

By: Representatives Zuber, Felsher

To: State Affairs

HOUSE BILL NO. 622

1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF CLASS 1 OR
2 CLASS 2 MANUFACTURER'S PERMIT UNDER THE LOCAL OPTION ALCOHOLIC
3 BEVERAGE CONTROL LAW, OR WHO IS LICENSED OR PERMITTED OUTSIDE OF
4 THE STATE TO ENGAGE IN THE ACTIVITY OF MANUFACTURING WINE AND/OR
5 DISTILLED SPIRITS TO SELL AND SHIP WINE AND DISTILLED SPIRITS
6 DIRECTLY TO RESIDENTS IN THIS STATE, IF THE PERSON OBTAINS A
7 DIRECT SHIPPER'S PERMIT FROM THE DEPARTMENT OF REVENUE; TO PROVIDE
8 FOR THE ISSUANCE OF DIRECT SHIPPER'S PERMITS AND THE ISSUANCE OF
9 WINE AND DISTILLED SPIRITS FULFILLMENT PROVIDER PERMITS; TO
10 REQUIRE THE HOLDER OF A DIRECT SHIPPER'S PERMIT TO KEEP CERTAIN
11 RECORDS; TO REQUIRE THE HOLDER OF A WINE AND DISTILLED SPIRITS
12 FULFILLMENT PROVIDER PERMIT TO KEEP CERTAIN RECORDS; TO PROHIBIT
13 THE HOLDER OF A DIRECT SHIPPER'S PERMIT FROM SELLING OR SHIPPING
14 LIGHT WINE, LIGHT SPIRIT PRODUCTS OR BEER OR ANY ALCOHOLIC
15 BEVERAGE OTHER THAN WINE OR DISTILLED SPIRITS; TO LIMIT THE AMOUNT
16 OF WINE AND DISTILLED SPIRITS THAT A HOLDER OF A DIRECT SHIPPER'S
17 PERMIT MAY SELL OR SHIP TO AN INDIVIDUAL EACH YEAR; TO PROHIBIT
18 THE HOLDER OF A DIRECT SHIPPER'S PERMIT FROM SELLING OR SHIPPING
19 WINE OR DISTILLED SPIRITS THAT IS AVAILABLE THROUGH THE ALCOHOLIC
20 BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; TO PROVIDE
21 FOR THE ANNUAL RENEWAL OF DIRECT SHIPPER'S PERMITS; TO PROVIDE
22 THAT PERSONS PURCHASING OR RECEIVING A DIRECT SHIPMENT OF WINE OR
23 DISTILLED SPIRITS FROM A DIRECT SHIPPER MUST BE AT LEAST
24 TWENTY-ONE YEARS OF AGE; TO PROVIDE THAT PERSONS RECEIVING A
25 DIRECT SHIPMENT OF WINE AND/OR DISTILLED SPIRITS FROM A DIRECT
26 SHIPPER SHALL USE THE WINE OR DISTILLED SPIRITS FOR PERSONAL USE
27 ONLY AND MAY NOT RESELL IT; TO IMPOSE CERTAIN REQUIREMENTS
28 RELATING THE SHIPMENT OF WINE AND DISTILLED SPIRITS INTO THIS
29 STATE; TO AUTHORIZE THE COMMISSIONER OF REVENUE TO ADOPT ANY RULES
30 OR REGULATIONS AS NECESSARY TO CARRY OUT THIS ACT; TO PROVIDE
31 PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS 27-71-5,
32 27-71-7, 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972, TO
33 PROVIDE THE PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A DIRECT
34 SHIPPER'S PERMIT AND FOR THE PRIVILEGE TAX REQUIRED FOR THE



ISSUANCE OF A WINE AND DISTILLED SPIRITS FULFILLMENT PROVIDER PERMIT; TO LEVY A TAX UPON THE SALES AND SHIPMENTS OF WINE AND DISTILLED SPIRITS MADE BY A DIRECT SHIPPER; TO REQUIRE A CERTAIN AMOUNT OF THE TAXES LEVIED TO BE DEPOSITED INTO THE MENTAL HEALTH PROGRAMS FUND; TO AMEND SECTIONS 67-1-41, 67-1-45, 67-1-53, 67-1-55, 67-1-57, 67-1-73, 97-31-47 AND 97-31-49, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE FOREGOING PROVISIONS OF THIS ACT; TO INCREASE THE NUMBER OF PACKAGE RETAILER'S PERMITS THAT MAY BE OWNED BY A PERSON OR IN WHICH A PERSON MAY HAVE A CONTROLLING INTEREST FROM ONE TO TWO; AND FOR RELATED PURPOSES.

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

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

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

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

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

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



(e) "Wine and distilled spirits fulfillment provider permit" means a permit issued by the department that authorizes a fulfillment provider to ship wine and/or distilled spirits to a consumer on behalf of a holder of a direct shipper's permit.

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

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

SECTION 2. A person must hold a permit as a direct shipper issued by the department before the person may engage in selling and shipping wine and/or distilled spirits directly to a resident in this state. A direct shipper may sell and ship wine and/or distilled spirits directly to residents in this state without being required to transact the sale and shipment through the Alcoholic Beverage Control Division of the department.

SECTION 3. To qualify for a direct shipper's permit, an applicant shall be a holder of a Class 1 or Class 2 manufacturer's permit issued in accordance with Section 67-1-51, or a person licensed or permitted outside of this state to engage in the activity of manufacturing wine and/or distilled spirits in any other state.



SECTION 4.

(1) An applicant for a direct shipper's permit shall:

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

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

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

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

SECTION 5.

(1) A direct shipper shall:

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

(b) Report to the department on an annual basis in a manner prescribed by the department all of the following information for each wine and/or distilled spirits shipment into the state pursuant to Sections 1 through 12 of this act:



115 (i) The name and address of the Mississippi
116 resident who placed the order;

117 (ii) For each completed shipment, evidence of
118 signature by an individual age twenty-one (21) years or older;

119 (iii) The name and license number of the common or
120 permit carrier engaged in the shipment;

121 (iv) For each shipment by a holder of a wine or
122 distilled spirits fulfillment provider permit on behalf of the
123 direct shipper, the name and license number of the wine or
124 distilled spirits fulfillment provider permittee engaged in the
125 shipment;

126 (v) The date of shipment;

127 (vi) The carrier tracking number; and

128 (vii) The quantity of wine and/or distilled
129 spirits in the shipment;

130 (c) Maintain for at least three (3) years all records
131 that allow the department to ascertain the truthfulness of the
132 information filed under Sections 1 through 12 of this act;

133 (d) Allow the department to perform an audit of the
134 direct shipper's records upon request; and

135 (e) Be deemed to have consented to the jurisdiction of
136 the department or any other state agency and the state courts
137 concerning enforcement of Sections 1 through 12 of this act and
138 any related laws, rules or regulations.

139 (2) A direct shipper shall not:



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

(b) Sell or ship wine and/or distilled spirits that is available through the Alcoholic Beverage Control Division of the department (wine or distilled spirits for which the annual allotment through the Alcoholic Beverage Control Division of the department has been distributed to retailers will not be considered to be available through the division);

(c) Ship wine and/or distilled spirits to an address in an area in which the sale of alcoholic beverages is not legal;

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

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

(f) Sell or ship any distilled spirits to any residential household address in Mississippi that has already received a total of nine (9) nine-liter cases of distilled spirits



in the calendar year. Prior to shipping any distilled spirits, the direct shipper shall validate that the consumer has not received their total case limit of distilled spirits for the calendar year and is therefore eligible to receive a shipment of distilled spirits;

(g) Sell or ship wine and/or distilled spirits to any nonresidential address, including lockers or post office boxes;

(h) Sell or ship wine and/or distilled spirits to any address or property of a public or private elementary, secondary, or post-secondary educational school, including any dormitory, housing, or common space located on the campus of any elementary, secondary, or post-secondary educational school.

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

(a) Is otherwise entitled to receive a permit;

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

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

SECTION 7. (1) To purchase and receive a direct shipment of wine and/or distilled spirits from a direct shipper, a resident of this state must be at least twenty-one (21) years of age, and a



189 person who is at least twenty-one (21) years of age must sign for
190 any wine and/or distilled spirits shipped from a direct shipper.

191 (2) A shipment of wine and/or distilled spirits may be
192 ordered or purchased from a direct shipper through a computer
193 network.

194 (3) A person who receives a direct shipment of wine and/or
195 distilled spirits from a direct shipper shall use the wine and/or
196 distilled spirits for personal consumption only and may not resell
197 it.

198 (4) A resident of this state shall not order, purchase, or
199 receive more than a total of nine (9) nine-liter cases of wine and
200 nine (9) nine-liter cases of distilled spirits in a calendar year
201 to their residential household address. A holder of a direct
202 shipper's permit shall not ship any wine or distilled spirits to
203 any household in this state that has already received direct
204 shipments of nine (9) nine-liter cases of wine and nine (9)
205 nine-liter cases of distilled spirits in the calendar year.

206 (5) A resident of this state who causes shipment of more
207 than the allowable total of nine (9) nine-liter cases of wine
208 and/or nine (9) nine-liter cases of distilled spirits in a
209 calendar year to their residential household address, is guilty of
210 a misdemeanor and, upon conviction thereof, shall be punished by a
211 fine not exceeding One Thousand Dollars (\$1,000.00) or
212 imprisonment in the county jail for not more than six (6) months,
213 or both. Each sale or shipment in violation of this section and



Sections 1 through 12 of this act shall constitute a separate offense.

