8  
859 and Mississippi Highway 15, with GPS coordinates of approximately  
860 33.913692, -89.005219;

861 84. Any facility located on North Jackson  
862 Street in a municipality through which run Mississippi Highway 8



863 and Mississippi Highway 15, with GPS coordinates of approximately  
864 33.905581, -89.00200;

865                   85. Any facility located on land more  
866 particularly described as follows:  
867 Commencing at the Southeast corner of Section 4, Township 6  
868 South, Range 18 West, Pearl River County, Mississippi; thence  
869 West 1310.00 feet to a T-bar; thence North 745.84 feet; thence  
870 East 132.00 feet to a 1" iron pipe; thence North 83.61 feet  
871 for the Point of Beginning; thence South 79 degrees 02 minutes  
872 61 seconds West 248.28 feet; thence West 76.35 feet; thence  
873 North 20 degrees 00 minutes 00 seconds West 185.54 feet;  
874 thence North 52 degrees 43 minutes 14 seconds East 365.98 feet  
875 to a 1" iron pipe on the West margin of Henry Smith Road, a  
876 gravel/paved, public road; thence along said margin South 17  
877 degrees 59 minutes 13 seconds East 299.09 feet; thence South  
878 64.39 feet to the Point of Beginning. This parcel containing  
879 2.19 acres and being a part of the East 1/2 of Section 4,  
880 Township 6 South, Range 18 West, Pearl River County,  
881 Mississippi.

882           INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4,  
883 TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY,  
884 MISSISSIPPI;

885                   86. Any facility located on land in a county  
886 through which run Mississippi Highway 25 and U.S. Highway 82 and  
887 more particularly described as follows: Beginning at a point with



888 GPS coordinates of approximately 33.331869, -88.715054; then  
889 running in a straight line to a point with GPS coordinates of  
890 approximately 33.336207, -88.713453; then running in a straight  
891 line to a point with GPS coordinates of approximately 33.335369,  
892 -88.709835; then running in a straight line to a point with GPS  
893 coordinates of approximately 33.330870, -88.711496; then running  
894 in a straight line to a point with GPS coordinates of  
895 approximately 33.331869, -88.715054 and the point of the  
896 beginning;

897                   87. Any facility located on land that is  
898 owned by a community college that is located in a county through  
899 which run U.S. Highway 51 and Mississippi Highway 4;

900                   88. Any facility located on Mississippi  
901 Highway 23/178 in a municipality in which Mississippi Highway  
902 23/178 and Stone Drive intersect, with GPS coordinates of  
903 approximately 34.235269, -88.262409;

904                   89. Any facility located on U.S. Highway 51  
905 in a municipality through which run Interstate 55, U.S. Highway 51  
906 and the Natchez Trace Parkway, with GPS coordinates of  
907 approximately 32.42042°N, 90.13473°W;

908                   90. Any facility located on Mullican Road in  
909 a county through which run U.S. Highway 84 and Interstate 59,  
910 with GPS coordinates of approximately 31.73395N, 89.18186W;

911                   91. Any facility located on land in a county  
912 through which run Mississippi Highway 25 and U.S. Highway 82 and



913 more particularly described as follows: Beginning at a point with  
914 GPS coordinates of approximately 33.37391, -88.80645; then running  
915 in a straight line to a point with GPS coordinates of  
916 approximately 33.37391, -88.79972; then running in a straight line  
917 to a point with GPS coordinates of approximately 33.36672,  
918 -88.80644; then running in a straight line to a point with GPS  
919 coordinates of approximately 33.36674, -88.79971; then running in  
920 a straight line to a point with GPS coordinates of approximately  
921 33.37391, -88.80645 and the point of the beginning;

922                   92. Any facility located on land more  
923 particularly described as follows:

924 All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of  
925 Section 14, Township 4 North, Range 15 West, lying and being West  
926 of State Highway No. 589, containing one (1) acre, more or less.

927 LESS AND EXCEPT:

928 Begin at the point of intersection of the North line of the South  
929 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14,  
930 Township 4 North, Range 15 West with the present Southwesterly  
931 right-of-way line of Mississippi Highway No. 589, said point is  
932 also the Northeast corner of grantor property; said point is 50.6  
933 feet West of Station 7 + 59.27 on the centerline of survey of  
934 Mississippi Highway No. 589 as shown on the plans for State  
935 Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence  
936 South 08°57' East along said present Southwesterly right-of-way  
937 line, a distance of 37.1 feet to a point that is perpendicular to



938 and 50 feet Southwesterly of Station 7 + 30 on the centerline of  
939 survey of Mississippi Highway 589 as shown on the plans for said  
940 project; run thence South 81°03' West, a distance of 35.7 feet to  
941 the West line of the South 1/2 of the Southeast 1/4 of the  
942 Northeast 1/4 of said Section 14 and the West line of grantors  
943 property; run thence North along said West property line, a  
944 distance of 42.2 feet to the Northwest corner of the South 1/2 of  
945 the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the  
946 Northwest corner of grantors property; run thence East along  
947 grantors North property line, a distance of 29.5 feet to the POINT  
948 OF BEGINNING containing 0.03 acres, more or less, and all being  
949 situated in and a part of the South 1/2 of the Southeast 1/4 of  
950 the Northeast 1/4 of Section 14, Township 4 North, Range 15 West,  
951 Lamar County, Mississippi.

952 LESS AND EXCEPT:

953 A part of the South one-half of the Southeast 1/4 of Northeast  
954 1/4, Northerly of a certain fence and West of Mississippi State  
955 Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar  
956 County, Mississippi and more particularly described as commencing  
957 at a pine (lighter) stake being used as the Southwest corner of  
958 the Northeast 1/4 of Southeast 1/4 of the above said Section 14,  
959 thence North and along the West line of the East 1/4 of the above  
960 said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence  
961 continue North and along the West line of the East 1/4 of the  
962 above said Section 14, 278.5 feet to the Southerly line of the



963 property Bobby G. Aultman and Marilyn S. Aultman previously sold  
964 to the Mississippi State Highway Department; thence North 81°03'  
965 East and along the above said Southerly property line for 35.7  
966 feet more or less to the Westerly right-of-way line of Mississippi  
967 State Highway 589; thence Southeasterly and along the above said  
968 Westerly right-of-way line 232.7 feet to a concrete right-of-way  
969 marker; thence South 51°39' West and along the Northerly line of a  
970 wooden fence 88 feet to the POINT OF BEGINNING.

971 AND ALSO:

972 A parcel of land in a part of the Southeast 1/4 of Northwest 1/4  
973 and a part of the Southwest 1/4, Section 14, Township 4 North,  
974 Range 15 West, Lamar County, Mississippi, and more particularly  
975 described as beginning at a point where the Southerly right-of-way  
976 line of U.S. Highway 98 intersects the West line of the above said  
977 Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along  
978 the Southerly right-of-way line of said highway 208.75 feet;  
979 thence South 208.75 feet; thence South 67°34' West 208.75 feet;  
980 thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to  
981 the centerline of Parkers Creek; thence Northerly and along the  
982 centerline of said creek for the next three (3) calls: North  
983 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North  
984 09°51'30" West 64.3 feet to the Southerly right-of-way line of  
985 U.S. Highway 98; thence North 67°34' East and along the Southerly  
986 right-of-way line of said highway 327.85 feet to the POINT OF  
987 BEGINNING. The above described area contains 3.02 acres.





988 AND ALSO:  
989 Commencing at the Southwest corner of the Southwest 1/4 of the  
990 Northeast 1/4 of Section 14, Township 4 North, Range 15 West,  
991 Lamar County, Mississippi, run South 88°05'27" East 310.00 feet,  
992 thence South 0°53'16" West 60.50 feet to a point on a fence line,  
993 thence run along fence line South 88°05'27" East 718.93 feet to  
994 the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to  
995 a point on the South right-of-way line of Highway No. 98, thence  
996 along said right-of-way along a curve to the right with a delta  
997 angle of 02°04'26" having a radius of 5603.58 feet and an arc  
998 length of 202.84 feet, with a chord bearing a distance of North  
999 71°53'47" East 202.83 feet to a Concrete Highway right-of-way  
1000 marker, thence South 20°09'13" East 328.13 feet, thence South  
1001 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet  
1002 to a Point on Possession Line fence, thence along said fence North  
1003 88°05'27" West 299.23 feet back to the POINT OF BEGINNING,  
1004 containing 5.0885 acres, more or less and being situated in the SW  
1005 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14,  
1006 together with all improvements and appurtenances thereunto  
1007 belonging.

1008 AND ALSO:  
1009 PARCEL NUMBER ONE: That part of the Northwest Quarter of the  
1010 Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section  
1011 14, Township 4 North, Range 15 West, of Lamar County, Mississippi,  
1012 being located and situated East of the center thread of Mill Creek



1013 as the same presently runs through and bisects said 40-acre tract,  
1014 and comprising 10.9 acres, more or less, and all being part of the  
1015 Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the  
1016 Southwest 1/4) of said Section, Township and Range, Lamar County,  
1017 Mississippi.

