

By: Representative Powell

To: State Affairs

HOUSE BILL NO. 1178

1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF A CLASS 1
2 OR 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 ARE 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



35 ISSUANCE OF A WINE AND DISTILLED SPIRITS FULFILLMENT PROVIDER
36 PERMIT; TO LEVY A TAX UPON THE SALES AND SHIPMENTS OF WINE AND
37 DISTILLED SPIRITS MADE BY A DIRECT SHIPPER; TO REQUIRE A CERTAIN
38 AMOUNT OF THE TAXES LEVIED TO BE DEPOSITED INTO THE MENTAL HEALTH
39 PROGRAMS FUND; TO AMEND SECTIONS 67-1-41, 67-1-45, 67-1-51,
40 67-1-53, 67-1-55, 67-1-57, 67-1-73, 97-31-47 AND 97-31-49,
41 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
42 ACT; AND FOR RELATED PURPOSES.

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

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

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

48 (b) "Direct shipper" means the holder of a direct
49 shipper's permit issued by the department under Sections 1 through
50 12 of this act.

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

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

61 (e) "Wine and distilled spirits fulfillment provider
62 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:



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

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

95 (c) Pay to the department the tax prescribed in Section
96 27-71-5.

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

102 **SECTION 5.** (1) A direct shipper shall:

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

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

111 (i) The name and address of the Mississippi
112 resident who placed the order;



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

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

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

(v) The date of shipment;

(vi) The carrier tracking number; and

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

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

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

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

Information reported to the department under paragraph (b) of this subsection shall not be subject to disclosure under the Mississippi Public Records Act of 1983.



(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



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

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

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

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

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



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

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

(3) The holder of a wine and distilled spirits fulfillment provider permit may only provide logistics services of warehousing, packaging, order fulfillment, and shipment of wine and/or distilled spirits for a direct shipper permittee for which the wine and distilled spirits fulfillment provider permittee is the bailee of the wine and/or distilled spirits. Wine and/or distilled spirits held in bailment by a wine and distilled spirits fulfillment provider permittee shall remain the property of the direct shipper permittee until loaded on conveyance for direct 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 a quarterly 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



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

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

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

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

318 (v) The date of shipment;

319 (vi) The carrier tracking number; and

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

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

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

332 (i) For the first violation, a civil penalty not
333 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



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

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

419 27-71-5. (1) Upon each person approved for a permit under
420 the provisions of the Alcoholic Beverage Control Law and
421 amendments thereto, there is levied and imposed for each location
422 for the privilege of engaging and continuing in this state in the
423 business authorized by such permit, an annual privilege license
424 tax in the amount provided in the following schedule:

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

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

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

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



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



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

478 In addition to the filing fee imposed by paragraph (1) of
479 this subsection, a fee to be determined by the Department of
480 Revenue may be charged to defray costs incurred to process
481 applications. The additional fees shall be paid into the State
482 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 for the privilege of doing business within any municipality or



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

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

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

530 (c) If the licensee is located within a municipality,
531 the department shall pay the amount of additional license tax
532 collected under this section to the municipality, and if outside a



533 municipality the department shall pay the additional license tax
534 to the county in which the licensee is located. Payments by the
535 department to the respective local government subdivisions shall
536 be made once each month for any collections during the preceding
537 month.

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

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

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



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

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

567 27-71-7. (1) There is hereby levied and assessed an excise
568 tax upon each case of alcoholic beverages sold by the department
569 to be collected from each retail licensee at the time of sale in
570 accordance with the following schedule:

571 (a) Distilled spirits.....\$2.50 per
572 gallon

573 (b) Sparkling wine and champagne.....\$1.00 per
574 gallon

575 (c) Other wines, including native wines...\$.35 per
576 gallon

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



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

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

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



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

(3) There is levied and assessed upon the holder of a direct shipper's permit, a tax in the amount of eighteen percent (18%) of the sales price of each sale and shipment of wine or distilled spirits made to a resident in this state. The holder of a direct shipper's permit shall file a monthly report with the department along with a copy of the invoice for each sale and shipment of wine or distilled spirits and remit any taxes due; however, no report shall be required for months in which no sales or shipments were made into this state. The report, together with copies of the invoices and the payment of all taxes, shall be filed with the department not later than the twentieth day of the month following the month in which the shipment was made. Permittees who fail to timely file and pay taxes as required by this subsection shall pay a late fee in the amount of Five Hundred Dollars (\$500.00), and the department shall suspend the direct shipper's permit until all outstanding taxes are paid in full, for a first offense. Upon a second offense, the department shall revoke the direct shipper's permit.