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

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

SECTION 9. (1) Any person who is not a common or permit carrier and who does not hold a direct shipper, wholesaler, retailer, manufacturer, or importer permit issued by the department and who is not owned or controlled by a common or permit carrier or a direct shipper, wholesaler, retailer, manufacturer, or importer permittee of the department may obtain a wine and distilled spirits fulfillment provider permit from the department as provided in this section. A holder of a wine and distilled spirits fulfillment provider permit, subject to compliance with all terms and provisions of Sections 1 through 12



239 of this act, may contract with a common or permit carrier for the
240 shipment of unopened containers of wine and/or distilled spirits
241 on behalf of the holder of a direct shipper's permit directly to a
242 Mississippi resident who is at least twenty-one (21) years of age,
243 for personal use by the individual and not for resale.

244 (2) A person shall obtain a separate wine and distilled
245 spirits fulfillment provider permit for each physical premises
246 that is to be used as a wine or distilled spirits fulfillment
247 provider before shipping wine and/or distilled spirits to any
248 Mississippi resident from that premises, and shall pay an annual
249 license fee of Five Hundred Dollars (\$500.00), plus an additional
250 One Hundred Dollars (\$100.00) for each additional premises from
251 which shipments to Mississippi residents will be made.

252 (3) The holder of a wine and distilled spirits fulfillment
253 provider permit may only provide logistics services of
254 warehousing, packaging, order fulfillment, and shipment of wine
255 and/or distilled spirits for a direct shipper permittee for which
256 the wine and distilled spirits fulfillment provider permittee is
257 the bailee of the wine and/or distilled spirits. Wine and/or
258 distilled spirits held in bailment by a wine and distilled spirits
259 fulfillment provider permittee shall remain the property of the
260 direct shipper permittee until loaded on conveyance for direct
261 shipment to a Mississippi resident.



(4) A wine and distilled spirits fulfillment provider permittee shall not ship wine and/or distilled spirits into or within the state from, or on behalf of, any of the following:

(a) An unlicensed direct shipper of wine and/or distilled spirits, either in-state or out-of-state;

(b) A retailer licensed by the department;

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

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

(5) A wine and distilled spirits fulfillment provider permit applicant shall provide all of the following information to the department as part of its application:

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

(b) Any other information required by the department.

(6) A wine and distilled spirits fulfillment provider permittee shall do all of the following:

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

(b) Enter into a contract with a direct wine shipper permittee designating the wine and distilled spirits fulfillment provider permittee as the agent of the direct wine shipper permittee for purposes of Sections 1 through 12 of this act. A



wine and distilled spirits fulfillment provider permittee may not avoid liability under this section by subcontracting with a third party to perform its obligations pursuant to this section;

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

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

(e) Ensure all containers of wine and/or distilled spirits shipped by the wine and distilled spirits fulfillment provider permittee to a Mississippi resident are conspicuously labeled with the following words: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY";

(f) Report to the department on an annual basis in a manner prescribed by the department all of the following information for each wine and/or distilled spirits shipment into the state pursuant to this section:

(i) The name, address, and license number of the direct shipper permittee and the point of origin of shipment from which the wine and distilled spirits fulfillment provider



311 permittee received the wine and/or distilled spirits, if different
312 from the address of the direct shipper permittee;

313 (ii) The name and address of the Mississippi
314 resident who placed the order;

315 (iii) For each completed shipment, evidence of
316 signature by an individual age twenty-one (21) years or older;

317 (iv) The name and license number of the common or
318 permit carrier engaged in the shipment;

319 (v) The date of shipment;

320 (vi) The carrier tracking number; and

321 (vii) The quantity of wine and/or distilled
322 spirits in the shipment; and

323 (g) Maintain for a minimum of three (3) years from the
324 date of receipt from a direct shipper permittee or the date of
325 shipment to a Mississippi resident, as applicable, and permit the
326 department and any of its designees to inspect, verify, or perform
327 an audit of all of the information listed in paragraph (f) of this
328 subsection;

329 (h) Upon violation of Sections 1 through 12 of this act
330 or a rule of the department, be subject to a civil penalty imposed
331 by the department by administrative proceedings that apply to
332 alcoholic beverage licenses, as follows:

333 (i) For the first violation, a civil penalty not
334 to exceed Five Hundred Dollars (\$500.00);



(ii) For a second violation, a civil penalty not to exceed Three Thousand Dollars (\$3,000.00);

(iii) For a third or any subsequent violation, a civil penalty not to exceed Six Thousand Dollars (\$6,000.00); and

(i) Be deemed to have consented to the jurisdiction of the department and the other state agencies and the state courts concerning enforcement of Sections 1 through 12 of this act.

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

SECTION 10. (1) Shipments of wine and/or distilled spirits into this state under Sections 1 through 12 of this act shall be made by a duly licensed carrier. A common carrier shall not deliver a shipment of wine and/or distilled spirits to a consumer unless the carrier has verified the validity of the direct shipper's permit and fulfillment provider's permit prior to accepting shipment. A carrier may consider a direct shipper's permit to be valid for the remainder of the stated permit period unless notified otherwise by the department. Any failure to verify the validity of a direct shipper's permit may result in the suspension of the common carrier's license to operate in the state or the imposition of any other penalty as follows: (i) for the first violation, a civil penalty not to exceed Five Hundred Dollars (\$500.00); (ii) for a second violation, a civil penalty not to exceed Three Thousand Dollars (\$3,000.00); (iii) for a



third or any subsequent violation, a civil penalty not to exceed Six Thousand Dollars (\$6,000.00).

(2) It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine and/or distilled spirits from outside the state for delivery inside the state to consumers to prepare and file reports with the department, on a schedule as determined by the department, of known wine and/or distilled spirits shipments. Such reports shall contain: (a) the name of the common or contract carrier, firm or corporation making the report; (b) the period of time covered by said report; (c) the name and business address of the person who directed the common carrier to make the shipment; (d) the name and permit number of the direct shipper; (e) the name and address of each consignee receiving such wine and/or distilled spirits; (f) the weight of the shipment delivered to each consignee; (g) the common carrier's unique tracking number for the package; and (h) the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings.

(3) Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports, including the signatures of the individual who physically



received the shipment, shall be kept and preserved for a period of three (3) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business.

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

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

SECTION 12. If any provision of this act, 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



410 further limit rather than expand commerce in alcoholic beverages
411 to protect the health, safety, and welfare of the state's
412 residents, and to enhance strict regulatory control over taxation,
413 distribution and sale of alcoholic beverages through the
414 three-tier regulatory system imposed by this article upon all
415 alcoholic beverages to curb relationships and practices calculated
416 to stimulate sales and impair the state's policy favoring trade
417 stability and the promotion of temperance.

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

420 27-71-5. (1) Upon each person approved for a permit under
421 the provisions of the Alcoholic Beverage Control Law and
422 amendments thereto, there is levied and imposed for each location
423 for the privilege of engaging and continuing in this state in the
424 business authorized by such permit, an annual privilege license
425 tax in the amount provided in the following schedule:

426 (a) Except as otherwise provided in this subsection
427 (1), manufacturer's permit, Class 1, distiller's and/or
428 rectifier's:

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

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

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



435 (c) Manufacturer's permit, Class 3, native wine
 436 manufacturer per ten thousand (10,000) gallons or part thereof
 437 produced.....\$ 10.00
 438 (d) Manufacturer's permit, Class 4, native spirit
 439 manufacturer per one thousand (1,000) gallons or part thereof
 440 produced.....\$ 300.00
 441 (e) Native wine retailer's permit.....\$ 50.00
 442 (f) Package retailer's permit, each.....\$ 900.00
 443 (g) On-premises retailer's permit, except for clubs and
 444 common carriers, each.....\$ 450.00
 445 (h) On-premises retailer's permit for wine of more than
 446 five percent (5%) alcohol by weight, but not more than twenty-one
 447 percent (21%) alcohol by weight, each.....\$ 225.00
 448 (i) On-premises retailer's permit for clubs...\$ 225.00
 449 (j) On-premises retailer's permit for common carriers,
 450 per car, plane, or other vehicle.....\$ 120.00
 451 (k) Solicitor's permit, regardless of any other
 452 provision of law, solicitor's permits shall be issued only in the
 453 discretion of the department.....\$ 100.00
 454 (l) Filing fee for each application except for an
 455 employee identification card.....\$ 25.00
 456 (m) Temporary permit, Class 1, each.....\$ 10.00
 457 (n) Temporary permit, Class 2, each.....\$ 50.00
 458 (o) (i) Caterer's permit.....\$ 600.00



459	(ii) Caterer's permit for holders of on-premises	
460	retailer's permit.....	\$ 150.00
461	(p) Research permit.....	\$ 100.00
462	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
463	(r) Special service permit.....	\$ 225.00
464	(s) Merchant permit.....	\$ 225.00
465	(t) Temporary alcoholic beverages charitable auction	
466	permit.....	\$ 10.00
467	(u) Event venue retailer's permit.....	\$ 225.00
468	(v) Temporary theatre permit, each.....	\$ 10.00
469	(w) Charter ship operator's permit.....	\$ 100.00
470	(x) Distillery retailer's permit.....	\$ 450.00
471	(y) Festival wine permit.....	\$ 10.00
472	(z) Charter vessel operator's permit.....	\$ 100.00
473	(aa) Native spirit retailer's permit.....	\$ 50.00
474	(ab) Delivery service permit.....	\$ 500.00
475	(ac) Food truck permit.....	\$ 100.00
476	(ad) On-premises tobacco permit.....	\$ 450.00
477	<u>(ae) Direct shipper's permit.....</u>	<u>\$ 100.00</u>
478	<u>(af) Wine and distilled spirits fulfillment provider</u>	
479	<u>permit.....</u>	<u>\$ 500.00</u>

480 In addition to the filing fee imposed by paragraph (1) of
481 this subsection, a fee to be determined by the Department of
482 Revenue may be charged to defray costs incurred to process
483 applications. The additional fees shall be paid into the State



Treasury to the credit of a special fund account, which is hereby created, and expenditures therefrom shall be made only to defray the costs incurred by the Department of Revenue in processing alcoholic beverage applications. Any unencumbered balance remaining in the special fund account on June 30 of any fiscal year shall lapse into the State General Fund.