1018 AND ALSO:

1019 PARCEL NUMBER TWO: A part of the Southeast Quarter of the  
1020 Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of  
1021 the Northeast Quarter of the Southwest (Northeast 1/4 of the  
1022 Southwest 1/4) all in Section 14, Township 4 North, Range 15 West,  
1023 Lamar County, Mississippi, being more particularly described as  
1024 follows, to wit:

1025 Beginning at a point where the South margin of State Highway 98  
1026 intersects the West margin of the Southeast 1/4 of the Northwest  
1027 1/4 of Section 14, Township 4 North, Range 15 West, and run  
1028 Easterly along the South margin of said highway right-of-way  
1029 208.75 feet; thence South 208.75 feet; thence Westerly parallel  
1030 with the South margin of said highway right-of-way 208.75 feet to  
1031 the West forty line; thence North 208.75 feet to the POINT OF  
1032 BEGINNING, containing 1 acre, more or less.

1033 LESS AND EXCEPT:

1034 Begin at the point of intersection of an Easterly line of grantors  
1035 property with the present Southerly right-of-way line of U.S.  
1036 Highway 98 as shown on the plans for State Project No.  
1037 97-0014-02-044-10; from said POINT OF BEGINNING run thence South



1038 02°56' West along said Easterly property line, a distance of 127.6  
1039 feet; thence run South 69°11' West, a distance of 52.9 feet;  
1040 thence run South 67°13' West, a distance of 492.7 feet to the  
1041 Westerly line of grantors property and the center of a creek;  
1042 thence run Northerly along said Westerly property line and said  
1043 center of creek, a distance of 122.8 feet to said present  
1044 Southerly right-of-way line; thence run North 67°13' East along  
1045 said present Southerly right-of-way line, a distance of 553.4 feet  
1046 to the POINT OF BEGINNING, containing 1.43 acres, more or less,  
1047 and being situated in and a part of the North 1/2 of the Southwest  
1048 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County,  
1049 Mississippi.

1050 LESS AND EXCEPT:

1051 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4  
1052 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST  
1053 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE  
1054 POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

1055 FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49 "   
1056 EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40 °11'01" EAST  
1057 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15  
1058 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98;  
1059 THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS  
1060 FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE  
1061 SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER;  
1062 THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE



1063 LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN  
1064 IRON PIN; THENCE NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN;  
1065 THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE  
1066 NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING.  
1067 SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4  
1068 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE  
1069 NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE  
1070 15 WEST, LAMAR COUNTY, MISSISSIPPI.

1071 The status of these municipalities, districts, clubhouses,  
1072 facilities, golf courses and areas described in this paragraph  
1073 (o)(iii) as qualified resort areas does not require any  
1074 declaration of same by the department.

1075 The governing authorities of a municipality described, in  
1076 whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31,  
1077 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56, 58, 59, 61,  
1078 63, 64, 66, 67, 68, 73, 74, 83 or 84 of this paragraph (o)(iii)  
1079 may by ordinance, with respect to the qualified resort area  
1080 described in the same item: specify the hours of operation of  
1081 facilities offering alcoholic beverages for sale; specify the  
1082 percentage of revenue that facilities offering alcoholic beverages  
1083 for sale must derive from the preparation, cooking and serving of  
1084 meals and not from the sale of beverages; and designate the areas  
1085 in which facilities offering alcoholic beverages for sale may be  
1086 located.



1087           (p) "Native wine" means any product, produced in  
1088 Mississippi for sale, having an alcohol content not to exceed  
1089 twenty-one percent (21%) by weight and made in accordance with  
1090 revenue laws of the United States, which shall be obtained  
1091 primarily from the alcoholic fermentation of the juice of ripe  
1092 grapes, fruits, berries, honey or vegetables grown and produced in  
1093 Mississippi; provided that bulk, concentrated or fortified wines  
1094 used for blending may be produced without this state and used in  
1095 producing native wines. The department shall adopt and promulgate  
1096 rules and regulations to permit a producer to import such bulk  
1097 and/or fortified wines into this state for use in blending with  
1098 native wines without payment of any excise tax that would  
1099 otherwise accrue thereon.

1100           (q) "Native winery" means any place or establishment  
1101 within the State of Mississippi where native wine is produced, in  
1102 whole or in part, for sale.

1103           (r) "Bed and breakfast inn" means an establishment  
1104 within a municipality where in consideration of payment, breakfast  
1105 and lodging are habitually furnished to travelers and wherein are  
1106 located not less than eight (8) and not more than nineteen (19)  
1107 adequately furnished and completely separate sleeping rooms with  
1108 adequate facilities, that persons usually apply for and receive as  
1109 overnight accommodations; however, such restriction on the minimum  
1110 number of sleeping rooms shall not apply to establishments on the  
1111 National Register of Historic Places. No place shall qualify as a



1112 bed and breakfast inn under this article unless on the date of the  
1113 initial application for a license under this article more than  
1114 fifty percent (50%) of the sleeping rooms are located in a  
1115 structure formerly used as a residence.

1116 (s) "Board" shall refer to the Board of Tax Appeals of  
1117 the State of Mississippi.

1118 (t) "Spa facility" means an establishment within a  
1119 municipality or qualified resort area and owned by a hotel where,  
1120 in consideration of payment, patrons receive from licensed  
1121 professionals a variety of private personal care treatments such  
1122 as massages, facials, waxes, exfoliation and hairstyling.

1123 (u) "Art studio or gallery" means an establishment  
1124 within a municipality or qualified resort area that is in the sole  
1125 business of allowing patrons to view and/or purchase paintings and  
1126 other creative artwork.

1127 (v) "Cooking school" means an establishment within a  
1128 municipality or qualified resort area and owned by a nationally  
1129 recognized company that offers an established culinary education  
1130 curriculum and program where, in consideration of payment, patrons  
1131 are given scheduled professional group instruction on culinary  
1132 techniques. For purposes of this paragraph, the definition of  
1133 cooking school shall not include schools or classes offered by  
1134 grocery stores, convenience stores or drugstores.

1135 (w) "Campus" means property owned by a public school  
1136 district, community or junior college, college or university in



1137 this state where educational courses are taught, school functions  
1138 are held, tests and examinations are administered or academic  
1139 course credits are awarded; however, the term shall not include  
1140 any "restaurant" or "hotel" that is located on property owned by a  
1141 community or junior college, college or university in this state,  
1142 and is operated by a third party who receives all revenue  
1143 generated from food and alcoholic beverage sales.

1144 (x) "Native spirit" shall mean any beverage, produced  
1145 in Mississippi for sale, manufactured primarily by the  
1146 distillation of fermented grain, starch, molasses or sugar  
1147 produced in Mississippi, including dilutions and mixtures of these  
1148 beverages. In order to be classified as "native spirit" under the  
1149 provisions of this article, at least fifty-one percent (51%) of  
1150 the finished product by volume shall have been obtained from  
1151 distillation of fermented grain, starch, molasses or sugar grown  
1152 and produced in Mississippi.

1153 (y) "Native distillery" shall mean any place or  
1154 establishment within this state where native spirit is produced in  
1155 whole or in part for sale.

1156 (z) "Warehouse operator" shall have the meaning  
1157 ascribed in Section 67-1-201.

1158 (aa) "Grocery store" means a physical establishment  
1159 whose enclosed premises is at least twelve thousand (12,000)  
1160 square feet and has an inventory of human-consumable items and is  
1161 located in a wet county, municipality, judicial district or area.



1162           **SECTION 2.** Section 67-1-51, Mississippi Code of 1972, is  
1163 amended as follows:

1164           67-1-51. (1) Permits which may be issued by the department  
1165 shall be as follows:

1166                   (a) **Manufacturer's permit.** A manufacturer's permit  
1167 shall permit the manufacture, importation in bulk, bottling and  
1168 storage of alcoholic liquor and its distribution and sale to  
1169 manufacturers holding permits under this article in this state and  
1170 to persons outside the state who are authorized by law to purchase  
1171 the same, and to sell as provided by this article.

1172           Manufacturer's permits shall be of the following classes:

1173           Class 1. Distiller's and/or rectifier's permit, which shall  
1174 authorize the holder thereof to operate a distillery for the  
1175 production of distilled spirits by distillation or redistillation  
1176 and/or to operate a rectifying plant for the purifying, refining,  
1177 mixing, blending, flavoring or reducing in proof of distilled  
1178 spirits and alcohol.

1179           Class 2. Wine manufacturer's permit, which shall authorize  
1180 the holder thereof to manufacture, import in bulk, bottle and  
1181 store wine or vinous liquor.

1182           Class 3. Native wine producer's permit, which shall  
1183 authorize the holder thereof to produce, bottle, store and sell  
1184 native wines.