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



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

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

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

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



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

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



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

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

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



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

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

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

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



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

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

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

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



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

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



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

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

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

854 (d) A winery that ships wine under this section shall
855 be deemed to have consented to the jurisdiction of the courts of
856 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



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

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

SECTION 19. 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:



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

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

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

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

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



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

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



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



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

988 (d) **Solicitor's permit.** A solicitor's permit shall
989 authorize the holder thereof to act as salesman for a manufacturer
990 or wholesaler holding a proper permit, to solicit on behalf of his
991 employer orders for alcoholic beverages, and to otherwise promote
992 his employer's products in a legitimate manner. Such a permit
993 shall authorize the representation of and employment by one (1)
994 principal only. However, the permittee may also, in the
995 discretion of the department, be issued additional permits to
996 represent other principals. No such permittee shall buy or sell
997 alcoholic beverages for his own account, and no such beverage
998 shall be brought into this state in pursuance of the exercise of
999 such permit otherwise than through a permit issued to a wholesaler
1000 or manufacturer in the state.

1001 (e) **Native wine retailer's permit.** Except as otherwise
1002 provided in subsection (5) of this section, a native wine
1003 retailer's permit shall be issued only to a holder of a Class 3
1004 manufacturer's permit, and shall authorize the holder thereof to
1005 make retail sales of native wines to consumers for on-premises



1006 consumption or to consumers in originally sealed and unopened
1007 containers at an establishment located on the premises of or in
1008 the immediate vicinity of a native winery. When selling to
1009 consumers for on-premises consumption, a holder of a native wine
1010 retailer's permit may add to the native wine alcoholic beverages
1011 not produced on the premises, so long as the total volume of
1012 foreign beverage components does not exceed twenty percent (20%)
1013 of the mixed beverage. Hours of sale shall be the same as those
1014 authorized for on-premises permittees in the city or county in
1015 which the native wine retailer is located.

1016 (f) **Temporary retailer's permit.** Except as otherwise
1017 provided in subsection (5) of this section, a temporary retailer's
1018 permit shall permit the purchase and resale of alcoholic
1019 beverages, including native wines and native spirits, during legal
1020 hours on the premises described in the temporary permit only.

1021 Temporary retailer's permits shall be of the following
1022 classes:

1023 Class 1. A temporary one-day permit may be issued to bona
1024 fide nonprofit civic or charitable organizations authorizing the
1025 sale of alcoholic beverages, including native wine and native
1026 spirit, for consumption on the premises described in the temporary
1027 permit only. Class 1 permits may be issued only to applicants
1028 demonstrating to the department, by a statement signed under
1029 penalty of perjury submitted ten (10) days prior to the proposed
1030 date or such other time as the department may determine, that they



1031 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1032 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1033 Class 1 permittees shall obtain all alcoholic beverages from
1034 package retailers located in the county in which the temporary
1035 permit is issued. Alcoholic beverages remaining in stock upon
1036 expiration of the temporary permit may be returned by the
1037 permittee to the package retailer for a refund of the purchase
1038 price upon consent of the package retailer or may be kept by the
1039 permittee exclusively for personal use and consumption, subject to
1040 all laws pertaining to the illegal sale and possession of
1041 alcoholic beverages. The department, following review of the
1042 statement provided by the applicant and the requirements of the
1043 applicable statutes and regulations, may issue the permit.