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

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

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

(b) (i) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(g), (h), (i), (n) and (u) of this section, an additional license tax



509 for the privilege of doing business within any municipality or
510 county in which the licensee is located in the amount of Two
511 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
512 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
513 (\$225.00) for each additional purchase of Five Thousand Dollars
514 (\$5,000.00), or fraction thereof.

515 (ii) In addition to the tax imposed in paragraph
516 (a) of this subsection, there is imposed and shall be collected by
517 the department from each permittee described in subsection (1)(o)
518 and (s) of this section, an additional license tax for the
519 privilege of doing business within any municipality or county in
520 which the licensee is located in the amount of Two Hundred Fifty
521 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
522 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
523 additional purchase of Five Thousand Dollars (\$5,000.00), or
524 fraction thereof.

525 (iii) Any person who has paid the additional
526 privilege license tax imposed by this paragraph, and whose permit
527 is renewed, may add any unused fraction of Five Thousand Dollars
528 (\$5,000.00) purchases to the first Five Thousand Dollars
529 (\$5,000.00) purchases authorized by the renewal permit, and no
530 additional license tax will be required until purchases exceed the
531 sum of the two (2) figures.

532 (c) If the licensee is located within a municipality,
533 the department shall pay the amount of additional license tax



534 collected under this section to the municipality, and if outside a
535 municipality the department shall pay the additional license tax
536 to the county in which the licensee is located. Payments by the
537 department to the respective local government subdivisions shall
538 be made once each month for any collections during the preceding
539 month.

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

546 (4) The number of permits issued by the department shall not
547 be restricted or limited on a population basis; however, the
548 foregoing limitation shall not be construed to preclude the right
549 of the department to refuse to issue a permit because of the
550 undesirability of the proposed location.

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



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

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

569 27-71-7. (1) There is hereby levied and assessed an excise
570 tax upon each case of alcoholic beverages sold by the department
571 to be collected from each retail licensee at the time of sale in
572 accordance with the following schedule:

573 (a) Distilled spirits.....\$2.50 per
574 gallon

575 (b) Sparkling wine and champagne.....\$1.00 per
576 gallon

577 (c) Other wines, including native wines...\$.35 per
578 gallon

579 (2) (a) In addition to the tax levied by subsection (1) of
580 this section, and in addition to any other markup collected, the
581 Alcoholic Beverage Control Division shall collect a markup of
582 three percent (3%) on all alcoholic beverages, as defined in
583 Section 67-1-5, Mississippi Code of 1972, which are sold by the



584 division. The proceeds of the markup shall be collected by the
585 division from each purchaser at the time of purchase.

586 (b) Until June 30, 1987, the revenue derived from this
587 three percent (3%) markup shall be deposited by the division in
588 the State Treasury to the credit of the "Alcoholism Treatment and
589 Rehabilitation Fund," a special fund which is hereby created in
590 the State Treasury, and shall be used by the Division of Alcohol
591 and Drug Abuse of the State Department of Mental Health and public
592 or private centers or organizations solely for funding of
593 treatment and rehabilitation programs for alcoholics and alcohol
594 abusers which are sponsored by the division or public or private
595 centers or organizations in such amounts as the Legislature may
596 appropriate to the division for use by the division or public or
597 private centers or organizations for such programs. Any tax
598 revenue in the fund which is not encumbered at the end of the
599 fiscal year shall lapse to the General Fund. It is the intent of
600 the Legislature that the State Department of Mental Health shall
601 continue to seek funds from other sources and shall use the funds
602 appropriated for the purposes of this section and Section 27-71-29
603 to match all federal funds which may be available for alcoholism
604 treatment and rehabilitation.

605 From and after July 1, 1987, the revenue derived from this
606 three percent (3%) markup shall be deposited by the division in
607 the State Treasury to the credit of the "Mental Health Programs
608 Fund," a special fund which is hereby created in the State



609 Treasury and shall be used by the State Department of Mental
610 Health for the service programs of the department. Any revenue in
611 the "Alcoholism Treatment and Rehabilitation Fund" which is not
612 encumbered at the end of Fiscal Year 1987 shall be deposited to
613 the credit of the "Mental Health Programs Fund."

614 (3) There is levied and assessed upon the holder of a direct
615 shipper's permit, a tax in the amount of fifteen and one-half
616 percent (15-1/2%) of the sales price of each sale and shipment of
617 wine or distilled spirits made to a resident in this state. The
618 holder of a direct shipper's permit shall file a monthly report
619 with the department along with a copy of the invoice for each sale
620 and shipment of wine or distilled spirits and remit any taxes due;
621 however, no report shall be required for months in which no sales
622 or shipments were made into this state. The report, together with
623 copies of the invoices and the payment of all taxes, shall be
624 filed with the department not later than the twentieth day of the
625 month following the month in which the shipment was made.
626 Permittees who fail to timely file and pay taxes as required by
627 this subsection shall pay a late fee in the amount of Five Hundred
628 Dollars (\$500.00), and the department shall suspend the direct
629 shipper's permit until all outstanding taxes are paid in full, for
630 a first offense. Upon a second offense, the department shall
631 revoke the direct shipper's permit.

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



634 27-71-15. Except as otherwise provided in Section 67-9-1 for
635 the transportation of limited amounts of alcoholic beverages for
636 the use of an alcohol processing permittee, and in Sections 1
637 through 12 of this act for the sale and shipment of wine by the
638 holder of a direct shipper's permit, if transportation requires
639 passage through a county which has not authorized the sale of
640 alcoholic beverages, such transportation shall be by a sealed
641 vehicle. Such seal shall remain unbroken until the vehicle shall
642 reach the place of business operated by the permittee. The
643 operator of any vehicle transporting alcoholic beverages shall
644 have in his possession an invoice issued by the * * * department
645 at the time of the wholesale sale covering the merchandise
646 transported by the vehicle. The * * * department is authorized to
647 issue regulations controlling the transportation of alcoholic
648 beverages.

649 When the restrictions imposed by this section and by the
650 regulation of the * * * department have not been violated, the
651 person transporting alcoholic beverages through a county wherein
652 the sale of alcoholic beverages is prohibited shall not be guilty
653 of unlawful possession and such merchandise shall be immune from
654 seizure.

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

657 27-71-29. (1) All taxes levied by this article shall be
658 paid to the Department of Revenue in cash or by personal check,



659 cashier's check, bank exchange, post office money order or express
660 money order and shall be deposited by the department in the State
661 Treasury on the same day collected, but no remittances other than
662 cash shall be a final discharge of liability for the tax herein
663 imposed and levied unless and until it has been paid in cash to
664 the department.

665 All taxes levied under Section 27-71-7(1) and received by the
666 department under this article shall be paid into the General Fund,
667 and the three percent (3%) levied under Section 27-71-7(2) and
668 received by the department under this article shall be paid into
669 the special fund in the State Treasury designated as the
670 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
671 Any funds derived from the sale of alcoholic beverages in excess
672 of inventory requirements shall be paid not less often than
673 annually into the General Fund, except for a portion of the
674 twenty-seven and one-half percent (27-1/2%) markup provided for in
675 Section 27-71-11, as specified in subsection (2) of this section,
676 and except for fees charged by the department for the defraying of
677 costs associated with shipping alcoholic beverages. The revenue
678 derived from these fees shall be deposited by the department into
679 a special fund, hereby created in the State Treasury, which is
680 designated the "ABC Shipping Fund." The monies in this special
681 fund shall be earmarked for use by the department for any
682 expenditure made to ship alcoholic beverages. Any net proceeds
683 remaining in the special fund on August 1 of any fiscal year shall



lapse into the General Fund. "Net proceeds" in this section means the total of all fees collected by the department to defray the costs of shipping less the actual costs of shipping.

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

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

SECTION 17. 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



709 state, and no person who is granted the right to sell, distribute
710 or receive alcoholic beverages at retail shall purchase any
711 alcoholic beverages from any source other than the department,
712 except as authorized in subsections (4), (9) and (12) of this
713 section and Sections 1 through 12 of this act. The department may
714 establish warehouses, and the department may purchase alcoholic
715 beverages in such quantities and from such sources as it may deem
716 desirable and sell the alcoholic beverages to authorized
717 permittees within the state including, at the discretion of the
718 department, any retail distributors operating within any military
719 post or qualified resort areas within the boundaries of the state,
720 keeping a correct and accurate record of all such transactions and
721 exercising such control over the distribution of alcoholic
722 beverages as seem right and proper in keeping with the provisions
723 or purposes of this article.

