

By: Representatives Powell, Hulum

To: State Affairs

HOUSE BILL NO. 558

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE NUMBER OF PACKAGE RETAILER'S PERMITS THAT MAY BE
3 OWNED BY A PERSON OR IN WHICH A PERSON MAY HAVE A CONTROLLING
4 INTEREST FROM ONE TO THREE; AND FOR RELATED PURPOSES.

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

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

8 67-1-51. (1) Permits which may be issued by the department
9 shall be as follows:

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

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

17 Class 1. Distiller's and/or rectifier's permit, which shall
18 authorize the holder thereof to operate a distillery for the
19 production of distilled spirits by distillation or redistillation



20 and/or to operate a rectifying plant for the purifying, refining,
21 mixing, blending, flavoring or reducing in proof of distilled
22 spirits and alcohol.

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

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

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

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



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

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



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



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

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

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



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

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

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

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



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

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

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



170 application or statement, the applicant shall never again be
171 eligible for a retail alcohol beverage permit and shall be subject
172 to prosecution for perjury.

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



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

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



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

242 (h) **Research permit.** A research permit shall authorize
243 the holder thereof to operate a research facility for the
244 professional research of alcoholic beverages. Such permit shall



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

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

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

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



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

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

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



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

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



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

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



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

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



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

376 The holder shall not sell at retail more than ten percent
377 (10%) of the alcoholic beverages produced annually at its
378 distillery. The holder shall not make retail sales of more than
379 two and twenty-five one-hundredths (2.25) liters, in the
380 aggregate, of the alcoholic beverages produced at its distillery
381 to any one (1) individual for consumption off the premises of the
382 distillery within a twenty-four-hour period. The hours of sale
383 shall be the same as those hours for package retailers under this
384 article. The holder of a distillery retailer's permit is not
385 required to purchase the alcoholic beverages authorized to be sold
386 by this paragraph from the department's liquor distribution
387 warehouse; however, if the holder does not purchase the alcoholic
388 beverages from the department's liquor distribution warehouse, the
389 holder shall pay to the department all taxes, fees and surcharges
390 on the alcoholic beverages that are imposed upon the sale of
391 alcoholic beverages shipped by the department or its warehouse
392 operator. In addition to alcoholic beverages, the holder of a



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

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

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

Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2)



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

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

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



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

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

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



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

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



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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

(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 * * * three (3) package
retailer's * * * permits, 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 three (3) 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
and the patron may remove an open glass, cup or other container of
the alcoholic beverage and/or wine from the licensed premises and
may possess and consume the alcoholic beverage or wine outside of
the licensed premises if: (i) the licensed premises is located
within a leisure and recreation district created under Section
67-1-101 and (ii) the patron remains within the boundaries of the
leisure and recreation district while in possession of the
alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to
allow a person to bring any alcoholic beverages into a permitted



617 premises except to the extent otherwise authorized by this
618 article.

619 **SECTION 2.** This act shall take effect and be in force from
620 and after July 1, 2025.