1185           Class 4. Native spirit producer's permit, which shall  
1186 authorize the holder thereof to produce, bottle, store and sell  
1187 native spirits.

1188                   (b) **Package retailer's permit.** Except as otherwise  
1189 provided in this paragraph and Section 67-1-52, a package  
1190 retailer's permit shall authorize the holder thereof to operate a  
1191 store exclusively for the sale at retail in original sealed and  
1192 unopened packages of alcoholic beverages, including native wines,  
1193 native spirits and edibles, not to be consumed on the premises  
1194 where sold. Alcoholic beverages shall not be sold by any retailer  
1195 in any package or container containing less than fifty (50)  
1196 milliliters by liquid measure. A package retailer's permit, with  
1197 prior approval from the department, shall authorize the holder  
1198 thereof to sample new product furnished by a manufacturer's  
1199 representative or his employees at the permitted place of business  
1200 so long as the sampling otherwise complies with this article and  
1201 applicable department regulations. Such samples may not be  
1202 provided to customers at the permitted place of business. In  
1203 addition to the sale at retail of packages of alcoholic beverages,  
1204 the holder of a package retailer's permit is authorized to sell at  
1205 retail \* \* \* other products and merchandise, except beer, provided  
1206 that at least fifty percent (50%) of the revenue of the licensed  
1207 premises is derived from the retail sale in original sealed and  
1208 unopened packages of alcoholic beverages, including native wines,  
1209 not to be consumed on the premises where sold. Nonalcoholic



1210 beverages sold by the holder of a package retailer's permit shall  
1211 not be consumed on the premises where sold.

1212           (c) **On-premises retailer's permit.** Except as otherwise  
1213 provided in subsection (5) of this section, an on-premises  
1214 retailer's permit shall authorize the sale of alcoholic beverages,  
1215 including native wines and native spirits, for consumption on the  
1216 licensed premises only; however, a patron of the permit holder may  
1217 remove one (1) bottle of wine from the licensed premises if: (i)  
1218 the patron consumed a portion of the bottle of wine in the course  
1219 of consuming a meal purchased on the licensed premises; (ii) the  
1220 permit holder securely reseals the bottle; (iii) the bottle is  
1221 placed in a bag that is secured in a manner so that it will be  
1222 visibly apparent if the bag is opened; and (iv) a dated receipt  
1223 for the wine and the meal is available. Additionally, as part of  
1224 a carryout order, a permit holder may sell one (1) bottle of wine  
1225 to be removed from the licensed premises for every two (2) entrees  
1226 ordered. In addition, an on-premises retailer's permittee at a  
1227 permitted premises located on Jefferson Davis Avenue within  
1228 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic  
1229 beverages by the glass to a patron in a vehicle using a  
1230 drive-through method of delivery if the permitted premises is  
1231 located in a leisure and recreation district established under  
1232 Section 67-1-101. Such a sale will be considered to be made on  
1233 the permitted premises. An on-premises retailer's permit shall be  
1234 issued only to qualified hotels, restaurants and clubs, small



1235 craft breweries, microbreweries, and to common carriers with  
1236 adequate facilities for serving passengers. In resort areas,  
1237 however, whether inside or outside of a municipality, the  
1238 department, in its discretion, may issue on-premises retailer's  
1239 permits to any establishments located therein as it deems proper.  
1240 An on-premises retailer's permit when issued to a common carrier  
1241 shall authorize the sale and serving of alcoholic beverages aboard  
1242 any licensed vehicle while moving through any county of the state;  
1243 however, the sale of such alcoholic beverages shall not be  
1244 permitted while such vehicle is stopped in a county that has not  
1245 legalized such sales. If an on-premises retailer's permit is  
1246 applied for by a common carrier operating solely in the water,  
1247 such common carrier must, along with all other qualifications for  
1248 a permit, (i) be certified to carry at least one hundred fifty  
1249 (150) passengers and/or provide overnight accommodations for at  
1250 least fifty (50) passengers and (ii) operate primarily in the  
1251 waters within the State of Mississippi which lie adjacent to the  
1252 State of Mississippi south of the three (3) most southern counties  
1253 in the State of Mississippi and/or on the Mississippi River or  
1254 navigable waters within any county bordering on the Mississippi  
1255 River.

1256           (d) **Solicitor's permit.** A solicitor's permit shall  
1257 authorize the holder thereof to act as salesman for a manufacturer  
1258 or wholesaler holding a proper permit, to solicit on behalf of his  
1259 employer orders for alcoholic beverages, and to otherwise promote



1260 his employer's products in a legitimate manner. Such a permit  
1261 shall authorize the representation of and employment by one (1)  
1262 principal only. However, the permittee may also, in the  
1263 discretion of the department, be issued additional permits to  
1264 represent other principals. No such permittee shall buy or sell  
1265 alcoholic beverages for his own account, and no such beverage  
1266 shall be brought into this state in pursuance of the exercise of  
1267 such permit otherwise than through a permit issued to a wholesaler  
1268 or manufacturer in the state.

1269 (e) **Native wine retailer's permit.** Except as otherwise  
1270 provided in subsection (5) of this section, a native wine  
1271 retailer's permit shall be issued only to a holder of a Class 3  
1272 manufacturer's permit, and shall authorize the holder thereof to  
1273 make retail sales of native wines to consumers for on-premises  
1274 consumption or to consumers in originally sealed and unopened  
1275 containers at an establishment located on the premises of or in  
1276 the immediate vicinity of a native winery. When selling to  
1277 consumers for on-premises consumption, a holder of a native wine  
1278 retailer's permit may add to the native wine alcoholic beverages  
1279 not produced on the premises, so long as the total volume of  
1280 foreign beverage components does not exceed twenty percent (20%)  
1281 of the mixed beverage. Hours of sale shall be the same as those  
1282 authorized for on-premises permittees in the city or county in  
1283 which the native wine retailer is located.



1284 (f) **Temporary retailer's permit.** Except as otherwise  
1285 provided in subsection (5) of this section, a temporary retailer's  
1286 permit shall permit the purchase and resale of alcoholic  
1287 beverages, including native wines and native spirits, during legal  
1288 hours on the premises described in the temporary permit only.

1289 Temporary retailer's permits shall be of the following  
1290 classes:

1291 Class 1. A temporary one-day permit may be issued to bona  
1292 fide nonprofit civic or charitable organizations authorizing the  
1293 sale of alcoholic beverages, including native wine and native  
1294 spirit, for consumption on the premises described in the temporary  
1295 permit only. Class 1 permits may be issued only to applicants  
1296 demonstrating to the department, by a statement signed under  
1297 penalty of perjury submitted ten (10) days prior to the proposed  
1298 date or such other time as the department may determine, that they  
1299 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
1300 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
1301 Class 1 permittees shall obtain all alcoholic beverages from  
1302 package retailers located in the county in which the temporary  
1303 permit is issued. Alcoholic beverages remaining in stock upon  
1304 expiration of the temporary permit may be returned by the  
1305 permittee to the package retailer for a refund of the purchase  
1306 price upon consent of the package retailer or may be kept by the  
1307 permittee exclusively for personal use and consumption, subject to  
1308 all laws pertaining to the illegal sale and possession of



1309 alcoholic beverages. The department, following review of the  
1310 statement provided by the applicant and the requirements of the  
1311 applicable statutes and regulations, may issue the permit.

1312 Class 2. A temporary permit, not to exceed seventy (70)  
1313 days, may be issued to prospective permittees seeking to transfer  
1314 a permit authorized in paragraph (b) or (c) of this subsection. A  
1315 Class 2 permit may be issued only to applicants demonstrating to  
1316 the department, by a statement signed under the penalty of  
1317 perjury, that they meet the qualifications of Sections 67-1-5(1),  
1318 (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55,  
1319 67-1-57 and 67-1-59. The department, following a preliminary  
1320 review of the statement provided by the applicant and the  
1321 requirements of the applicable statutes and regulations, may issue  
1322 the permit.

1323 Class 2 temporary permittees must purchase their alcoholic  
1324 beverages directly from the department or, with approval of the  
1325 department, purchase the remaining stock of the previous  
1326 permittee. If the proposed applicant of a Class 1 or Class 2  
1327 temporary permit falsifies information contained in the  
1328 application or statement, the applicant shall never again be  
1329 eligible for a retail alcohol beverage permit and shall be subject  
1330 to prosecution for perjury.