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

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



734 (4) The department may promulgate rules and regulations
735 which authorize on-premises retailers to purchase limited amounts
736 of alcoholic beverages from package retailers and for package
737 retailers to purchase limited amounts of alcoholic beverages from
738 other package retailers. The department shall develop and provide
739 forms to be completed by the on-premises retailers and the package
740 retailers verifying the transaction. The completed forms shall be
741 forwarded to the department within a period of time prescribed by
742 the department.

743 (5) The department may promulgate rules which authorize the
744 holder of a package retailer's permit to permit individual retail
745 purchasers of packages of alcoholic beverages to return, for
746 exchange, credit or refund, limited amounts of original sealed and
747 unopened packages of alcoholic beverages purchased by the
748 individual from the package retailer.

749 (6) The department shall maintain all forms to be completed
750 by applicants necessary for licensure by the department at all
751 district offices of the department.

752 (7) The department may promulgate rules which authorize the
753 manufacturer of an alcoholic beverage or wine to import, transport
754 and furnish or give a sample of alcoholic beverages or wines to
755 the holders of package retailer's permits, on-premises retailer's
756 permits, native wine or native spirit retailer's permits and
757 temporary retailer's permits who have not previously purchased the
758 brand of that manufacturer from the department. For each holder



of the designated permits, the manufacturer may furnish not more than five hundred (500) milliliters of any brand of alcoholic beverage and not more than three (3) liters of any brand of wine.

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

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

(10) The department may promulgate rules facilitating a retailer's on-site pickup of alcoholic beverages sold by the department or as authorized by the department, including, but not



784 limited to, native wines and native spirits, so that those
785 alcoholic beverages may be delivered to the retailer at the
786 manufacturer's location instead of via shipment from the
787 department's warehouse.

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

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

794 (12) (a) An individual resident of this state who is at
795 least twenty-one (21) years of age may purchase wine from a winery
796 and have the purchase shipped into this state so long as it is
797 shipped to a package retailer permittee in Mississippi; however,
798 the permittee shall pay to the department all taxes, fees and
799 surcharges on the wine that are imposed upon the sale of wine
800 shipped by the department or its warehouse operator. No credit
801 shall be provided to the permittee for any taxes paid to another
802 state as a result of the transaction. Package retailers may
803 charge a service fee for receiving and handling shipments from
804 wineries on behalf of the purchasers. The department shall
805 develop and provide forms to be completed by the package retailer
806 permittees verifying the transaction. The completed forms shall
807 be forwarded to the department within a period of time prescribed
808 by the department.



809 (b) The purchaser of wine that is to be shipped to a
810 package retailer's store shall be required to get the prior
811 approval of the package retailer before any wine is shipped to the
812 package retailer. A purchaser is limited to no more than ten (10)
813 cases of wine per year to be shipped to a package retailer. A
814 package retailer shall notify a purchaser of wine within two (2)
815 days after receiving the shipment of wine. If the purchaser of
816 the wine does not pick up or take the wine from the package
817 retailer within thirty (30) days after being notified by the
818 package retailer, the package retailer may sell the wine as part
819 of his inventory.

820 (c) Shipments of wine into this state under this
821 section shall be made by a duly licensed carrier. It shall be the
822 duty of every common or contract carrier, and of every firm or
823 corporation that shall bring, carry or transport wine from outside
824 the state for delivery inside the state to package retailer
825 permittees on behalf of consumers, to prepare and file with the
826 department, on a schedule as determined by the department, of
827 known wine shipments containing the name of the common or contract
828 carrier, firm or corporation making the report, the period of time
829 covered by said report, the name and permit number of the winery,
830 the name and permit number of the package retailer permittee
831 receiving such wine, the weight of the package delivered to each
832 package retailer permittee, a unique tracking number, and the date
833 of delivery. Reports received by the department shall be made



834 available by the department to the public via the Mississippi
835 Public Records Act process in the same manner as other state
836 alcohol filings.

837 Upon the department's request, any records supporting the
838 report shall be made available to the department within a
839 reasonable time after the department makes a written request for
840 such records. Any records containing information relating to such
841 reports shall be kept and preserved for a period of two (2) years,
842 unless their destruction sooner is authorized, in writing, by the
843 department, and shall be open and available to inspection by the
844 department upon the department's written request. Reports shall
845 also be made available to any law enforcement or regulatory body
846 in the state in which the railroad company, express company,
847 common or contract carrier making the report resides or does
848 business.

849 Any common or contract carrier that willfully fails to make
850 reports, as provided by this section or any of the rules and
851 regulations of the department for the administration and
852 enforcement of this section, is subject to a notification of
853 violation. In the case of a continuing failure to make reports,
854 the common or contract carrier is subject to possible license
855 suspension and revocation at the department's discretion.

856 (d) A winery that ships wine under this section shall
857 be deemed to have consented to the jurisdiction of the courts of
858 this state, of the department, of any other state agency regarding



the enforcement of this section, and of any related law, rules or regulations.

(e) Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be 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 18. Section 67-1-45, Mississippi Code of 1972, is amended as follows:

67-1-45. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of



884 Mississippi, except to the department, or as provided in Section
885 67-1-41, or pursuant to Section 67-1-51. A producer of native
886 wine or native spirit may sell native wines or native spirits,
887 respectively, to the department or to consumers at the location of
888 the native winery or native distillery or its immediate vicinity.
889 The holder of a direct shipper's permit may sell wines and/or
890 distilled spirits directly to residents in this state as
891 authorized by Sections 1 through 12 of this act.

892 Any violation of this section by any manufacturer, rectifier
893 or distiller shall be punished by a fine of not less than Five
894 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
895 (\$2,000.00), to which may be added imprisonment in the county jail
896 not to exceed six (6) months.

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

899 67-1-51. (1) Permits which may be issued by the department
900 shall be as follows:

901 (a) **Manufacturer's permit.** A manufacturer's permit
902 shall permit the manufacture, importation in bulk, bottling and
903 storage of alcoholic liquor and its distribution and sale to
904 manufacturers holding permits under this article in this state and
905 to persons outside the state who are authorized by law to purchase
906 the same, and to sell as provided by this article.

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



908 Class 1. Distiller's and/or rectifier's permit, which shall
909 authorize the holder thereof to operate a distillery for the
910 production of distilled spirits by distillation or redistillation
911 and/or to operate a rectifying plant for the purifying, refining,
912 mixing, blending, flavoring or reducing in proof of distilled
913 spirits and alcohol.

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

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

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

923 (b) **Package retailer's permit.** Except as otherwise
924 provided in this paragraph and Section 67-1-52, a package
925 retailer's permit shall authorize the holder thereof to operate a
926 store exclusively for the sale at retail in original sealed and
927 unopened packages of alcoholic beverages, including native wines,
928 native spirits and edibles, not to be consumed on the premises
929 where sold. Alcoholic beverages shall not be sold by any retailer
930 in any package or container containing less than fifty (50)
931 milliliters by liquid measure. A package retailer's permit, with
932 prior approval from the department, shall authorize the holder



933 thereof to sample new product furnished by a manufacturer's
934 representative or his employees at the permitted place of business
935 so long as the sampling otherwise complies with this article and
936 applicable department regulations. Such samples may not be
937 provided to customers at the permitted place of business. In
938 addition to the sale at retail of packages of alcoholic beverages,
939 the holder of a package retailer's permit is authorized to sell at
940 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
941 other beverages commonly used to mix with alcoholic beverages, and
942 fruits and foods that have been submerged in alcohol and are
943 commonly referred to as edibles. Nonalcoholic beverages sold by
944 the holder of a package retailer's permit shall not be consumed on
945 the premises where sold.

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



958 a carryout order, a permit holder may sell one (1) bottle of wine
959 to be removed from the licensed premises for every two (2) entrees
960 ordered. In addition, an on-premises retailer's permittee at a
961 permitted premises located on Jefferson Davis Avenue within
962 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
963 beverages by the glass to a patron in a vehicle using a
964 drive-through method of delivery if the permitted premises is
965 located in a leisure and recreation district established under
966 Section 67-1-101. Such a sale will be considered to be made on
967 the permitted premises. An on-premises retailer's permit shall be
968 issued only to qualified hotels, restaurants and clubs, small
969 craft breweries, microbreweries, and to common carriers with
970 adequate facilities for serving passengers. In resort areas,
971 however, whether inside or outside of a municipality, the
972 department, in its discretion, may issue on-premises retailer's
973 permits to any establishments located therein as it deems proper.
974 An on-premises retailer's permit when issued to a common carrier
975 shall authorize the sale and serving of alcoholic beverages aboard
976 any licensed vehicle while moving through any county of the state;
977 however, the sale of such alcoholic beverages shall not be
978 permitted while such vehicle is stopped in a county that has not
979 legalized such sales. If an on-premises retailer's permit is
980 applied for by a common carrier operating solely in the water,
981 such common carrier must, along with all other qualifications for
982 a permit, (i) be certified to carry at least one hundred fifty



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

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

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



1008 consumption or to consumers in originally sealed and unopened
1009 containers at an establishment located on the premises of or in
1010 the immediate vicinity of a native winery. When selling to
1011 consumers for on-premises consumption, a holder of a native wine
1012 retailer's permit may add to the native wine alcoholic beverages
1013 not produced on the premises, so long as the total volume of
1014 foreign beverage components does not exceed twenty percent (20%)
1015 of the mixed beverage. Hours of sale shall be the same as those
1016 authorized for on-premises permittees in the city or county in
1017 which the native wine retailer is located.