1044 Class 2. A temporary permit, not to exceed seventy (70)
1045 days, may be issued to prospective permittees seeking to transfer
1046 a permit authorized in paragraph (c) of this subsection. A Class
1047 2 permit may be issued only to applicants demonstrating to the
1048 department, by a statement signed under the penalty of perjury,
1049 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1050 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1051 67-1-59. The department, following a preliminary review of the
1052 statement provided by the applicant and the requirements of the
1053 applicable statutes and regulations, may issue the permit.

1054 Class 2 temporary permittees must purchase their alcoholic
1055 beverages directly from the department or, with approval of the



1056 department, purchase the remaining stock of the previous
1057 permittee. If the proposed applicant of a Class 1 or Class 2
1058 temporary permit falsifies information contained in the
1059 application or statement, the applicant shall never again be
1060 eligible for a retail alcohol beverage permit and shall be subject
1061 to prosecution for perjury.

1062 Class 3. A temporary one-day permit may be issued to a
1063 retail establishment authorizing the complimentary distribution of
1064 wine, including native wine, to patrons of the retail
1065 establishment at an open house or promotional event, for
1066 consumption only on the premises described in the temporary
1067 permit. A Class 3 permit may be issued only to an applicant
1068 demonstrating to the department, by a statement signed under
1069 penalty of perjury submitted ten (10) days before the proposed
1070 date or such other time as the department may determine, that it
1071 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1072 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1073 A Class 3 permit holder shall obtain all alcoholic beverages from
1074 the holder(s) of a package retailer's permit located in the county
1075 in which the temporary permit is issued. Wine remaining in stock
1076 upon expiration of the temporary permit may be returned by the
1077 Class 3 temporary permit holder to the package retailer for a
1078 refund of the purchase price, with consent of the package
1079 retailer, or may be kept by the Class 3 temporary permit holder
1080 exclusively for personal use and consumption, subject to all laws



1081 pertaining to the illegal sale and possession of alcoholic
1082 beverages. The department, following review of the statement
1083 provided by the applicant and the requirements of the applicable
1084 statutes and regulations, may issue the permit. No retailer may
1085 receive more than twelve (12) Class 3 temporary permits in a
1086 calendar year. A Class 3 temporary permit shall not be issued to
1087 a retail establishment that either holds a merchant permit issued
1088 under paragraph (1) of this subsection, or holds a permit issued
1089 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1090 the holder to engage in the business of a retailer of light wine
1091 or beer.

1092 (g) **Caterer's permit.** A caterer's permit shall permit
1093 the purchase of alcoholic beverages by a person engaging in
1094 business as a caterer and the resale of alcoholic beverages by
1095 such person in conjunction with such catering business. No person
1096 shall qualify as a caterer unless forty percent (40%) or more of
1097 the revenue derived from such catering business shall be from the
1098 serving of prepared food and not from the sale of alcoholic
1099 beverages and unless such person has obtained a permit for such
1100 business from the Department of Health. A caterer's permit shall
1101 not authorize the sale of alcoholic beverages on the premises of
1102 the person engaging in business as a caterer; however, the holder
1103 of an on-premises retailer's permit may hold a caterer's permit.
1104 When the holder of an on-premises retailer's permit or an
1105 affiliated entity of the holder also holds a caterer's permit, the



1106 caterer's permit shall not authorize the service of alcoholic
1107 beverages on a consistent, recurring basis at a separate, fixed
1108 location owned or operated by the caterer, on-premises retailer or
1109 affiliated entity and an on-premises retailer's permit shall be
1110 required for the separate location. All sales of alcoholic
1111 beverages by holders of a caterer's permit shall be made at the
1112 location being catered by the caterer, and, except as otherwise
1113 provided in subsection (5) of this section, such sales may be made
1114 only for consumption at the catered location. The location being
1115 catered may be anywhere within a county or judicial district that
1116 has voted to come out from under the dry laws or in which the sale
1117 and distribution of alcoholic beverages is otherwise authorized by
1118 law. Such sales shall be made pursuant to any other conditions
1119 and restrictions which apply to sales made by on-premises retail
1120 permittees. The holder of a caterer's permit or his employees
1121 shall remain at the catered location as long as alcoholic
1122 beverages are being sold pursuant to the permit issued under this
1123 paragraph (g), and the permittee shall have at the location the
1124 identification card issued by the Alcoholic Beverage Control
1125 Division of the department. No unsold alcoholic beverages may be
1126 left at the catered location by the permittee upon the conclusion
1127 of his business at that location. Appropriate law enforcement
1128 officers and Alcoholic Beverage Control Division personnel may
1129 enter a catered location on private property in order to enforce
1130 laws governing the sale or serving of alcoholic beverages.