1331 Class 3. A temporary one-day permit may be issued to a  
1332 retail establishment authorizing the complimentary distribution of  
1333 wine, including native wine, to patrons of the retail



1334 establishment at an open house or promotional event, for  
1335 consumption only on the premises described in the temporary  
1336 permit. A Class 3 permit may be issued only to an applicant  
1337 demonstrating to the department, by a statement signed under  
1338 penalty of perjury submitted ten (10) days before the proposed  
1339 date or such other time as the department may determine, that it  
1340 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
1341 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
1342 A Class 3 permit holder shall obtain all alcoholic beverages from  
1343 the holder(s) of a package retailer's permit located in the county  
1344 in which the temporary permit is issued. Wine remaining in stock  
1345 upon expiration of the temporary permit may be returned by the  
1346 Class 3 temporary permit holder to the package retailer for a  
1347 refund of the purchase price, with consent of the package  
1348 retailer, or may be kept by the Class 3 temporary permit holder  
1349 exclusively for personal use and consumption, subject to all laws  
1350 pertaining to the illegal sale and possession of alcoholic  
1351 beverages. The department, following review of the statement  
1352 provided by the applicant and the requirements of the applicable  
1353 statutes and regulations, may issue the permit. No retailer may  
1354 receive more than twelve (12) Class 3 temporary permits in a  
1355 calendar year. A Class 3 temporary permit shall not be issued to  
1356 a retail establishment that either holds a merchant permit issued  
1357 under paragraph (1) of this subsection, or holds a permit issued  
1358 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing



1359 the holder to engage in the business of a retailer of light wine  
1360 or beer.

1361 (g) **Caterer's permit.** A caterer's permit shall permit  
1362 the purchase of alcoholic beverages by a person engaging in  
1363 business as a caterer and the resale of alcoholic beverages by  
1364 such person in conjunction with such catering business. No person  
1365 shall qualify as a caterer unless forty percent (40%) or more of  
1366 the revenue derived from such catering business shall be from the  
1367 serving of prepared food and not from the sale of alcoholic  
1368 beverages and unless such person has obtained a permit for such  
1369 business from the Department of Health. A caterer's permit shall  
1370 not authorize the sale of alcoholic beverages on the premises of  
1371 the person engaging in business as a caterer; however, the holder  
1372 of an on-premises retailer's permit may hold a caterer's permit.  
1373 When the holder of an on-premises retailer's permit or an  
1374 affiliated entity of the holder also holds a caterer's permit, the  
1375 caterer's permit shall not authorize the service of alcoholic  
1376 beverages on a consistent, recurring basis at a separate, fixed  
1377 location owned or operated by the caterer, on-premises retailer or  
1378 affiliated entity and an on-premises retailer's permit shall be  
1379 required for the separate location. All sales of alcoholic  
1380 beverages by holders of a caterer's permit shall be made at the  
1381 location being catered by the caterer, and, except as otherwise  
1382 provided in subsection (5) of this section, such sales may be made  
1383 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



1409 and possess alcoholic beverages for the exclusive use in cooking,  
1410 processing or manufacturing products which contain alcoholic  
1411 beverages as an integral ingredient. An alcohol processing permit  
1412 shall not authorize the sale of alcoholic beverages on the  
1413 premises of the person engaging in the business of cooking,  
1414 processing or manufacturing products which contain alcoholic  
1415 beverages. The amounts of alcoholic beverages allowed under an  
1416 alcohol processing permit shall be set by the department.

1417           (j) **Hospitality cart permit.** A hospitality cart permit  
1418 shall authorize the sale of alcoholic beverages from a mobile cart  
1419 on a golf course that is the holder of an on-premises retailer's  
1420 permit. The alcoholic beverages sold from the cart must be  
1421 consumed within the boundaries of the golf course.

1422           (k) **Special service permit.** A special service permit  
1423 shall authorize the holder to sell commercially sealed alcoholic  
1424 beverages to the operator of a commercial or private aircraft for  
1425 en route consumption only by passengers. A special service permit  
1426 shall be issued only to a fixed-base operator who contracts with  
1427 an airport facility to provide fueling and other associated  
1428 services to commercial and private aircraft.

1429           (l) **Merchant permit.** Except as otherwise provided in  
1430 subsection (5) of this section, a merchant permit shall be issued  
1431 only to the owner of a spa facility, an art studio or gallery, or  
1432 a cooking school, and shall authorize the holder to serve  
1433 complimentary by the glass wine only, including native wine, at



1434 the holder's spa facility, art studio or gallery, or cooking  
1435 school. A merchant permit holder shall obtain all wine from the  
1436 holder of a package retailer's permit.

1437 (m) **Temporary alcoholic beverages charitable auction**  
1438 **permit.** A temporary permit, not to exceed five (5) days, may be  
1439 issued to a qualifying charitable nonprofit organization that is  
1440 exempt from taxation under Section 501(c)(3) or (4) of the  
1441 Internal Revenue Code of 1986. The permit shall authorize the  
1442 holder to sell alcoholic beverages for the limited purpose of  
1443 raising funds for the organization during a live or silent auction  
1444 that is conducted by the organization and that meets the following  
1445 requirements: (i) the auction is conducted in an area of the  
1446 state where the sale of alcoholic beverages is authorized; (ii) if  
1447 the auction is conducted on the premises of an on-premises  
1448 retailer's permit holder, then the alcoholic beverages to be  
1449 auctioned must be stored separately from the alcoholic beverages  
1450 sold, stored or served on the premises, must be removed from the  
1451 premises immediately following the auction, and may not be  
1452 consumed on the premises; (iii) the permit holder may not conduct  
1453 more than two (2) auctions during a calendar year; (iv) the permit  
1454 holder may not pay a commission or promotional fee to any person  
1455 to arrange or conduct the auction.

1456 (n) **Event venue retailer's permit.** An event venue  
1457 retailer's permit shall authorize the holder thereof to purchase  
1458 and resell alcoholic beverages, including native wines and native



1459 spirits, for consumption on the premises during legal hours during  
1460 events held on the licensed premises if food is being served at  
1461 the event by a caterer who is not affiliated with or related to  
1462 the permittee. The caterer must serve at least three (3) entrees.  
1463 The permit may only be issued for venues that can accommodate two  
1464 hundred (200) persons or more. The number of persons a venue may  
1465 accommodate shall be determined by the local fire department and  
1466 such determination shall be provided in writing and submitted  
1467 along with all other documents required to be provided for an  
1468 on-premises retailer's permit. The permittee must derive the  
1469 majority of its revenue from event-related fees, including, but  
1470 not limited to, admission fees or ticket sales for live  
1471 entertainment in the building. "Event-related fees" do not  
1472 include alcohol, beer or light wine sales or any fee which may be  
1473 construed to cover the cost of alcohol, beer or light wine. This  
1474 determination shall be made on a per event basis. An event may  
1475 not last longer than two (2) consecutive days per week.

1476           (o) **Temporary theatre permit.** A temporary theatre  
1477 permit, not to exceed five (5) days, may be issued to a charitable  
1478 nonprofit organization that is exempt from taxation under Section  
1479 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
1480 a theatre facility that features plays and other theatrical  
1481 performances and productions. Except as otherwise provided in  
1482 subsection (5) of this section, the permit shall authorize the  
1483 holder to sell alcoholic beverages, including native wines and



1484 native spirits, to patrons of the theatre during performances and  
1485 productions at the theatre facility for consumption during such  
1486 performances and productions on the premises of the facility  
1487 described in the permit. A temporary theatre permit holder shall  
1488 obtain all alcoholic beverages from package retailers located in  
1489 the county in which the permit is issued. Alcoholic beverages  
1490 remaining in stock upon expiration of the temporary theatre permit  
1491 may be returned by the permittee to the package retailer for a  
1492 refund of the purchase price upon consent of the package retailer  
1493 or may be kept by the permittee exclusively for personal use and  
1494 consumption, subject to all laws pertaining to the illegal sale  
1495 and possession of alcoholic beverages.

1496 (p) **Charter ship operator's permit.** Subject to the  
1497 provisions of this paragraph (p), a charter ship operator's permit  
1498 shall authorize the holder thereof and its employees to serve,  
1499 monitor, store and otherwise control the serving and availability  
1500 of alcoholic beverages to customers of the permit holder during  
1501 private charters under contract provided by the permit holder. A  
1502 charter ship operator's permit shall authorize such action by the  
1503 permit holder and its employees only as to alcoholic beverages  
1504 brought onto the permit holder's ship by customers of the permit  
1505 holder as part of such a private charter. All such alcoholic  
1506 beverages must be removed from the charter ship at the conclusion  
1507 of each private charter. A charter ship operator's permit shall  
1508 not authorize the permit holder to sell, charge for or otherwise



1509 supply alcoholic beverages to customers, except as authorized in  
1510 this paragraph (p). For the purposes of this paragraph (p),  
1511 "charter ship operator" means a common carrier that (i) is  
1512 certified to carry at least one hundred fifty (150) passengers  
1513 and/or provide overnight accommodations for at least fifty (50)  
1514 passengers, (ii) operates only in the waters within the State of  
1515 Mississippi, which lie adjacent to the State of Mississippi south  
1516 of the three (3) most southern counties in the State of  
1517 Mississippi, and (iii) provides charters under contract for tours  
1518 and trips in such waters.