1018 (f) **Temporary retailer's permit.** Except as otherwise
1019 provided in subsection (5) of this section, a temporary retailer's
1020 permit shall permit the purchase and resale of alcoholic
1021 beverages, including native wines and native spirits, during legal
1022 hours on the premises described in the temporary permit only.

1023 Temporary retailer's permits shall be of the following
1024 classes:

1025 Class 1. A temporary one-day permit may be issued to bona
1026 fide nonprofit civic or charitable organizations authorizing the
1027 sale of alcoholic beverages, including native wine and native
1028 spirit, for consumption on the premises described in the temporary
1029 permit only. Class 1 permits may be issued only to applicants
1030 demonstrating to the department, by a statement signed under
1031 penalty of perjury submitted ten (10) days prior to the proposed
1032 date or such other time as the department may determine, that they



1033 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1034 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1035 Class 1 permittees shall obtain all alcoholic beverages from
1036 package retailers located in the county in which the temporary
1037 permit is issued. Alcoholic beverages remaining in stock upon
1038 expiration of the temporary permit may be returned by the
1039 permittee to the package retailer for a refund of the purchase
1040 price upon consent of the package retailer or may be kept by the
1041 permittee exclusively for personal use and consumption, subject to
1042 all laws pertaining to the illegal sale and possession of
1043 alcoholic beverages. The department, following review of the
1044 statement provided by the applicant and the requirements of the
1045 applicable statutes and regulations, may issue the permit.

1046 Class 2. A temporary permit, not to exceed seventy (70)
1047 days, may be issued to prospective permittees seeking to transfer
1048 a permit authorized in paragraph (c) of this subsection. A Class
1049 2 permit may be issued only to applicants demonstrating to the
1050 department, by a statement signed under the penalty of perjury,
1051 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1052 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1053 67-1-59. The department, following a preliminary review of the
1054 statement provided by the applicant and the requirements of the
1055 applicable statutes and regulations, may issue the permit.

1056 Class 2 temporary permittees must purchase their alcoholic
1057 beverages directly from the department or, with approval of the



1058 department, purchase the remaining stock of the previous
1059 permittee. If the proposed applicant of a Class 1 or Class 2
1060 temporary permit falsifies information contained in the
1061 application or statement, the applicant shall never again be
1062 eligible for a retail alcohol beverage permit and shall be subject
1063 to prosecution for perjury.

1064 Class 3. A temporary one-day permit may be issued to a
1065 retail establishment authorizing the complimentary distribution of
1066 wine, including native wine, to patrons of the retail
1067 establishment at an open house or promotional event, for
1068 consumption only on the premises described in the temporary
1069 permit. A Class 3 permit may be issued only to an applicant
1070 demonstrating to the department, by a statement signed under
1071 penalty of perjury submitted ten (10) days before the proposed
1072 date or such other time as the department may determine, that it
1073 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1074 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1075 A Class 3 permit holder shall obtain all alcoholic beverages from
1076 the holder(s) of a package retailer's permit located in the county
1077 in which the temporary permit is issued. Wine remaining in stock
1078 upon expiration of the temporary permit may be returned by the
1079 Class 3 temporary permit holder to the package retailer for a
1080 refund of the purchase price, with consent of the package
1081 retailer, or may be kept by the Class 3 temporary permit holder
1082 exclusively for personal use and consumption, subject to all laws



1083 pertaining to the illegal sale and possession of alcoholic
1084 beverages. The department, following review of the statement
1085 provided by the applicant and the requirements of the applicable
1086 statutes and regulations, may issue the permit. No retailer may
1087 receive more than twelve (12) Class 3 temporary permits in a
1088 calendar year. A Class 3 temporary permit shall not be issued to
1089 a retail establishment that either holds a merchant permit issued
1090 under paragraph (1) of this subsection, or holds a permit issued
1091 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1092 the holder to engage in the business of a retailer of light wine
1093 or beer.

1094 (g) **Caterer's permit.** A caterer's permit shall permit
1095 the purchase of alcoholic beverages by a person engaging in
1096 business as a caterer and the resale of alcoholic beverages by
1097 such person in conjunction with such catering business. No person
1098 shall qualify as a caterer unless forty percent (40%) or more of
1099 the revenue derived from such catering business shall be from the
1100 serving of prepared food and not from the sale of alcoholic
1101 beverages and unless such person has obtained a permit for such
1102 business from the Department of Health. A caterer's permit shall
1103 not authorize the sale of alcoholic beverages on the premises of
1104 the person engaging in business as a caterer; however, the holder
1105 of an on-premises retailer's permit may hold a caterer's permit.
1106 When the holder of an on-premises retailer's permit or an
1107 affiliated entity of the holder also holds a caterer's permit, the



1108 caterer's permit shall not authorize the service of alcoholic
1109 beverages on a consistent, recurring basis at a separate, fixed
1110 location owned or operated by the caterer, on-premises retailer or
1111 affiliated entity and an on-premises retailer's permit shall be
1112 required for the separate location. All sales of alcoholic
1113 beverages by holders of a caterer's permit shall be made at the
1114 location being catered by the caterer, and, except as otherwise
1115 provided in subsection (5) of this section, such sales may be made
1116 only for consumption at the catered location. The location being
1117 catered may be anywhere within a county or judicial district that
1118 has voted to come out from under the dry laws or in which the sale
1119 and distribution of alcoholic beverages is otherwise authorized by
1120 law. Such sales shall be made pursuant to any other conditions
1121 and restrictions which apply to sales made by on-premises retail
1122 permittees. The holder of a caterer's permit or his employees
1123 shall remain at the catered location as long as alcoholic
1124 beverages are being sold pursuant to the permit issued under this
1125 paragraph (g), and the permittee shall have at the location the
1126 identification card issued by the Alcoholic Beverage Control
1127 Division of the department. No unsold alcoholic beverages may be
1128 left at the catered location by the permittee upon the conclusion
1129 of his business at that location. Appropriate law enforcement
1130 officers and Alcoholic Beverage Control Division personnel may
1131 enter a catered location on private property in order to enforce
1132 laws governing the sale or serving of alcoholic beverages.



1133 (h) **Research permit.** A research permit shall authorize
1134 the holder thereof to operate a research facility for the
1135 professional research of alcoholic beverages. Such permit shall
1136 authorize the holder of the permit to import and purchase limited
1137 amounts of alcoholic beverages from the department or from
1138 importers, wineries and distillers of alcoholic beverages for
1139 professional research.

1140 (i) **Alcohol processing permit.** An alcohol processing
1141 permit shall authorize the holder thereof to purchase, transport
1142 and possess alcoholic beverages for the exclusive use in cooking,
1143 processing or manufacturing products which contain alcoholic
1144 beverages as an integral ingredient. An alcohol processing permit
1145 shall not authorize the sale of alcoholic beverages on the
1146 premises of the person engaging in the business of cooking,
1147 processing or manufacturing products which contain alcoholic
1148 beverages. The amounts of alcoholic beverages allowed under an
1149 alcohol processing permit shall be set by the department.

1150 (j) **Hospitality cart permit.** A hospitality cart permit
1151 shall authorize the sale of alcoholic beverages from a mobile cart
1152 on a golf course that is the holder of an on-premises retailer's
1153 permit. The alcoholic beverages sold from the cart must be
1154 consumed within the boundaries of the golf course.

1155 (k) **Special service permit.** A special service permit
1156 shall authorize the holder to sell commercially sealed alcoholic
1157 beverages to the operator of a commercial or private aircraft for



1158 en route consumption only by passengers. A special service permit
1159 shall be issued only to a fixed-base operator who contracts with
1160 an airport facility to provide fueling and other associated
1161 services to commercial and private aircraft.

1162 (1) **Merchant permit.** Except as otherwise provided in
1163 subsection (5) of this section, a merchant permit shall be issued
1164 only to the owner of a spa facility, an art studio or gallery, or
1165 a cooking school, and shall authorize the holder to serve
1166 complimentary by the glass wine only, including native wine, at
1167 the holder's spa facility, art studio or gallery, or cooking
1168 school. A merchant permit holder shall obtain all wine from the
1169 holder of a package retailer's permit.

1170 (m) **Temporary alcoholic beverages charitable auction**
1171 **permit.** A temporary permit, not to exceed five (5) days, may be
1172 issued to a qualifying charitable nonprofit organization that is
1173 exempt from taxation under Section 501(c)(3) or (4) of the
1174 Internal Revenue Code of 1986. The permit shall authorize the
1175 holder to sell alcoholic beverages for the limited purpose of
1176 raising funds for the organization during a live or silent auction
1177 that is conducted by the organization and that meets the following
1178 requirements: (i) the auction is conducted in an area of the
1179 state where the sale of alcoholic beverages is authorized; (ii) if
1180 the auction is conducted on the premises of an on-premises
1181 retailer's permit holder, then the alcoholic beverages to be
1182 auctioned must be stored separately from the alcoholic beverages



1183 sold, stored or served on the premises, must be removed from the
1184 premises immediately following the auction, and may not be
1185 consumed on the premises; (iii) the permit holder may not conduct
1186 more than two (2) auctions during a calendar year; (iv) the permit
1187 holder may not pay a commission or promotional fee to any person
1188 to arrange or conduct the auction.