1131 (h) **Research permit.** A research permit shall authorize
1132 the holder thereof to operate a research facility for the
1133 professional research of alcoholic beverages. Such permit shall
1134 authorize the holder of the permit to import and purchase limited
1135 amounts of alcoholic beverages from the department or from
1136 importers, wineries and distillers of alcoholic beverages for
1137 professional research.

1138 (i) **Alcohol processing permit.** An alcohol processing
1139 permit shall authorize the holder thereof to purchase, transport
1140 and possess alcoholic beverages for the exclusive use in cooking,
1141 processing or manufacturing products which contain alcoholic
1142 beverages as an integral ingredient. An alcohol processing permit
1143 shall not authorize the sale of alcoholic beverages on the
1144 premises of the person engaging in the business of cooking,
1145 processing or manufacturing products which contain alcoholic
1146 beverages. The amounts of alcoholic beverages allowed under an
1147 alcohol processing permit shall be set by the department.

1148 (j) **Hospitality cart permit.** A hospitality cart permit
1149 shall authorize the sale of alcoholic beverages from a mobile cart
1150 on a golf course that is the holder of an on-premises retailer's
1151 permit. The alcoholic beverages sold from the cart must be
1152 consumed within the boundaries of the golf course.

1153 (k) **Special service permit.** A special service permit
1154 shall authorize the holder to sell commercially sealed alcoholic
1155 beverages to the operator of a commercial or private aircraft for



1156 en route consumption only by passengers. A special service permit
1157 shall be issued only to a fixed-base operator who contracts with
1158 an airport facility to provide fueling and other associated
1159 services to commercial and private aircraft.

1160 (1) **Merchant permit.** Except as otherwise provided in
1161 subsection (5) of this section, a merchant permit shall be issued
1162 only to the owner of a spa facility, an art studio or gallery, or
1163 a cooking school, and shall authorize the holder to serve
1164 complimentary by the glass wine only, including native wine, at
1165 the holder's spa facility, art studio or gallery, or cooking
1166 school. A merchant permit holder shall obtain all wine from the
1167 holder of a package retailer's permit.

1168 (m) **Temporary alcoholic beverages charitable auction**
1169 **permit.** A temporary permit, not to exceed five (5) days, may be
1170 issued to a qualifying charitable nonprofit organization that is
1171 exempt from taxation under Section 501(c)(3) or (4) of the
1172 Internal Revenue Code of 1986. The permit shall authorize the
1173 holder to sell alcoholic beverages for the limited purpose of
1174 raising funds for the organization during a live or silent auction
1175 that is conducted by the organization and that meets the following
1176 requirements: (i) the auction is conducted in an area of the
1177 state where the sale of alcoholic beverages is authorized; (ii) if
1178 the auction is conducted on the premises of an on-premises
1179 retailer's permit holder, then the alcoholic beverages to be
1180 auctioned must be stored separately from the alcoholic beverages



1181 sold, stored or served on the premises, must be removed from the
1182 premises immediately following the auction, and may not be
1183 consumed on the premises; (iii) the permit holder may not conduct
1184 more than two (2) auctions during a calendar year; (iv) the permit
1185 holder may not pay a commission or promotional fee to any person
1186 to arrange or conduct the auction.