1519           (q) **Distillery retailer's permit.** The holder of a  
1520 Class 1 manufacturer's permit may obtain a distillery retailer's  
1521 permit. A distillery retailer's permit shall authorize the holder  
1522 thereof to sell at retail alcoholic beverages to consumers for  
1523 on-premises consumption, or to consumers by the sealed and  
1524 unopened bottle from a retail location at the distillery for  
1525 off-premises consumption. The holder may only sell product  
1526 manufactured by the manufacturer at the distillery described in  
1527 the permit. However, when selling to consumers for on-premises  
1528 consumption, a holder of a distillery retailer's permit may add  
1529 other beverages, alcoholic or not, so long as the total volume of  
1530 other beverage components containing alcohol does not exceed  
1531 twenty percent (20%). Hours of sale shall be the same as those  
1532 authorized for on-premises permittees in the city or county in  
1533 which the distillery retailer is located.



1534           The holder shall not sell at retail more than ten percent  
1535   (10%) of the alcoholic beverages produced annually at its  
1536   distillery. The holder shall not make retail sales of more than  
1537   two and twenty-five one-hundredths (2.25) liters, in the  
1538   aggregate, of the alcoholic beverages produced at its distillery  
1539   to any one (1) individual for consumption off the premises of the  
1540   distillery within a twenty-four-hour period. The hours of sale  
1541   shall be the same as those hours for package retailers under this  
1542   article. The holder of a distillery retailer's permit is not  
1543   required to purchase the alcoholic beverages authorized to be sold  
1544   by this paragraph from the department's liquor distribution  
1545   warehouse; however, if the holder does not purchase the alcoholic  
1546   beverages from the department's liquor distribution warehouse, the  
1547   holder shall pay to the department all taxes, fees and surcharges  
1548   on the alcoholic beverages that are imposed upon the sale of  
1549   alcoholic beverages shipped by the department or its warehouse  
1550   operator. In addition to alcoholic beverages, the holder of a  
1551   distillery retailer's permit may sell at retail promotional  
1552   products from the same retail location, including shirts, hats,  
1553   glasses, and other promotional products customarily sold by  
1554   alcoholic beverage manufacturers.

1555           (r) **Festival Wine Permit.** Any wine manufacturer or  
1556   native wine producer permitted by Mississippi or any other state  
1557   is eligible to obtain a Festival Wine Permit. This permit  
1558   authorizes the entity to transport product manufactured by it to



1559 festivals held within the State of Mississippi and sell sealed,  
1560 unopened bottles to festival participants. The holder of this  
1561 permit may provide samples at no charge to participants.

1562 "Festival" means any event at which three (3) or more vendors are  
1563 present at a location for the sale or distribution of goods. The  
1564 holder of a Festival Wine Permit is not required to purchase the  
1565 alcoholic beverages authorized to be sold by this paragraph from  
1566 the department's liquor distribution warehouse. However, if the  
1567 holder does not purchase the alcoholic beverages from the  
1568 department's liquor distribution warehouse, the holder of this  
1569 permit shall pay to the department all taxes, fees and surcharges  
1570 on the alcoholic beverages sold at such festivals that are imposed  
1571 upon the sale of alcoholic beverages shipped by the Alcoholic  
1572 Beverage Control Division of the Department of Revenue.

1573 Additionally, the entity shall file all applicable reports and  
1574 returns as prescribed by the department. This permit is issued  
1575 per festival and provides authority to sell for two (2)  
1576 consecutive days during the hours authorized for on-premises  
1577 permittees' sales in that county or city. The holder of the  
1578 permit shall be required to maintain all requirements set by Local  
1579 Option Law for the service and sale of alcoholic beverages. This  
1580 permit may be issued to entities participating in festivals at  
1581 which a Class 1 temporary permit is in effect.

1582 This paragraph (r) shall stand repealed from and after July  
1583 1, 2026.





1584                   (s)   **Charter vessel operator's permit.** Subject to the  
1585 provisions of this paragraph (s), a charter vessel operator's  
1586 permit shall authorize the holder thereof and its employees to  
1587 sell and serve alcoholic beverages to passengers of the permit  
1588 holder during public tours, historical tours, ecological tours and  
1589 sunset cruises provided by the permit holder. The permit shall  
1590 authorize the holder to only sell alcoholic beverages, including  
1591 native wines, to passengers of the charter vessel operator during  
1592 public tours, historical tours, ecological tours and sunset  
1593 cruises provided by the permit holder aboard the charter vessel  
1594 operator for consumption during such tours and cruises on the  
1595 premises of the charter vessel operator described in the permit.  
1596 For the purposes of this paragraph (s), "charter vessel operator"  
1597 means a common carrier that (i) is certified to carry at least  
1598 forty-nine (49) passengers, (ii) operates only in the waters  
1599 within the State of Mississippi, which lie south of Interstate 10  
1600 in the three (3) most southern counties in the State of  
1601 Mississippi, and lie adjacent to the State of Mississippi south of  
1602 the three (3) most southern counties in the State of Mississippi,  
1603 extending not further than one (1) mile south of such counties,  
1604 and (iii) provides vessel services for tours and cruises in such  
1605 waters as provided in this paragraph(s).  
1606                   (t)   **Native spirit retailer's permit.** Except as  
1607 otherwise provided in subsection (5) of this section, a native  
1608 spirit retailer's permit shall be issued only to a holder of a



1609 Class 4 manufacturer's permit, and shall authorize the holder  
1610 thereof to make retail sales of native spirits to consumers for  
1611 on-premises consumption or to consumers in originally sealed and  
1612 unopened containers at an establishment located on the premises of  
1613 or in the immediate vicinity of a native distillery. When selling  
1614 to consumers for on-premises consumption, a holder of a native  
1615 spirit retailer's permit may add to the native spirit alcoholic  
1616 beverages not produced on the premises, so long as the total  
1617 volume of foreign beverage components does not exceed twenty  
1618 percent (20%) of the mixed beverage. Hours of sale shall be the  
1619 same as those authorized for on-premises permittees in the city or  
1620 county in which the native spirit retailer is located.

1621 (u) **Delivery service permit.** Any individual, limited  
1622 liability company, corporation or partnership registered to do  
1623 business in this state is eligible to obtain a delivery service  
1624 permit. Subject to the provisions of Section 67-1-51.1, this  
1625 permit authorizes the permittee, or its employee or an independent  
1626 contractor acting on its behalf, to deliver alcoholic beverages,  
1627 beer, light wine and light spirit product from a licensed retailer  
1628 to a person in this state who is at least twenty-one (21) years of  
1629 age for the individual's use and not for resale. This permit does  
1630 not authorize the delivery of alcoholic beverages, beer, light  
1631 wine or light spirit product to the premises of a location with a  
1632 permit for the manufacture, distribution or retail sale of  
1633 alcoholic beverages, beer, light wine or light spirit product.



1634 The holder of a package retailer's permit or an on-premises  
1635 retailer's permit under Section 67-1-51 or of a beer, light wine  
1636 and light spirit product permit under Section 67-3-19 is  
1637 authorized to apply for a delivery service permit as a privilege  
1638 separate from its existing retail permit.

1639 (v) **Food truck permit.** A food truck permit shall  
1640 authorize the holder of an on-premises retailer's permit to use a  
1641 food truck to sell alcoholic beverages off its premises to guests  
1642 who must consume the beverages in open containers. For the  
1643 purposes of this paragraph (v), "food truck" means a fully encased  
1644 food service establishment on a motor vehicle or on a trailer that  
1645 a motor vehicle pulls to transport, and from which a vendor,  
1646 standing within the frame of the establishment, prepares, cooks,  
1647 sells and serves food for immediate human consumption. The term  
1648 "food truck" does not include a food cart that is not motorized.  
1649 Food trucks shall maintain such distance requirements from  
1650 schools, churches, kindergartens and funeral homes as are required  
1651 for on-premises retailer's permittees under this article, and all  
1652 sales must be made within a valid leisure and recreation district  
1653 established under Section 67-1-101. Food trucks cannot sell or  
1654 serve alcoholic beverages unless also offering food prepared and  
1655 cooked within the food truck, and permittees must maintain a  
1656 twenty-five percent (25%) food sale revenue requirement based on  
1657 the food sold from the food truck alone. The hours allowed for  
1658 sale shall be the same as those for on-premises retailer's



1659 permittees in the location. This permit will not be required for  
1660 the holder of a caterer's permit issued under this article to  
1661 cater an event as allowed by law. Permittees must provide notice  
1662 of not less than forty-eight (48) hours to the department of each  
1663 location at which alcoholic beverages will be sold.

1664           (w) **On-premises tobacco permit.** An on-premises tobacco  
1665 permit shall authorize the permittee to sell alcoholic beverages  
1666 for consumption on the licensed premises. In addition to all  
1667 other requirements to obtain an alcoholic beverage permit, the  
1668 permittee must obtain and maintain a tobacco permit issued by the  
1669 State of Mississippi, and have a capital investment of not less  
1670 than Five Hundred Thousand Dollars (\$500,000.00) in the premises  
1671 for which the permit is issued. In addition to alcoholic  
1672 beverages, the permittee is authorized to sell only cigars,  
1673 cheroots, tobacco pipes, pipe tobacco, and/or stogies.  
1674 Additionally, seventy-five percent (75%) of the permittee's annual  
1675 gross revenue must be derived from the sale of cigars, cheroots,  
1676 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall  
1677 be required, but food may be sold on the premises. The issuance  
1678 of this permit does not remove any obligation a permittee may have  
1679 to follow local ordinances or actions prohibiting the use of  
1680 tobacco products.