1189 (n) **Event venue retailer's permit.** An event venue
1190 retailer's permit shall authorize the holder thereof to purchase
1191 and resell alcoholic beverages, including native wines and native
1192 spirits, for consumption on the premises during legal hours during
1193 events held on the licensed premises if food is being served at
1194 the event by a caterer who is not affiliated with or related to
1195 the permittee. The caterer must serve at least three (3) entrees.
1196 The permit may only be issued for venues that can accommodate two
1197 hundred (200) persons or more. The number of persons a venue may
1198 accommodate shall be determined by the local fire department and
1199 such determination shall be provided in writing and submitted
1200 along with all other documents required to be provided for an
1201 on-premises retailer's permit. The permittee must derive the
1202 majority of its revenue from event-related fees, including, but
1203 not limited to, admission fees or ticket sales for live
1204 entertainment in the building. "Event-related fees" do not
1205 include alcohol, beer or light wine sales or any fee which may be
1206 construed to cover the cost of alcohol, beer or light wine. This



1207 determination shall be made on a per event basis. An event may
1208 not last longer than two (2) consecutive days per week.

1209 (o) **Temporary theatre permit.** A temporary theatre
1210 permit, not to exceed five (5) days, may be issued to a charitable
1211 nonprofit organization that is exempt from taxation under Section
1212 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
1213 a theatre facility that features plays and other theatrical
1214 performances and productions. Except as otherwise provided in
1215 subsection (5) of this section, the permit shall authorize the
1216 holder to sell alcoholic beverages, including native wines and
1217 native spirits, to patrons of the theatre during performances and
1218 productions at the theatre facility for consumption during such
1219 performances and productions on the premises of the facility
1220 described in the permit. A temporary theatre permit holder shall
1221 obtain all alcoholic beverages from package retailers located in
1222 the county in which the permit is issued. Alcoholic beverages
1223 remaining in stock upon expiration of the temporary theatre permit
1224 may be returned by the permittee to the package retailer for a
1225 refund of the purchase price upon consent of the package retailer
1226 or may be kept by the permittee exclusively for personal use and
1227 consumption, subject to all laws pertaining to the illegal sale
1228 and possession of alcoholic beverages.

1229 (p) **Charter ship operator's permit.** Subject to the
1230 provisions of this paragraph (p), a charter ship operator's permit
1231 shall authorize the holder thereof and its employees to serve,



1232 monitor, store and otherwise control the serving and availability
1233 of alcoholic beverages to customers of the permit holder during
1234 private charters under contract provided by the permit holder. A
1235 charter ship operator's permit shall authorize such action by the
1236 permit holder and its employees only as to alcoholic beverages
1237 brought onto the permit holder's ship by customers of the permit
1238 holder as part of such a private charter. All such alcoholic
1239 beverages must be removed from the charter ship at the conclusion
1240 of each private charter. A charter ship operator's permit shall
1241 not authorize the permit holder to sell, charge for or otherwise
1242 supply alcoholic beverages to customers, except as authorized in
1243 this paragraph (p). For the purposes of this paragraph (p),
1244 "charter ship operator" means a common carrier that (i) is
1245 certified to carry at least one hundred fifty (150) passengers
1246 and/or provide overnight accommodations for at least fifty (50)
1247 passengers, (ii) operates only in the waters within the State of
1248 Mississippi, which lie adjacent to the State of Mississippi south
1249 of the three (3) most southern counties in the State of
1250 Mississippi, and (iii) provides charters under contract for tours
1251 and trips in such waters.

1252 (q) **Distillery retailer's permit.** The holder of a
1253 Class 1 manufacturer's permit may obtain a distillery retailer's
1254 permit. A distillery retailer's permit shall authorize the holder
1255 thereof to sell at retail alcoholic beverages to consumers for
1256 on-premises consumption, or to consumers by the sealed and



1257 unopened bottle from a retail location at the distillery for
1258 off-premises consumption. The holder may only sell product
1259 manufactured by the manufacturer at the distillery described in
1260 the permit. However, when selling to consumers for on-premises
1261 consumption, a holder of a distillery retailer's permit may add
1262 other beverages, alcoholic or not, so long as the total volume of
1263 other beverage components containing alcohol does not exceed
1264 twenty percent (20%). Hours of sale shall be the same as those
1265 authorized for on-premises permittees in the city or county in
1266 which the distillery retailer is located.

1267 The holder shall not sell at retail more than ten percent
1268 (10%) of the alcoholic beverages produced annually at its
1269 distillery. The holder shall not make retail sales of more than
1270 two and twenty-five one-hundredths (2.25) liters, in the
1271 aggregate, of the alcoholic beverages produced at its distillery
1272 to any one (1) individual for consumption off the premises of the
1273 distillery within a twenty-four-hour period. The hours of sale
1274 shall be the same as those hours for package retailers under this
1275 article. The holder of a distillery retailer's permit is not
1276 required to purchase the alcoholic beverages authorized to be sold
1277 by this paragraph from the department's liquor distribution
1278 warehouse; however, if the holder does not purchase the alcoholic
1279 beverages from the department's liquor distribution warehouse, the
1280 holder shall pay to the department all taxes, fees and surcharges
1281 on the alcoholic beverages that are imposed upon the sale of



1282 alcoholic beverages shipped by the department or its warehouse
1283 operator. In addition to alcoholic beverages, the holder of a
1284 distillery retailer's permit may sell at retail promotional
1285 products from the same retail location, including shirts, hats,
1286 glasses, and other promotional products customarily sold by
1287 alcoholic beverage manufacturers.

1288 (r) **Festival Wine Permit.** Any wine manufacturer or
1289 native wine producer permitted by Mississippi or any other state
1290 is eligible to obtain a Festival Wine Permit. This permit
1291 authorizes the entity to transport product manufactured by it to
1292 festivals held within the State of Mississippi and sell sealed,
1293 unopened bottles to festival participants. The holder of this
1294 permit may provide samples at no charge to participants.
1295 "Festival" means any event at which three (3) or more vendors are
1296 present at a location for the sale or distribution of goods. The
1297 holder of a Festival Wine Permit is not required to purchase the
1298 alcoholic beverages authorized to be sold by this paragraph from
1299 the department's liquor distribution warehouse. However, if the
1300 holder does not purchase the alcoholic beverages from the
1301 department's liquor distribution warehouse, the holder of this
1302 permit shall pay to the department all taxes, fees and surcharges
1303 on the alcoholic beverages sold at such festivals that are imposed
1304 upon the sale of alcoholic beverages shipped by the Alcoholic
1305 Beverage Control Division of the Department of Revenue.
1306 Additionally, the entity shall file all applicable reports and



1307 returns as prescribed by the department. This permit is issued
1308 per festival and provides authority to sell for two (2)
1309 consecutive days during the hours authorized for on-premises
1310 permittees' sales in that county or city. The holder of the
1311 permit shall be required to maintain all requirements set by Local
1312 Option Law for the service and sale of alcoholic beverages. This
1313 permit may be issued to entities participating in festivals at
1314 which a Class 1 temporary permit is in effect.

1315 This paragraph (r) shall stand repealed from and after July
1316 1, 2026.

1317 (s) **Charter vessel operator's permit.** Subject to the
1318 provisions of this paragraph (s), a charter vessel operator's
1319 permit shall authorize the holder thereof and its employees to
1320 sell and serve alcoholic beverages to passengers of the permit
1321 holder during public tours, historical tours, ecological tours and
1322 sunset cruises provided by the permit holder. The permit shall
1323 authorize the holder to only sell alcoholic beverages, including
1324 native wines, to passengers of the charter vessel operator during
1325 public tours, historical tours, ecological tours and sunset
1326 cruises provided by the permit holder aboard the charter vessel
1327 operator for consumption during such tours and cruises on the
1328 premises of the charter vessel operator described in the permit.
1329 For the purposes of this paragraph (s), "charter vessel operator"
1330 means a common carrier that (i) is certified to carry at least
1331 forty-nine (49) passengers, (ii) operates only in the waters



1332 within the State of Mississippi, which lie south of Interstate 10
1333 in the three (3) most southern counties in the State of
1334 Mississippi, and lie adjacent to the State of Mississippi south of
1335 the three (3) most southern counties in the State of Mississippi,
1336 extending not further than one (1) mile south of such counties,
1337 and (iii) provides vessel services for tours and cruises in such
1338 waters as provided in this paragraph(s).

1339 (t) **Native spirit retailer's permit.** Except as
1340 otherwise provided in subsection (5) of this section, a native
1341 spirit retailer's permit shall be issued only to a holder of a
1342 Class 4 manufacturer's permit, and shall authorize the holder
1343 thereof to make retail sales of native spirits to consumers for
1344 on-premises consumption or to consumers in originally sealed and
1345 unopened containers at an establishment located on the premises of
1346 or in the immediate vicinity of a native distillery. When selling
1347 to consumers for on-premises consumption, a holder of a native
1348 spirit retailer's permit may add to the native spirit alcoholic
1349 beverages not produced on the premises, so long as the total
1350 volume of foreign beverage components does not exceed twenty
1351 percent (20%) of the mixed beverage. Hours of sale shall be the
1352 same as those authorized for on-premises permittees in the city or
1353 county in which the native spirit retailer is located.

1354 (u) **Delivery service permit.** Any individual, limited
1355 liability company, corporation or partnership registered to do
1356 business in this state is eligible to obtain a delivery service



1357 permit. Subject to the provisions of Section 67-1-51.1, this
1358 permit authorizes the permittee, or its employee or an independent
1359 contractor acting on its behalf, to deliver alcoholic beverages,
1360 beer, light wine and light spirit product from a licensed retailer
1361 to a person in this state who is at least twenty-one (21) years of
1362 age for the individual's use and not for resale. This permit does
1363 not authorize the delivery of alcoholic beverages, beer, light
1364 wine or light spirit product to the premises of a location with a
1365 permit for the manufacture, distribution or retail sale of
1366 alcoholic beverages, beer, light wine or light spirit product.
1367 The holder of a package retailer's permit or an on-premises
1368 retailer's permit under Section 67-1-51 or of a beer, light wine
1369 and light spirit product permit under Section 67-3-19 is
1370 authorized to apply for a delivery service permit as a privilege
1371 separate from its existing retail permit.