1187 (n) **Event venue retailer's permit.** An event venue
1188 retailer's permit shall authorize the holder thereof to purchase
1189 and resell alcoholic beverages, including native wines and native
1190 spirits, for consumption on the premises during legal hours during
1191 events held on the licensed premises if food is being served at
1192 the event by a caterer who is not affiliated with or related to
1193 the permittee. The caterer must serve at least three (3) entrees.
1194 The permit may only be issued for venues that can accommodate two
1195 hundred (200) persons or more. The number of persons a venue may
1196 accommodate shall be determined by the local fire department and
1197 such determination shall be provided in writing and submitted
1198 along with all other documents required to be provided for an
1199 on-premises retailer's permit. The permittee must derive the
1200 majority of its revenue from event-related fees, including, but
1201 not limited to, admission fees or ticket sales for live
1202 entertainment in the building. "Event-related fees" do not
1203 include alcohol, beer or light wine sales or any fee which may be
1204 construed to cover the cost of alcohol, beer or light wine. This



1205 determination shall be made on a per event basis. An event may
1206 not last longer than two (2) consecutive days per week.

1207 (o) **Temporary theatre permit.** A temporary theatre
1208 permit, not to exceed five (5) days, may be issued to a charitable
1209 nonprofit organization that is exempt from taxation under Section
1210 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
1211 a theatre facility that features plays and other theatrical
1212 performances and productions. Except as otherwise provided in
1213 subsection (5) of this section, the permit shall authorize the
1214 holder to sell alcoholic beverages, including native wines and
1215 native spirits, to patrons of the theatre during performances and
1216 productions at the theatre facility for consumption during such
1217 performances and productions on the premises of the facility
1218 described in the permit. A temporary theatre permit holder shall
1219 obtain all alcoholic beverages from package retailers located in
1220 the county in which the permit is issued. Alcoholic beverages
1221 remaining in stock upon expiration of the temporary theatre permit
1222 may be returned by the permittee to the package retailer for a
1223 refund of the purchase price upon consent of the package retailer
1224 or may be kept by the permittee exclusively for personal use and
1225 consumption, subject to all laws pertaining to the illegal sale
1226 and possession of alcoholic beverages.

1227 (p) **Charter ship operator's permit.** Subject to the
1228 provisions of this paragraph (p), a charter ship operator's permit
1229 shall authorize the holder thereof and its employees to serve,



1230 monitor, store and otherwise control the serving and availability
1231 of alcoholic beverages to customers of the permit holder during
1232 private charters under contract provided by the permit holder. A
1233 charter ship operator's permit shall authorize such action by the
1234 permit holder and its employees only as to alcoholic beverages
1235 brought onto the permit holder's ship by customers of the permit
1236 holder as part of such a private charter. All such alcoholic
1237 beverages must be removed from the charter ship at the conclusion
1238 of each private charter. A charter ship operator's permit shall
1239 not authorize the permit holder to sell, charge for or otherwise
1240 supply alcoholic beverages to customers, except as authorized in
1241 this paragraph (p). For the purposes of this paragraph (p),
1242 "charter ship operator" means a common carrier that (i) is
1243 certified to carry at least one hundred fifty (150) passengers
1244 and/or provide overnight accommodations for at least fifty (50)
1245 passengers, (ii) operates only in the waters within the State of
1246 Mississippi, which lie adjacent to the State of Mississippi south
1247 of the three (3) most southern counties in the State of
1248 Mississippi, and (iii) provides charters under contract for tours
1249 and trips in such waters.

1250 (q) **Distillery retailer's permit.** The holder of a
1251 Class 1 manufacturer's permit may obtain a distillery retailer's
1252 permit. A distillery retailer's permit shall authorize the holder
1253 thereof to sell at retail alcoholic beverages to consumers for
1254 on-premises consumption, or to consumers by the sealed and



1255 unopened bottle from a retail location at the distillery for
1256 off-premises consumption. The holder may only sell product
1257 manufactured by the manufacturer at the distillery described in
1258 the permit. However, when selling to consumers for on-premises
1259 consumption, a holder of a distillery retailer's permit may add
1260 other beverages, alcoholic or not, so long as the total volume of
1261 other beverage components containing alcohol does not exceed
1262 twenty percent (20%). Hours of sale shall be the same as those
1263 authorized for on-premises permittees in the city or county in
1264 which the distillery retailer is located.