1681           (x) Grocery store wine-only retailer's permit. Except  
1682 as otherwise provided in this paragraph (x), a grocery store  
1683 wine-only retailer's permit shall authorize the holder thereof to



1684 sell wine at retail at a grocery store in original sealed and  
1685 unopened packages not to be consumed on the premises where sold.  
1686 Wine shall not be sold by any grocery store in any package or  
1687 container containing less than fifty (50) milliliters by liquid  
1688 measure. A grocery store wine-only retailer's permit, with prior  
1689 approval from the department, shall authorize the holder thereof  
1690 to sample the new product furnished by a manufacturer's  
1691 representative or his employees at the permitted place of business  
1692 so long as the sampling otherwise complies with this article and  
1693 applicable department regulations. Such samples may not be  
1694 provided to customers at the permitted place of business. Permits  
1695 authorized under this paragraph (x) shall not be issued prior to  
1696 July 1, 2026, and shall not be issued to a grocery store that is  
1697 located within five hundred (500) feet of an establishment holding  
1698 a package retailer's permit prior to July 1, 2026.

1699       (2) Except as otherwise provided in subsection (4) of this  
1700 section, retail permittees may hold more than one (1) retail  
1701 permit, at the discretion of the department.

1702       (3) (a) Except as otherwise provided in this subsection, no  
1703 authority shall be granted to any person to manufacture, sell or  
1704 store for sale any intoxicating liquor as specified in this  
1705 article within four hundred (400) feet of any church, school  
1706 (excluding any community college, junior college, college or  
1707 university), kindergarten or funeral home. However, within an



1708 area zoned commercial or business, such minimum distance shall be  
1709 not less than one hundred (100) feet.

1710 (b) A church or funeral home may waive the distance  
1711 restrictions imposed in this subsection in favor of allowing  
1712 issuance by the department of a permit, pursuant to subsection (1)  
1713 of this section, to authorize activity relating to the  
1714 manufacturing, sale or storage of alcoholic beverages which would  
1715 otherwise be prohibited under the minimum distance criterion.  
1716 Such waiver shall be in written form from the owner, the governing  
1717 body, or the appropriate officer of the church or funeral home  
1718 having the authority to execute such a waiver, and the waiver  
1719 shall be filed with and verified by the department before becoming  
1720 effective.

1721 (c) The distance restrictions imposed in this  
1722 subsection shall not apply to the sale or storage of alcoholic  
1723 beverages at a bed and breakfast inn listed in the National  
1724 Register of Historic Places or to the sale or storage of alcoholic  
1725 beverages in a historic district that is listed in the National  
1726 Register of Historic Places, is a qualified resort area and is  
1727 located in a municipality having a population greater than one  
1728 hundred thousand (100,000) according to the latest federal  
1729 decennial census.

1730 (d) The distance restrictions imposed in this  
1731 subsection shall not apply to the sale or storage of alcoholic  
1732 beverages at a qualified resort area as defined in Section



1733 67-1-5(o) (iii) 32.

1734 (e) The distance restrictions imposed in this  
1735 subsection shall not apply to the sale or storage of alcoholic  
1736 beverages at a licensed premises in a building formerly owned by a  
1737 municipality and formerly leased by the municipality to a  
1738 municipal school district and used by the municipal school  
1739 district as a district bus shop facility.

1740 (f) The distance restrictions imposed in this  
1741 subsection shall not apply to the sale or storage of alcoholic  
1742 beverages at a licensed premises in a building consisting of at  
1743 least five thousand (5,000) square feet and located approximately  
1744 six hundred (600) feet from the intersection of Mississippi  
1745 Highway 15 and Mississippi Highway 4.

1746 (g) The distance restrictions imposed in this  
1747 subsection shall not apply to the sale or storage of alcoholic  
1748 beverages at a licensed premises in a building located at or near  
1749 the intersection of Ward and Tate Streets and adjacent properties  
1750 in the City of Senatobia, Mississippi.

1751 (h) The distance restrictions imposed in this  
1752 subsection shall not apply to the sale or storage of alcoholic  
1753 beverages at a theatre facility that features plays and other  
1754 theatrical performances and productions and (i) is capable of  
1755 seating more than seven hundred fifty (750) people, (ii) is owned  
1756 by a municipality which has a population greater than ten thousand  
1757 (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.

(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 \* \* \* six (6) package retailer's permit(s), 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 \* \* \* which, when combined with the number of package retailer's permits owned by the person or in which the person has a controlling interest, would total more than six (6) package retailer's permits.

(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





1783 and the patron may remove an open glass, cup or other container of  
1784 the alcoholic beverage and/or wine from the licensed premises and  
1785 may possess and consume the alcoholic beverage or wine outside of  
1786 the licensed premises if: (i) the licensed premises is located  
1787 within a leisure and recreation district created under Section  
1788 67-1-101 and (ii) the patron remains within the boundaries of the  
1789 leisure and recreation district while in possession of the  
1790 alcoholic beverage or wine.

1791 (b) Nothing in this subsection shall be construed to  
1792 allow a person to bring any alcoholic beverages into a permitted  
1793 premises except to the extent otherwise authorized by this  
1794 article.

1795 **SECTION 3.** Section 27-71-5, Mississippi Code of 1972, is  
1796 amended as follows:

1797 27-71-5. (1) Upon each person approved for a permit under  
1798 the provisions of the Alcoholic Beverage Control Law and  
1799 amendments thereto, there is levied and imposed for each location  
1800 for the privilege of engaging and continuing in this state in the  
1801 business authorized by such permit, an annual privilege license  
1802 tax in the amount provided in the following schedule:

1803 (a) Except as otherwise provided in this subsection  
1804 (1), manufacturer's permit, Class 1, distiller's and/or  
1805 rectifier's:

1806 (i) For a permittee with annual production of  
1807 five thousand (5,000) gallons or more.....\$4,500.00



1808 (ii) For a permittee with annual production under  
 1809 five thousand (5,000) gallons.....\$2,800.00  
 1810 (b) Manufacturer's permit, Class 2, wine  
 1811 manufacturer.....\$1,800.00  
 1812 (c) Manufacturer's permit, Class 3, native wine  
 1813 manufacturer per ten thousand (10,000) gallons or part thereof  
 1814 produced.....\$ 10.00  
 1815 (d) Manufacturer's permit, Class 4, native spirit  
 1816 manufacturer per one thousand (1,000) gallons or part thereof  
 1817 produced.....\$ 300.00  
 1818 (e) Native wine retailer's permit.....\$ 50.00  
 1819 (f) Package retailer's permit, each.....\$ 900.00  
 1820 (g) On-premises retailer's permit, except for clubs and  
 1821 common carriers, each.....\$ 450.00  
 1822 (h) On-premises retailer's permit for wine of more than  
 1823 five percent (5%) alcohol by weight, but not more than twenty-one  
 1824 percent (21%) alcohol by weight, each.....\$ 225.00  
 1825 (i) On-premises retailer's permit for clubs...\$ 225.00  
 1826 (j) On-premises retailer's permit for common carriers,  
 1827 per car, plane, or other vehicle.....\$ 120.00  
 1828 (k) Solicitor's permit, regardless of any other  
 1829 provision of law, solicitor's permits shall be issued only in the  
 1830 discretion of the department.....\$ 100.00  
 1831 (l) Filing fee for each application except for an  
 1832 employee identification card.....\$ 25.00



1833	(m) Temporary permit, Class 1, each.....	\$ 10.00
1834	(n) Temporary permit, Class 2, each.....	\$ 50.00
1835	(o) (i) Caterer's permit.....	\$ 600.00
1836	(ii) Caterer's permit for holders of on-premises	
1837	retailer's permit.....	\$ 150.00
1838	(p) Research permit.....	\$ 100.00
1839	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
1840	(r) Special service permit.....	\$ 225.00
1841	(s) Merchant permit.....	\$ 225.00
1842	(t) Temporary alcoholic beverages charitable auction	
1843	permit.....	\$ 10.00
1844	(u) Event venue retailer's permit.....	\$ 225.00
1845	(v) Temporary theatre permit, each.....	\$ 10.00
1846	(w) Charter ship operator's permit.....	\$ 100.00
1847	(x) Distillery retailer's permit.....	\$ 450.00
1848	(y) Festival wine permit.....	\$ 10.00
1849	(z) Charter vessel operator's permit.....	\$ 100.00
1850	(aa) Native spirit retailer's permit.....	\$ 50.00
1851	(ab) Delivery service permit.....	\$ 500.00
1852	(ac) Food truck permit.....	\$ 100.00
1853	(ad) On-premises tobacco permit.....	\$ 450.00
1854	(ae) <u>Grocery store wine-only retailer's permit, each</u>	
1855	<u>location</u> .....	<u>\$ 900.00</u>

1856 In addition to the filing fee imposed by paragraph (1) of  
1857 this subsection, a fee to be determined by the Department of



1858 Revenue may be charged to defray costs incurred to process  
1859 applications. The additional fees shall be paid into the State  
1860 Treasury to the credit of a special fund account, which is hereby  
1861 created, and expenditures therefrom shall be made only to defray  
1862 the costs incurred by the Department of Revenue in processing  
1863 alcoholic beverage applications. Any unencumbered balance  
1864 remaining in the special fund account on June 30 of any fiscal  
1865 year shall lapse into the State General Fund.