1372 (v) **Food truck permit.** A food truck permit shall
1373 authorize the holder of an on-premises retailer's permit to use a
1374 food truck to sell alcoholic beverages off its premises to guests
1375 who must consume the beverages in open containers. For the
1376 purposes of this paragraph (v), "food truck" means a fully encased
1377 food service establishment on a motor vehicle or on a trailer that
1378 a motor vehicle pulls to transport, and from which a vendor,
1379 standing within the frame of the establishment, prepares, cooks,
1380 sells and serves food for immediate human consumption. The term
1381 "food truck" does not include a food cart that is not motorized.



1382 Food trucks shall maintain such distance requirements from
1383 schools, churches, kindergartens and funeral homes as are required
1384 for on-premises retailer's permittees under this article, and all
1385 sales must be made within a valid leisure and recreation district
1386 established under Section 67-1-101. Food trucks cannot sell or
1387 serve alcoholic beverages unless also offering food prepared and
1388 cooked within the food truck, and permittees must maintain a
1389 twenty-five percent (25%) food sale revenue requirement based on
1390 the food sold from the food truck alone. The hours allowed for
1391 sale shall be the same as those for on-premises retailer's
1392 permittees in the location. This permit will not be required for
1393 the holder of a caterer's permit issued under this article to
1394 cater an event as allowed by law. Permittees must provide notice
1395 of not less than forty-eight (48) hours to the department of each
1396 location at which alcoholic beverages will be sold.

1397 (w) **On-premises tobacco permit.** An on-premises tobacco
1398 permit shall authorize the permittee to sell alcoholic beverages
1399 for consumption on the licensed premises. In addition to all
1400 other requirements to obtain an alcoholic beverage permit, the
1401 permittee must obtain and maintain a tobacco permit issued by the
1402 State of Mississippi, and have a capital investment of not less
1403 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
1404 for which the permit is issued. In addition to alcoholic
1405 beverages, the permittee is authorized to sell only cigars,
1406 cheroots, tobacco pipes, pipe tobacco, and/or stogies.



1407 Additionally, seventy-five percent (75%) of the permittee's annual
1408 gross revenue must be derived from the sale of cigars, cheroots,
1409 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
1410 be required, but food may be sold on the premises. The issuance
1411 of this permit does not remove any obligation a permittee may have
1412 to follow local ordinances or actions prohibiting the use of
1413 tobacco products.

1414 (x) **Direct shipper's permit.** A direct shipper's permit
1415 shall authorize the holder to sell and ship wine and/or distilled
1416 spirits directly to residents in this state in accordance with the
1417 provisions of Sections 1 through 12 of this act, without being
1418 required to transact the sale and shipment of those wines and/or
1419 distilled spirits through the Alcoholic Beverage Control Division
1420 of the department.

1421 (y) **Wine and Distilled Spirits Fulfillment Provider**
1422 **Permit.** A wine and distilled spirits fulfillment provider permit
1423 shall authorize the holder to only provide logistics services of
1424 warehousing, packaging, order fulfillment, and shipment of wine
1425 and/or distilled spirits for a direct shipper permittee for which
1426 the wine and distilled spirits fulfillment provider permittee is
1427 the bailee of the wine and/or distilled spirits under Sections 1
1428 through 12 of this act. Wine and/or distilled spirits held in
1429 bailment by a wine and distilled spirits fulfillment provider
1430 permittee shall remain the property of the direct shipper



1431 permittee until loaded on conveyance for direct shipment to a
1432 Mississippi resident.

1433 (2) Except as otherwise provided in subsection (4) of this
1434 section, retail permittees may hold more than one (1) retail
1435 permit, at the discretion of the department.

1436 (3) (a) Except as otherwise provided in this subsection, no
1437 authority shall be granted to any person to manufacture, sell or
1438 store for sale any intoxicating liquor as specified in this
1439 article within four hundred (400) feet of any church, school
1440 (excluding any community college, junior college, college or
1441 university), kindergarten or funeral home. However, within an
1442 area zoned commercial or business, such minimum distance shall be
1443 not less than one hundred (100) feet.

1444 (b) A church or funeral home may waive the distance
1445 restrictions imposed in this subsection in favor of allowing
1446 issuance by the department of a permit, pursuant to subsection (1)
1447 of this section, to authorize activity relating to the
1448 manufacturing, sale or storage of alcoholic beverages which would
1449 otherwise be prohibited under the minimum distance criterion.
1450 Such waiver shall be in written form from the owner, the governing
1451 body, or the appropriate officer of the church or funeral home
1452 having the authority to execute such a waiver, and the waiver
1453 shall be filed with and verified by the department before becoming
1454 effective.



1455 (c) The distance restrictions imposed in this
1456 subsection shall not apply to the sale or storage of alcoholic
1457 beverages at a bed and breakfast inn listed in the National
1458 Register of Historic Places or to the sale or storage of alcoholic
1459 beverages in a historic district that is listed in the National
1460 Register of Historic Places, is a qualified resort area and is
1461 located in a municipality having a population greater than one
1462 hundred thousand (100,000) according to the latest federal
1463 decennial census.

1464 (d) The distance restrictions imposed in this
1465 subsection shall not apply to the sale or storage of alcoholic
1466 beverages at a qualified resort area as defined in Section
1467 67-1-5(o)(iii)32.

1468 (e) The distance restrictions imposed in this
1469 subsection shall not apply to the sale or storage of alcoholic
1470 beverages at a licensed premises in a building formerly owned by a
1471 municipality and formerly leased by the municipality to a
1472 municipal school district and used by the municipal school
1473 district as a district bus shop facility.

1474 (f) The distance restrictions imposed in this
1475 subsection shall not apply to the sale or storage of alcoholic
1476 beverages at a licensed premises in a building consisting of at
1477 least five thousand (5,000) square feet and located approximately
1478 six hundred (600) feet from the intersection of Mississippi
1479 Highway 15 and Mississippi Highway 4.



1480 (g) The distance restrictions imposed in this
1481 subsection shall not apply to the sale or storage of alcoholic
1482 beverages at a licensed premises in a building located at or near
1483 the intersection of Ward and Tate Streets and adjacent properties
1484 in the City of Senatobia, Mississippi.

1485 (h) The distance restrictions imposed in this
1486 subsection shall not apply to the sale or storage of alcoholic
1487 beverages at a theatre facility that features plays and other
1488 theatrical performances and productions and (i) is capable of
1489 seating more than seven hundred fifty (750) people, (ii) is owned
1490 by a municipality which has a population greater than ten thousand
1491 (10,000) according to the latest federal decennial census, (iii)
1492 was constructed prior to 1930, (iv) is on the National Register of
1493 Historic Places, and (v) is located in a historic district.

1494 (i) The distance restrictions imposed in this
1495 subsection shall not apply to the sale or storage of alcoholic
1496 beverages at a licensed premises in a building located
1497 approximately one and six-tenths (1.6) miles north of the
1498 intersection of Mississippi Highway 15 and Mississippi Highway 4
1499 on the west side of Mississippi Highway 15.

1500 (4) (a) No person, either individually or as a member of a
1501 firm, partnership, limited liability company or association, or as
1502 a stockholder, officer or director in a corporation, shall own or
1503 control any interest in more than * * * two (2) package retailer's
1504 permit, nor shall such person's spouse, if living in the same



1505 household of such person, any relative of such person, if living
1506 in the same household of such person, or any other person living
1507 in the same household with such person own any interest in any
1508 other package retailer's permit which, when combined with the
1509 number of package retailer's permits owned by the person or in
1510 which the person has a controlling interest, would total more than
1511 two (2) package retailer's permits; however, in the case of a
1512 person holding a package retailer's permit issued before July 1,
1513 2024, such a person may own one (1) additional package retailer's
1514 permit, for a total of two (2) permits, if the additional permit
1515 is issued for a premises with a minimum capital investment of
1516 Twenty Million Dollars (\$20,000,000.00) that is part of a major
1517 retail development project and located in one (1) of the three (3)
1518 most southern counties in the State of Mississippi, and not within
1519 one hundred (100) miles of another location in the State of
1520 Mississippi, for which the permittee holds such a permit.

1521 (5) (a) In addition to any other authority granted under
1522 this section, the holder of a permit issued under subsection
1523 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1524 sell or otherwise provide alcoholic beverages and/or wine to a
1525 patron of the permit holder in the manner authorized in the permit
1526 and the patron may remove an open glass, cup or other container of
1527 the alcoholic beverage and/or wine from the licensed premises and
1528 may possess and consume the alcoholic beverage or wine outside of
1529 the licensed premises if: (i) the licensed premises is located



1530 within a leisure and recreation district created under Section
1531 67-1-101 and (ii) the patron remains within the boundaries of the
1532 leisure and recreation district while in possession of the
1533 alcoholic beverage or wine.

1534 (b) Nothing in this subsection shall be construed to
1535 allow a person to bring any alcoholic beverages into a permitted
1536 premises except to the extent otherwise authorized by this
1537 article.