1265 The holder shall not sell at retail more than ten percent
1266 (10%) of the alcoholic beverages produced annually at its
1267 distillery. The holder shall not make retail sales of more than
1268 two and twenty-five one-hundredths (2.25) liters, in the
1269 aggregate, of the alcoholic beverages produced at its distillery
1270 to any one (1) individual for consumption off the premises of the
1271 distillery within a twenty-four-hour period. The hours of sale
1272 shall be the same as those hours for package retailers under this
1273 article. The holder of a distillery retailer's permit is not
1274 required to purchase the alcoholic beverages authorized to be sold
1275 by this paragraph from the department's liquor distribution
1276 warehouse; however, if the holder does not purchase the alcoholic
1277 beverages from the department's liquor distribution warehouse, the
1278 holder shall pay to the department all taxes, fees and surcharges
1279 on the alcoholic beverages that are imposed upon the sale of



1280 alcoholic beverages shipped by the department or its warehouse
1281 operator. In addition to alcoholic beverages, the holder of a
1282 distillery retailer's permit may sell at retail promotional
1283 products from the same retail location, including shirts, hats,
1284 glasses, and other promotional products customarily sold by
1285 alcoholic beverage manufacturers.

1286 (r) **Festival Wine Permit.** Any wine manufacturer or
1287 native wine producer permitted by Mississippi or any other state
1288 is eligible to obtain a Festival Wine Permit. This permit
1289 authorizes the entity to transport product manufactured by it to
1290 festivals held within the State of Mississippi and sell sealed,
1291 unopened bottles to festival participants. The holder of this
1292 permit may provide samples at no charge to participants.
1293 "Festival" means any event at which three (3) or more vendors are
1294 present at a location for the sale or distribution of goods. The
1295 holder of a Festival Wine Permit is not required to purchase the
1296 alcoholic beverages authorized to be sold by this paragraph from
1297 the department's liquor distribution warehouse. However, if the
1298 holder does not purchase the alcoholic beverages from the
1299 department's liquor distribution warehouse, the holder of this
1300 permit shall pay to the department all taxes, fees and surcharges
1301 on the alcoholic beverages sold at such festivals that are imposed
1302 upon the sale of alcoholic beverages shipped by the Alcoholic
1303 Beverage Control Division of the Department of Revenue.
1304 Additionally, the entity shall file all applicable reports and



1305 returns as prescribed by the department. This permit is issued
1306 per festival and provides authority to sell for two (2)
1307 consecutive days during the hours authorized for on-premises
1308 permittees' sales in that county or city. The holder of the
1309 permit shall be required to maintain all requirements set by Local
1310 Option Law for the service and sale of alcoholic beverages. This
1311 permit may be issued to entities participating in festivals at
1312 which a Class 1 temporary permit is in effect.

1313 This paragraph (r) shall stand repealed from and after July
1314 1, 2026.

1315 (s) **Charter vessel operator's permit.** Subject to the
1316 provisions of this paragraph (s), a charter vessel operator's
1317 permit shall authorize the holder thereof and its employees to
1318 sell and serve alcoholic beverages to passengers of the permit
1319 holder during public tours, historical tours, ecological tours and
1320 sunset cruises provided by the permit holder. The permit shall
1321 authorize the holder to only sell alcoholic beverages, including
1322 native wines, to passengers of the charter vessel operator during
1323 public tours, historical tours, ecological tours and sunset
1324 cruises provided by the permit holder aboard the charter vessel
1325 operator for consumption during such tours and cruises on the
1326 premises of the charter vessel operator described in the permit.
1327 For the purposes of this paragraph (s), "charter vessel operator"
1328 means a common carrier that (i) is certified to carry at least
1329 forty-nine (49) passengers, (ii) operates only in the waters



1330 within the State of Mississippi, which lie south of Interstate 10
1331 in the three (3) most southern counties in the State of
1332 Mississippi, and lie adjacent to the State of Mississippi south of
1333 the three (3) most southern counties in the State of Mississippi,
1334 extending not further than one (1) mile south of such counties,
1335 and (iii) provides vessel services for tours and cruises in such
1336 waters as provided in this paragraph(s).