1866 All privilege taxes imposed by this section shall be paid in  
1867 advance of doing business. A new permittee whose privilege tax is  
1868 determined by production volume will pay the tax for the first  
1869 year in accordance with department regulations. The additional  
1870 privilege tax imposed for an on-premises retailer's permit based  
1871 upon purchases shall be due and payable on demand.

1872 Paragraph (y) of this subsection shall stand repealed from  
1873 and after July 1, 2026.

1874 (2) (a) There is imposed and shall be collected from each  
1875 permittee, except a common carrier, solicitor, a temporary  
1876 permittee or a delivery service permittee, by the department, an  
1877 additional license tax equal to the amounts imposed under  
1878 subsection (1) of this section for the privilege of doing business  
1879 within any municipality or county in which the licensee is  
1880 located.

1881 (b) (i) In addition to the tax imposed in paragraph  
1882 (a) of this subsection, there is imposed and shall be collected by



1883 the department from each permittee described in subsection (1)(g),  
1884 (h), (i), (n) and (u) of this section, an additional license tax  
1885 for the privilege of doing business within any municipality or  
1886 county in which the licensee is located in the amount of Two  
1887 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five  
1888 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars  
1889 (\$225.00) for each additional purchase of Five Thousand Dollars  
1890 (\$5,000.00), or fraction thereof.

1891 (ii) In addition to the tax imposed in paragraph  
1892 (a) of this subsection, there is imposed and shall be collected by  
1893 the department from each permittee described in subsection (1)(o)  
1894 and (s) of this section, an additional license tax for the  
1895 privilege of doing business within any municipality or county in  
1896 which the licensee is located in the amount of Two Hundred Fifty  
1897 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars  
1898 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each  
1899 additional purchase of Five Thousand Dollars (\$5,000.00), or  
1900 fraction thereof.

1901 (iii) Any person who has paid the additional  
1902 privilege license tax imposed by this paragraph, and whose permit  
1903 is renewed, may add any unused fraction of Five Thousand Dollars  
1904 (\$5,000.00) purchases to the first Five Thousand Dollars  
1905 (\$5,000.00) purchases authorized by the renewal permit, and no  
1906 additional license tax will be required until purchases exceed the  
1907 sum of the two (2) figures.



1908           (c) If the licensee is located within a municipality,  
1909 the department shall pay the amount of additional license tax  
1910 collected under this section to the municipality, and if outside a  
1911 municipality the department shall pay the additional license tax  
1912 to the county in which the licensee is located. Payments by the  
1913 department to the respective local government subdivisions shall  
1914 be made once each month for any collections during the preceding  
1915 month.

1916           (3) When an application for any permit, other than for  
1917 renewal of a permit, has been rejected by the department, such  
1918 decision shall be final. Appeal may be made in the manner  
1919 provided by Section 67-1-39. Another application from an  
1920 applicant who has been denied a permit shall not be reconsidered  
1921 within a twelve-month period.

1922           (4) The number of permits issued by the department shall not  
1923 be restricted or limited on a population basis; however, the  
1924 foregoing limitation shall not be construed to preclude the right  
1925 of the department to refuse to issue a permit because of the  
1926 undesirability of the proposed location.

1927           (5) If any person shall engage or continue in any business  
1928 which is taxable under this section without having paid the tax as  
1929 provided in this section, the person shall be liable for the full  
1930 amount of the tax plus a penalty thereon equal to the amount  
1931 thereof, and, in addition, shall be punished by a fine of not more  
1932 than One Thousand Dollars (\$1,000.00), or by imprisonment in the



county jail for a term of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

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

**SECTION 4.** Section 67-1-41, Mississippi Code of 1972, is amended as follows:

67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department, except as authorized in subsections (4), (9) and (12) of this section. The department may establish warehouses, and the department may purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors



1958 operating within any military post or qualified resort areas  
1959 within the boundaries of the state, keeping a correct and accurate  
1960 record of all such transactions and exercising such control over  
1961 the distribution of alcoholic beverages as seem right and proper  
1962 in keeping with the provisions or purposes of this article.

1963 (2) No person for the purpose of sale shall manufacture,  
1964 distill, brew, sell, possess, export, transport, distribute,  
1965 warehouse, store, solicit, take orders for, bottle, rectify,  
1966 blend, treat, mix or process any alcoholic beverage except in  
1967 accordance with authority granted under this article, or as  
1968 otherwise provided by law for native wines or native spirits.

1969 (3) No alcoholic beverage intended for sale or resale shall  
1970 be imported, shipped or brought into this state for delivery to  
1971 any person other than as provided in this article, or as otherwise  
1972 provided by law for native wines or native spirits.

1973 (4) The department may promulgate rules and regulations  
1974 which authorize on-premises retailers to purchase limited amounts  
1975 of alcoholic beverages from package retailers and for package  
1976 retailers to purchase limited amounts of alcoholic beverages from  
1977 other package retailers. The department shall develop and provide  
1978 forms to be completed by the on-premises retailers and the package  
1979 retailers verifying the transaction. The completed forms shall be  
1980 forwarded to the department within a period of time prescribed by  
1981 the department.





1982           (5) The department may promulgate rules which authorize the  
1983 holder of a package retailer's permit or grocery store wine-only  
1984 retailer's permit to permit individual retail purchasers of  
1985 packages of alcoholic beverages to return, for exchange, credit or  
1986 refund, limited amounts of original sealed and unopened packages  
1987 of alcoholic beverages purchased by the individual from the  
1988 package retailer or grocery store.

1989           (6) The department shall maintain all forms to be completed  
1990 by applicants necessary for licensure by the department at all  
1991 district offices of the department.

1992           (7) The department may promulgate rules which authorize the  
1993 manufacturer of an alcoholic beverage or wine to import, transport  
1994 and furnish or give a sample of alcoholic beverages or wines to  
1995 the holders of package retailer's permits, on-premises retailer's  
1996 permits, native wine or native spirit retailer's permits \* \* \*,  
1997 temporary retailer's permits and grocery store wine-only  
1998 retailer's permits who have not previously purchased the brand of  
1999 that manufacturer from the department. For each holder of the  
2000 designated permits, the manufacturer may furnish not more than  
2001 five hundred (500) milliliters of any brand of alcoholic beverage  
2002 and not more than three (3) liters of any brand of wine.

2003           (8) The department may promulgate rules disallowing open  
2004 product sampling of alcoholic beverages or wines by the holders of  
2005 package retailer's permits and permitting open product sampling of  
2006 alcoholic beverages by the holders of on-premises retailer's



2007 permits. Permitted sample products shall be plainly identified  
2008 "sample" and the actual sampling must occur in the presence of the  
2009 manufacturer's representatives during the legal operating hours of  
2010 on-premises retailers.

2011 (9) The department may promulgate rules and regulations that  
2012 authorize the holder of a research permit to import and purchase  
2013 limited amounts of alcoholic beverages from importers, wineries  
2014 and distillers of alcoholic beverages or from the department. The  
2015 department shall develop and provide forms to be completed by the  
2016 research permittee verifying each transaction. The completed  
2017 forms shall be forwarded to the department within a period of time  
2018 prescribed by the department. The records and inventory of  
2019 alcoholic beverages shall be open to inspection at any time by the  
2020 Director of the Alcoholic Beverage Control Division or any duly  
2021 authorized agent.

2022 (10) The department may promulgate rules facilitating a  
2023 retailer's on-site pickup of alcoholic beverages sold by the  
2024 department or as authorized by the department, including, but not  
2025 limited to, native wines and native spirits, so that those  
2026 alcoholic beverages may be delivered to the retailer at the  
2027 manufacturer's location instead of via shipment from the  
2028 department's warehouse.

2029 (11) **[Through June 30, 2026]** This section shall not apply  
2030 to alcoholic beverages authorized to be sold by the holder of a  
2031 distillery retailer's permit or a festival wine permit.



2032           (11)   **[From and after July 1, 2026]**   This section shall not  
2033   apply to alcoholic beverages authorized to be sold by the holder  
2034   of a distillery retailer's permit.

