

By: Representative Burnett

To: State Affairs

HOUSE BILL NO. 683

1 AN ACT TO AMEND SECTION 27-115-55, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A HOLDER OF A PACKAGE RETAILER'S PERMIT ISSUED
3 UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW IS ELIGIBLE
4 TO APPLY TO BECOME A LOTTERY RETAILER UNDER THE ALYCE G. CLARKE
5 MISSISSIPPI LOTTERY LAW; TO AMEND SECTION 67-1-51, MISSISSIPPI
6 CODE OF 1972, TO PROVIDE THAT IF THE HOLDER OF A PACKAGE
7 RETAILER'S PERMIT IS A LOTTERY RETAILER UNDER THE ALYCE G. CLARKE
8 MISSISSIPPI LOTTERY LAW, THE PERMIT HOLDER MAY SELL LOTTERY
9 TICKETS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 27-115-55, Mississippi Code of 1972, is
12 amended as follows:

13 27-115-55. (1) The Legislature hereby recognizes that to
14 conduct a successful lottery, the corporation must develop and
15 maintain a statewide network of lottery retailers that will serve
16 the public convenience and promote the sale of tickets, while
17 ensuring the integrity of the lottery operations, games and
18 activities.

19 (2) To govern the selection of lottery retailers, the board
20 shall, by administrative rules and regulations, develop a list of
21 objective criteria upon which the selection of lottery retailers



22 shall be based. In developing these criteria, the board shall
23 consider such factors as the applicant's financial responsibility,
24 location and security of the applicant's place of business or
25 activity, integrity, and reputation; however, the board shall not
26 consider political affiliation, activities or monetary
27 contributions to political organizations or candidates for any
28 public office. The criteria shall include, but not be limited to,
29 the following:

30 (a) The applicant shall be current in payment of all
31 taxes, interest and penalties owed to any taxing political
32 subdivision where the lottery retailer will sell lottery tickets.

33 (b) The applicant shall be current in filing all
34 applicable tax returns and in payment of all taxes, interest and
35 penalties owed to the State of Mississippi, excluding items under
36 formal appeal pursuant to applicable statutes, before a license is
37 issued and before each renewal.

38 (c) No person shall be selected as a lottery retailer
39 for the sale of lottery tickets who:

40 (i) Has been convicted of a criminal offense
41 related to the security or integrity of the lottery in this or any
42 other jurisdiction.

43 (ii) Has been convicted of any illegal gambling
44 activity, false statements, false swearing or perjury in this or
45 any other jurisdiction, or convicted of a felony.



(iii) Has been found to have violated the provisions of this chapter or any administrative rules and regulations adopted under this chapter, unless either ten (10) years have passed since the violation, or the president and the board find the violation both minor and unintentional in nature.

(iv) Is a vendor or an employee or agent of any vendor doing business with the corporation.

(v) Resides in the same household as an officer or board member of the corporation.

(vi) Has made a statement of material fact to the corporation, knowing such statement to be false.

(3) A holder of a package retailer's permit issued under Section 67-1-51 shall be eligible to apply to become a lottery retailer.

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

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

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

Manufacturer's permits shall be of the following classes:



71 Class 1. Distiller's and/or rectifier's permit, which shall
72 authorize the holder thereof to operate a distillery for the
73 production of distilled spirits by distillation or redistillation
74 and/or to operate a rectifying plant for the purifying, refining,
75 mixing, blending, flavoring or reducing in proof of distilled
76 spirits and alcohol.

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

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

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

86 (b) **Package retailer's permit.** Except as otherwise
87 provided in this paragraph and Section 67-1-52, a package
88 retailer's permit shall authorize the holder thereof to operate a
89 store exclusively for the sale at retail in original sealed and
90 unopened packages of alcoholic beverages, including native wines,
91 native spirits and edibles, not to be consumed on the premises
92 where sold. Alcoholic beverages shall not be sold by any retailer
93 in any package or container containing less than fifty (50)
94 milliliters by liquid measure. A package retailer's permit, with
95 prior approval from the department, shall authorize the holder



thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this article and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers, other beverages commonly used to mix with alcoholic beverages, and fruits and foods that have been submerged in alcohol and are commonly referred to as edibles. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold. If the holder of a package retailer's permit is a lottery retailer under the Alyce G. Clarke Mississippi Lottery Law, the permit holder may sell lottery tickets in accordance with such law.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is



placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. In addition, an on-premises retailer's permittee at a permitted premises located on Jefferson Davis Avenue within one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic beverages by the glass to a patron in a vehicle using a drive-through method of delivery if the permitted premises is located in a leisure and recreation district established under Section 67-1-101. Such a sale will be considered to be made on the permitted premises. An on-premises retailer's permit shall be issued only to qualified hotels, restaurants and clubs, small craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, however, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to any establishments located therein as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is



146 applied for by a common carrier operating solely in the water,
147 such common carrier must, along with all other qualifications for
148 a permit, (i) be certified to carry at least one hundred fifty
149 (150) passengers and/or provide overnight accommodations for at
150 least fifty (50) passengers and (ii) operate primarily in the
151 waters within the State of Mississippi which lie adjacent to the
152 State of Mississippi south of the three (3) most southern counties
153 in the State of Mississippi and/or on the Mississippi River or
154 navigable waters within any county bordering on the Mississippi
155 River.

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

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

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

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

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants



demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

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



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

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

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



Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (1) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of



270 the person engaging in business as a caterer; however, the holder
271 of an on-premises retailer's permit may hold a caterer's permit.
272 When the holder of an on-premises retailer's permit or an
273 affiliated entity of the holder also holds a caterer's permit, the
274 caterer's permit shall not authorize the service of alcoholic
275 beverages on a consistent, recurring basis at a separate, fixed
276 location owned or operated by the caterer, on-premises retailer or
277 affiliated entity and an on-premises retailer's permit shall be
278 required for the separate location. All sales of alcoholic
279 beverages by holders of a caterer's permit shall be made at the
280 location being catered by the caterer, and, except as otherwise
281 provided in subsection (5) of this section, such sales may be made
282 only for consumption at the catered location. The location being
283 catered may be anywhere within a county or judicial district that
284 has voted to come out from under the dry laws or in which the sale
285 and distribution of alcoholic beverages is otherwise authorized by
286 law. Such sales shall be made pursuant to any other conditions
287 and restrictions which apply to sales made by on-premises retail
288 permittees. The holder of a caterer's permit or his employees
289 shall remain at the catered location as long as alcoholic
290 beverages are being sold pursuant to the permit issued under this
291 paragraph (g), and the permittee shall have at the location the
292 identification card issued by the Alcoholic Beverage Control
293 Division of the department. No unsold alcoholic beverages may be
294 left at the catered location by the permittee upon the conclusion



of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

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

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

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



319 permit. The alcoholic beverages sold from the cart must be
320 consumed within the boundaries of the golf course.

321 (k) **Special service permit.** A special service permit
322 shall authorize the holder to sell commercially sealed alcoholic
323 beverages to the operator of a commercial or private aircraft for
324 en route consumption only by passengers. A special service permit
325 shall be issued only to a fixed-base operator who contracts with
326 an airport facility to provide fueling and other associated
327 services to commercial and private aircraft.

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

336 (m) **Temporary alcoholic beverages charitable auction**
337 **permit.** A temporary permit, not to exceed five (5) days, may be
338 issued to a qualifying charitable nonprofit organization that is
339 exempt from taxation under Section 501(c)(3) or (4) of the
340 Internal Revenue Code of 1986. The permit shall authorize the
341 holder to sell alcoholic beverages for the limited purpose of
342 raising funds for the organization during a live or silent auction
343 that is conducted by the organization and that meets the following



requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but



not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

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



consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

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



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

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



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

(r) **Festival Wine Permit.** Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this



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

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

(s) **Charter vessel operator's permit.** Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel



operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate 10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph(s).

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



518 same as those authorized for on-premises permittees in the city or
519 county in which the native spirit retailer is located.