1337 (t) **Native spirit retailer's permit.** Except as
1338 otherwise provided in subsection (5) of this section, a native
1339 spirit retailer's permit shall be issued only to a holder of a
1340 Class 4 manufacturer's permit, and shall authorize the holder
1341 thereof to make retail sales of native spirits to consumers for
1342 on-premises consumption or to consumers in originally sealed and
1343 unopened containers at an establishment located on the premises of
1344 or in the immediate vicinity of a native distillery. When selling
1345 to consumers for on-premises consumption, a holder of a native
1346 spirit retailer's permit may add to the native spirit alcoholic
1347 beverages not produced on the premises, so long as the total
1348 volume of foreign beverage components does not exceed twenty
1349 percent (20%) of the mixed beverage. Hours of sale shall be the
1350 same as those authorized for on-premises permittees in the city or
1351 county in which the native spirit retailer is located.

1352 (u) **Delivery service permit.** Any individual, limited
1353 liability company, corporation or partnership registered to do
1354 business in this state is eligible to obtain a delivery service



1355 permit. Subject to the provisions of Section 67-1-51.1, this
1356 permit authorizes the permittee, or its employee or an independent
1357 contractor acting on its behalf, to deliver alcoholic beverages,
1358 beer, light wine and light spirit product from a licensed retailer
1359 to a person in this state who is at least twenty-one (21) years of
1360 age for the individual's use and not for resale. This permit does
1361 not authorize the delivery of alcoholic beverages, beer, light
1362 wine or light spirit product to the premises of a location with a
1363 permit for the manufacture, distribution or retail sale of
1364 alcoholic beverages, beer, light wine or light spirit product.
1365 The holder of a package retailer's permit or an on-premises
1366 retailer's permit under Section 67-1-51 or of a beer, light wine
1367 and light spirit product permit under Section 67-3-19 is
1368 authorized to apply for a delivery service permit as a privilege
1369 separate from its existing retail permit.

1370 (v) **Food truck permit.** A food truck permit shall
1371 authorize the holder of an on-premises retailer's permit to use a
1372 food truck to sell alcoholic beverages off its premises to guests
1373 who must consume the beverages in open containers. For the
1374 purposes of this paragraph (v), "food truck" means a fully encased
1375 food service establishment on a motor vehicle or on a trailer that
1376 a motor vehicle pulls to transport, and from which a vendor,
1377 standing within the frame of the establishment, prepares, cooks,
1378 sells and serves food for immediate human consumption. The term
1379 "food truck" does not include a food cart that is not motorized.



1380 Food trucks shall maintain such distance requirements from
1381 schools, churches, kindergartens and funeral homes as are required
1382 for on-premises retailer's permittees under this article, and all
1383 sales must be made within a valid leisure and recreation district
1384 established under Section 67-1-101. Food trucks cannot sell or
1385 serve alcoholic beverages unless also offering food prepared and
1386 cooked within the food truck, and permittees must maintain a
1387 twenty-five percent (25%) food sale revenue requirement based on
1388 the food sold from the food truck alone. The hours allowed for
1389 sale shall be the same as those for on-premises retailer's
1390 permittees in the location. This permit will not be required for
1391 the holder of a caterer's permit issued under this article to
1392 cater an event as allowed by law. Permittees must provide notice
1393 of not less than forty-eight (48) hours to the department of each
1394 location at which alcoholic beverages will be sold.

1395 (w) **On-premises tobacco permit.** An on-premises tobacco
1396 permit shall authorize the permittee to sell alcoholic beverages
1397 for consumption on the licensed premises. In addition to all
1398 other requirements to obtain an alcoholic beverage permit, the
1399 permittee must obtain and maintain a tobacco permit issued by the
1400 State of Mississippi, and have a capital investment of not less
1401 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
1402 for which the permit is issued. In addition to alcoholic
1403 beverages, the permittee is authorized to sell only cigars,
1404 cheroots, tobacco pipes, pipe tobacco, and/or stogies.



1405 Additionally, seventy-five percent (75%) of the permittee's annual
1406 gross revenue must be derived from the sale of cigars, cheroots,
1407 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
1408 be required, but food may be sold on the premises. The issuance
1409 of this permit does not remove any obligation a permittee may have
1410 to follow local ordinances or actions prohibiting the use of
1411 tobacco products.