2035           (12)   (a)   An individual resident of this state who is at  
2036   least twenty-one (21) years of age may purchase wine from a winery  
2037   and have the purchase shipped into this state so long as it is  
2038   shipped to a package retailer permittee in Mississippi; however,  
2039   the permittee shall pay to the department all taxes, fees and  
2040   surcharges on the wine that are imposed upon the sale of wine  
2041   shipped by the department or its warehouse operator. No credit  
2042   shall be provided to the permittee for any taxes paid to another  
2043   state as a result of the transaction. Package retailers may  
2044   charge a service fee for receiving and handling shipments from  
2045   wineries on behalf of the purchasers. The department shall  
2046   develop and provide forms to be completed by the package retailer  
2047   permittees verifying the transaction. The completed forms shall  
2048   be forwarded to the department within a period of time prescribed  
2049   by the department.

2050                   (b)   The purchaser of wine that is to be shipped to a  
2051   package retailer's store shall be required to get the prior  
2052   approval of the package retailer before any wine is shipped to the  
2053   package retailer. A purchaser is limited to no more than ten (10)  
2054   cases of wine per year to be shipped to a package retailer. A  
2055   package retailer shall notify a purchaser of wine within two (2)  
2056   days after receiving the shipment of wine. If the purchaser of



2057 the wine does not pick up or take the wine from the package  
2058 retailer within thirty (30) days after being notified by the  
2059 package retailer, the package retailer may sell the wine as part  
2060 of his inventory.

2061 (c) Shipments of wine into this state under this  
2062 section shall be made by a duly licensed carrier. It shall be the  
2063 duty of every common or contract carrier, and of every firm or  
2064 corporation that shall bring, carry or transport wine from outside  
2065 the state for delivery inside the state to package retailer  
2066 permittees on behalf of consumers, to prepare and file with the  
2067 department, on a schedule as determined by the department, of  
2068 known wine shipments containing the name of the common or contract  
2069 carrier, firm or corporation making the report, the period of time  
2070 covered by said report, the name and permit number of the winery,  
2071 the name and permit number of the package retailer permittee  
2072 receiving such wine, the weight of the package delivered to each  
2073 package retailer permittee, a unique tracking number, and the date  
2074 of delivery. Reports received by the department shall be made  
2075 available by the department to the public via the Mississippi  
2076 Public Records Act process in the same manner as other state  
2077 alcohol filings.

2078 Upon the department's request, any records supporting the  
2079 report shall be made available to the department within a  
2080 reasonable time after the department makes a written request for  
2081 such records. Any records containing information relating to such



2082 reports shall be kept and preserved for a period of two (2) years,  
2083 unless their destruction sooner is authorized, in writing, by the  
2084 department, and shall be open and available to inspection by the  
2085 department upon the department's written request. Reports shall  
2086 also be made available to any law enforcement or regulatory body  
2087 in the state in which the railroad company, express company,  
2088 common or contract carrier making the report resides or does  
2089 business.

2090 Any common or contract carrier that willfully fails to make  
2091 reports, as provided by this section or any of the rules and  
2092 regulations of the department for the administration and  
2093 enforcement of this section, is subject to a notification of  
2094 violation. In the case of a continuing failure to make reports,  
2095 the common or contract carrier is subject to possible license  
2096 suspension and revocation at the department's discretion.

2097 (d) A winery that ships wine under this section shall  
2098 be deemed to have consented to the jurisdiction of the courts of  
2099 this state, of the department, of any other state agency regarding  
2100 the enforcement of this section, and of any related law, rules or  
2101 regulations.

2102 (e) Any person who makes, participates in, transports,  
2103 imports or receives a shipment in violation of this section is  
2104 guilty of a misdemeanor and, upon conviction thereof, shall be  
2105 punished by a fine of One Thousand Dollars (\$1,000.00) or



imprisonment in the county jail for not more than six (6) months, or both. Each shipment shall constitute a separate offense.

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

**SECTION 5.** Section 67-1-75, Mississippi Code of 1972, is amended as follows:

67-1-75. If the holder of a package retailer's permit or a grocery store wine-only retailer's permit, or any employee thereof:

(a) Shall sell, offer for sale or permit to be sold in, on or about the premises covered by such permit any alcoholic beverages except in the original sealed and unopened packages; or

(b) Shall permit the drinking or consumption of any alcoholic beverages in, on or about the premises covered by such permit except as may be otherwise authorized by this article; or



2131           (c) Shall sell, offer for sale or permit the sale in,  
2132 on or about the premises of alcoholic beverages in any package or  
2133 container containing less than fifty (50) milliliters by liquid  
2134 measure; then such person or employee shall be guilty of a  
2135 misdemeanor and, upon conviction, shall be punished by a fine of  
2136 not more than One Thousand Dollars (\$1,000.00) or by imprisonment  
2137 in the county jail for a term of not more than one (1) year, or by  
2138 both such fine and imprisonment, in the discretion of the court.  
2139 In addition, in the case of the commission of any of such offenses  
2140 by the holder of a permit, it shall be the duty of the \* \* \*  
2141 department forthwith to revoke the permit held by such person and  
2142 conviction of the criminal offense shall not be a condition  
2143 precedent to such revocation.

2144       **SECTION 6.** Section 67-1-83, Mississippi Code of 1972, is  
2145 amended as follows:

2146       67-1-83. (1) It shall be unlawful for any permittee or any  
2147 employee or agent thereof to sell or furnish any alcoholic  
2148 beverage to any person who is visibly intoxicated, or to any  
2149 person who is known to habitually drink alcoholic beverages to  
2150 excess, or to any person who is known to be an habitual user of  
2151 narcotics or other habit-forming drugs. It shall also be unlawful  
2152 for the holder of any package retailer's permit or grocery store  
2153 wine-only retailer's permit to sell any alcoholic beverages except  
2154 by delivery in person to the purchaser at the place of business of  
2155 the permittee, unless the holder of a package retailer's permit



2156 also holds a delivery service permit or uses a delivery service  
2157 permittee to effect delivery.

2158 (2) It shall be unlawful for any permittee or any employee  
2159 or agent thereof to sell or furnish any alcoholic beverage to any  
2160 person to whom the department has, after investigation, decided to  
2161 prohibit the sale of those beverages because of an appeal to the  
2162 department so to do by the husband, wife, father, mother, brother,  
2163 sister, child, or employer of the person. The interdiction in  
2164 those cases shall last until removed by the department, but no  
2165 person shall be held to have violated this subsection unless he  
2166 has been informed by the department, by registered letter, that it  
2167 is forbidden to sell to that individual or unless that fact is  
2168 otherwise known to the permittee or its employee or agent.

2169 (3) It shall be unlawful for any holder of a package  
2170 retailer's permit or a grocery store wine-only retailer's permit,  
2171 or any employee or agent thereof, \* \* \* to sell or furnish any  
2172 alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to  
2173 sell alcoholic beverages on Sunday and Christmas Day.

2174 (4) Any person who violates any of the provisions of this  
2175 section shall be guilty of a misdemeanor and, upon conviction,  
2176 shall be punished by a fine of not more than Five Hundred Dollars  
2177 (\$500.00) or by imprisonment in the county jail for a term of not  
2178 more than six (6) months, or by both that fine and imprisonment,  
2179 in the discretion of the court. In addition to any other  
2180 penalties prescribed by law, the \* \* \* department may immediately





2181 revoke the permit of any permittee who violates the provisions of  
2182 this section.

2183       **SECTION 7.** Section 67-1-85, Mississippi Code of 1972, is  
2184 amended as follows:

2185       67-1-85. (1) The holder of a package retailer's permit or  
2186 grocery store wine-only retailer's permit may have signs, lighted  
2187 or otherwise, on the outside of the premises covered by his permit  
2188 which advertise, announce or advise of the sale of alcoholic  
2189 beverages in or on said premises. Wherever the sign is located on  
2190 the premises, the name of the business shall also include the  
2191 permit number thereof, preceded by the words "A.B.C. Permit No."

2192       (2) It shall be lawful to advertise alcoholic beverages by  
2193 means of signs, billboards or displays on or along any road,  
2194 highway, street or building.

2195       (3) It shall be lawful for publishers, broadcasters and  
2196 other kinds, types or forms of public and private advertising  
2197 media to advertise alcoholic beverages; however, no alcoholic  
2198 beverages may be advertised during, or within five (5) minutes  
2199 preceding or following, any television broadcast which consists  
2200 primarily of animated material intended for viewing by young  
2201 children.

2202       (4) Notwithstanding the provisions of this section to the  
2203 contrary, it shall be unlawful to advertise alcoholic beverages by  
2204 means of signs, billboards or displays in any municipality, county  
2205 or judicial district which has not voted pursuant to the



2206 provisions of this article to legalize the sale of alcoholic  
2207 beverages.

2208       **SECTION 8.** This act shall take effect and be in force from  
2209 and after July 1, 2025.