520 (u) **Delivery service permit.** Any individual, limited
521 liability company, corporation or partnership registered to do
522 business in this state is eligible to obtain a delivery service
523 permit. Subject to the provisions of Section 67-1-51.1, this
524 permit authorizes the permittee, or its employee or an independent
525 contractor acting on its behalf, to deliver alcoholic beverages,
526 beer, light wine and light spirit product from a licensed retailer
527 to a person in this state who is at least twenty-one (21) years of
528 age for the individual's use and not for resale. This permit does
529 not authorize the delivery of alcoholic beverages, beer, light
530 wine or light spirit product to the premises of a location with a
531 permit for the manufacture, distribution or retail sale of
532 alcoholic beverages, beer, light wine or light spirit product.
533 The holder of a package retailer's permit or an on-premises
534 retailer's permit under Section 67-1-51 or of a beer, light wine
535 and light spirit product permit under Section 67-3-19 is
536 authorized to apply for a delivery service permit as a privilege
537 separate from its existing retail permit.

538 (v) **Food truck permit.** A food truck permit shall
539 authorize the holder of an on-premises retailer's permit to use a
540 food truck to sell alcoholic beverages off its premises to guests
541 who must consume the beverages in open containers. For the
542 purposes of this paragraph (v), "food truck" means a fully encased



543 food service establishment on a motor vehicle or on a trailer that
544 a motor vehicle pulls to transport, and from which a vendor,
545 standing within the frame of the establishment, prepares, cooks,
546 sells and serves food for immediate human consumption. The term
547 "food truck" does not include a food cart that is not motorized.
548 Food trucks shall maintain such distance requirements from
549 schools, churches, kindergartens and funeral homes as are required
550 for on-premises retailer's permittees under this article, and all
551 sales must be made within a valid leisure and recreation district
552 established under Section 67-1-101. Food trucks cannot sell or
553 serve alcoholic beverages unless also offering food prepared and
554 cooked within the food truck, and permittees must maintain a
555 twenty-five percent (25%) food sale revenue requirement based on
556 the food sold from the food truck alone. The hours allowed for
557 sale shall be the same as those for on-premises retailer's
558 permittees in the location. This permit will not be required for
559 the holder of a caterer's permit issued under this article to
560 cater an event as allowed by law. Permittees must provide notice
561 of not less than forty-eight (48) hours to the department of each
562 location at which alcoholic beverages will be sold.

563 (w) **On-premises tobacco permit.** An on-premises tobacco
564 permit shall authorize the permittee to sell alcoholic beverages
565 for consumption on the licensed premises. In addition to all
566 other requirements to obtain an alcoholic beverage permit, the
567 permittee must obtain and maintain a tobacco permit issued by the



568 State of Mississippi, and have a capital investment of not less
569 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
570 for which the permit is issued. In addition to alcoholic
571 beverages, the permittee is authorized to sell only cigars,
572 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
573 Additionally, seventy-five percent (75%) of the permittee's annual
574 gross revenue must be derived from the sale of cigars, cheroots,
575 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
576 be required, but food may be sold on the premises. The issuance
577 of this permit does not remove any obligation a permittee may have
578 to follow local ordinances or actions prohibiting the use of
579 tobacco products.

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

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

591 (b) A church or funeral home may waive the distance
592 restrictions imposed in this subsection in favor of allowing



issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

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

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

(e) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building formerly owned by a



municipality and formerly leased by the municipality to a municipal school district and used by the municipal school district as a district bus shop facility.

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

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

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

(i) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic



643 beverages at a licensed premises in a building located
644 approximately one and six-tenths (1.6) miles north of the
645 intersection of Mississippi Highway 15 and Mississippi Highway 4
646 on the west side of Mississippi Highway 15.

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

665 (5) (a) In addition to any other authority granted under
666 this section, the holder of a permit issued under subsection
667 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may



668 sell or otherwise provide alcoholic beverages and/or wine to a
669 patron of the permit holder in the manner authorized in the permit
670 and the patron may remove an open glass, cup or other container of
671 the alcoholic beverage and/or wine from the licensed premises and
672 may possess and consume the alcoholic beverage or wine outside of
673 the licensed premises if: (i) the licensed premises is located
674 within a leisure and recreation district created under Section
675 67-1-101 and (ii) the patron remains within the boundaries of the
676 leisure and recreation district while in possession of the
677 alcoholic beverage or wine.

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

682 **SECTION 3.** This act shall take effect and be in force from
683 and after July 1, 2025.