1538 **SECTION 20.** Section 67-1-53, Mississippi Code of 1972, is
1539 amended as follows:

1540 67-1-53. (1) Application for permits shall be in such form
1541 and shall contain such information as shall be required by the
1542 regulations of the * * * department; however, no regulation of
1543 the * * * department shall require personal financial information
1544 from any officer of a corporation applying for an on-premises
1545 retailer's permit to sell alcoholic beverages unless such officer
1546 owns ten percent (10%) or more of the stock of such corporation.

1547 (2) Every applicant for each type of permit authorized by
1548 Section 67-1-51 shall give notice of such application by
1549 publication for two (2) consecutive issues in a newspaper of
1550 general circulation published in the city or town in which
1551 applicant's place of business is located. However, in instances
1552 where no newspaper is published in the city or town, then the
1553 notice shall be published in a newspaper of general circulation
1554 published in the county where the applicant's business is located.



1555 If no newspaper is published in the county, the notice shall be
1556 published in a qualified newspaper which is published in the
1557 closest neighboring county and circulated in the county of
1558 applicant's residence. The notice shall be printed in ten-point
1559 black face type and shall set forth the type of permit to be
1560 applied for, the exact location of the place of business, the name
1561 of the owner or owners thereof, and if operating under an assumed
1562 name, the trade name together with the names of all owners, and if
1563 a corporation, the names and titles of all officers. The cost of
1564 such notice shall be borne by the applicant. The provisions of
1565 this subsection (2) shall not apply to applicants for a direct
1566 shipper's permit under Sections 1 through 12 of this act.

1567 (3) Each application or filing made under this section shall
1568 include the social security number(s) of the applicant in
1569 accordance with Section 93-11-64, Mississippi Code of 1972.

1570 **SECTION 21.** Section 67-1-55, Mississippi Code of 1972, is
1571 amended as follows:

1572 67-1-55. No permit of any type shall be issued by the * * *
1573 department until the applicant has first filed with the * * *
1574 department a sworn statement disclosing all persons who are
1575 financially involved in the operation of the business for which
1576 the permit is sought. If an applicant is an individual, he will
1577 swear that he owns one hundred percent (100%) of the business for
1578 which he is seeking a permit. If the applicant is a partnership,
1579 all partners and their addresses shall be disclosed and the extent



1580 of their interest in the partnership shall be disclosed. If the
1581 applicant is a corporation, the total stock in the corporation
1582 shall be disclosed and each shareholder and his address and the
1583 amount of stock in the corporation owned by him shall be
1584 disclosed. If the applicant is a limited liability company, each
1585 member and their addresses shall be disclosed and the extent of
1586 their interest in the limited liability company shall be
1587 disclosed. If the applicant is a trust, the trustee and all
1588 beneficiaries and their addresses shall be disclosed. If the
1589 applicant is a combination of any of the above, all information
1590 required to be disclosed above shall be required.

1591 All the disclosures shall be in writing and kept on file at
1592 the * * * department and shall be available to the public.

1593 Every applicant must, when applying for a renewal of his
1594 permit, disclose any change in the ownership of the business or
1595 any change in the beneficiaries of the income from the business.

1596 Any person who willfully fails to fully disclose the
1597 information required by this section, or who gives false
1598 information, shall be guilty of a misdemeanor and, upon conviction
1599 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1600 (\$500.00) or imprisoned for not more than one (1) year, or both,
1601 and the person or applicant shall never again be eligible for any
1602 permit pertaining to alcoholic beverages.



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

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

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

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

(b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent of any other person, and that he intends to superintend in person the management of the business or that he will designate a manager to manage the business for him. Except for managers employed by the holder of a direct shipper's permit, all managers



1628 must be approved by the department prior to completing any
1629 managerial tasks on behalf of the permittee and must possess all
1630 of the qualifications required of a permittee; however, a felony
1631 conviction, other than a crime of violence, does not automatically
1632 disqualify a person from being approved as a manager if the person
1633 was released from incarceration at least three (3) years prior to
1634 application for approval as a manager. A felony conviction, other
1635 than a crime of violence, may be considered by the department in
1636 determining whether all other qualifications are met.

1637 (c) That the applicant for a package retailer's permit,
1638 if an individual, is a resident of the State of Mississippi. If
1639 the applicant is a partnership, each member of the partnership
1640 must be a resident of the state. If the applicant is a limited
1641 liability company, each member of the limited liability company
1642 must be a resident of the state. If the applicant is a
1643 corporation, the designated manager of the corporation must be a
1644 resident of the state.

1645 (d) That the place for which the permit is to be issued
1646 is an appropriate one considering the character of the premises
1647 and the surrounding neighborhood.

1648 (e) That the place for which the permit is to be issued
1649 is within the corporate limits of an incorporated municipality or
1650 qualified resort area or club which comes within the provisions of
1651 this article.



1652 (f) That the applicant is not indebted to the state for
1653 any taxes, fees or payment of penalties imposed by any law of the
1654 State of Mississippi or by any rule or regulation of the * * *
1655 department.

1656 (g) That the applicant is not in the habit of using
1657 alcoholic beverages to excess and is not physically or mentally
1658 incapacitated, and that the applicant has the ability to read and
1659 write the English language.

1660 (h) That the * * * department does not believe and has
1661 no reason to believe that the applicant will sell or knowingly
1662 permit any agent, servant or employee to unlawfully sell liquor in
1663 a dry area or in any other manner contrary to law.

1664 (i) That the applicant is not residentially domiciled
1665 with any person whose permit or license has been cancelled for
1666 cause within the twelve (12) months next preceding the date of the
1667 present application for a permit.

1668 (j) That the * * * department has not, in the exercise
1669 of its discretion which is reserved and preserved to it, refused
1670 to grant permits under the restrictions of this section, as well
1671 as under any other pertinent provision of this article.

1672 (k) That there are not sufficient legal reasons to deny
1673 a permit on the ground that the premises for which the permit is
1674 sought has previously been operated, used or frequented for any
1675 purpose or in any manner that is lewd, immoral or offensive to
1676 public decency. In the granting or withholding of any permit to



1677 sell alcoholic beverages at retail, the * * * department in
1678 forming its conclusions may give consideration to any
1679 recommendations made in writing by the district or county attorney
1680 or county, circuit or chancery judge of the county, or the sheriff
1681 of the county, or the mayor or chief of police of an incorporated
1682 city or town wherein the applicant proposes to conduct his
1683 business and to any recommendations made by representatives of
1684 the * * * department.

1685 (1) That the applicant and the applicant's key
1686 employees, as determined by the * * * department, do not have a
1687 disqualifying criminal record. In order to obtain a criminal
1688 record history check, the applicant shall submit to the commission
1689 a set of fingerprints from any local law enforcement agency for
1690 each person for whom the records check is required. The * * *
1691 department shall forward the fingerprints to the Mississippi
1692 Department of Public Safety. If no disqualifying record is
1693 identified at the state level, the Department of Public Safety
1694 shall forward the fingerprints to the Federal Bureau of
1695 Investigation for a national criminal history record check. Costs
1696 for processing the set or sets of fingerprints shall be borne by
1697 the applicant. The department may waive the fingerprint
1698 requirement in the case of an applicant for a direct shipper's
1699 permit. The * * * department shall not deny employment to an
1700 employee of the applicant prior to the identification of a
1701 disqualifying record or other disqualifying information.



1702 **SECTION 23.** Section 67-1-73, Mississippi Code of 1972, is
1703 amended as follows:

1704 67-1-73. (1) Except as otherwise provided in subsection (3)
1705 of this section, every manufacturer, including native wine or
1706 native spirit producers, within or without the state, and every
1707 other shipper of alcoholic beverages who sells any alcoholic
1708 beverage, including native wine or native spirit, within the
1709 state, shall, at the time of making such sale, file with the
1710 department a copy of the invoice of such sale showing in detail
1711 the kind of alcoholic beverage sold, the quantities of each, the
1712 size of the container and the weight of the contents, the
1713 alcoholic content, and the name and address of the person to whom
1714 sold.

1715 (2) Except as otherwise provided in subsection (3) of this
1716 section, every person transporting alcoholic beverages, including
1717 native wine or native spirit, within this state to a point within
1718 this state, whether such transportation originates within or
1719 without this state, shall, within five (5) days after delivery of
1720 such shipment, furnish the department a copy of the bill of lading
1721 or receipt, showing the name or consignor or consignee, date,
1722 place received, destination, and quantity of alcoholic beverages
1723 delivered. Upon failure to comply with the provisions of this
1724 section, such person shall be deemed guilty of a misdemeanor and,
1725 upon conviction thereof, shall be fined in the sum of Fifty
1726 Dollars (\$50.00) for each offense.



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

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

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

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

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



1752 drinks prohibited by the laws of this state to be sold, bartered,
1753 or otherwise disposed of. The inhibition of this section shall
1754 apply to such liquors, bitters and drinks, whether the parties
1755 intend that the same shall be shipped into this state from outside
1756 of the state, or from one (1) point in this state to another point
1757 in this state. If such order be in writing, parol evidence
1758 thereof is admissible without producing or accounting for the
1759 absence of the original; and the taking or soliciting of such
1760 orders is within the inhibition of this section, although the
1761 orders are subject to approval by some other person, and no part
1762 of the price is paid, nor any part of the goods is delivered when
1763 the order is taken.

1764 **SECTION 26.** This act shall take effect and be in force from
1765 and after July 1, 2025.