1412 (x) **Direct shipper's permit.** A direct shipper's permit
1413 shall authorize the holder to sell and ship wine and/or distilled
1414 spirits directly to residents in this state in accordance with the
1415 provisions of Sections 1 through 12 of this act, without being
1416 required to transact the sale and shipment of those wines and/or
1417 distilled spirits through the Alcoholic Beverage Control Division
1418 of the department.

1419 (y) **Wine and Distilled Spirits Fulfillment Provider**
1420 **Permit.** A wine and distilled spirits fulfillment provider permit
1421 shall authorize the holder to only provide logistics services of
1422 warehousing, packaging, order fulfillment, and shipment of wine
1423 and/or distilled spirits for a direct shipper permittee for which
1424 the wine and distilled spirits fulfillment provider permittee is
1425 the bailee of the wine and/or distilled spirits under Sections 1
1426 through 12 of this act. Wine and/or distilled spirits held in
1427 bailment by a wine and distilled spirits fulfillment provider
1428 permittee shall remain the property of the direct shipper



1429 permittee until loaded on conveyance for direct shipment to a
1430 Mississippi resident.

1431 (2) Except as otherwise provided in subsection (4) of this
1432 section, retail permittees may hold more than one (1) retail
1433 permit, at the discretion of the department.

1434 (3) (a) Except as otherwise provided in this subsection, no
1435 authority shall be granted to any person to manufacture, sell or
1436 store for sale any intoxicating liquor as specified in this
1437 article within four hundred (400) feet of any church, school
1438 (excluding any community college, junior college, college or
1439 university), kindergarten or funeral home. However, within an
1440 area zoned commercial or business, such minimum distance shall be
1441 not less than one hundred (100) feet.

1442 (b) A church or funeral home may waive the distance
1443 restrictions imposed in this subsection in favor of allowing
1444 issuance by the department of a permit, pursuant to subsection (1)
1445 of this section, to authorize activity relating to the
1446 manufacturing, sale or storage of alcoholic beverages which would
1447 otherwise be prohibited under the minimum distance criterion.
1448 Such waiver shall be in written form from the owner, the governing
1449 body, or the appropriate officer of the church or funeral home
1450 having the authority to execute such a waiver, and the waiver
1451 shall be filed with and verified by the department before becoming
1452 effective.



1453 (c) The distance restrictions imposed in this
1454 subsection shall not apply to the sale or storage of alcoholic
1455 beverages at a bed and breakfast inn listed in the National
1456 Register of Historic Places or to the sale or storage of alcoholic
1457 beverages in a historic district that is listed in the National
1458 Register of Historic Places, is a qualified resort area and is
1459 located in a municipality having a population greater than one
1460 hundred thousand (100,000) according to the latest federal
1461 decennial census.

1462 (d) The distance restrictions imposed in this
1463 subsection shall not apply to the sale or storage of alcoholic
1464 beverages at a qualified resort area as defined in Section
1465 67-1-5(o)(iii)32.

1466 (e) The distance restrictions imposed in this
1467 subsection shall not apply to the sale or storage of alcoholic
1468 beverages at a licensed premises in a building formerly owned by a
1469 municipality and formerly leased by the municipality to a
1470 municipal school district and used by the municipal school
1471 district as a district bus shop facility.

1472 (f) The distance restrictions imposed in this
1473 subsection shall not apply to the sale or storage of alcoholic
1474 beverages at a licensed premises in a building consisting of at
1475 least five thousand (5,000) square feet and located approximately
1476 six hundred (600) feet from the intersection of Mississippi
1477 Highway 15 and Mississippi Highway 4.



1478 (g) The distance restrictions imposed in this
1479 subsection shall not apply to the sale or storage of alcoholic
1480 beverages at a licensed premises in a building located at or near
1481 the intersection of Ward and Tate Streets and adjacent properties
1482 in the City of Senatobia, Mississippi.

1483 (h) The distance restrictions imposed in this
1484 subsection shall not apply to the sale or storage of alcoholic
1485 beverages at a theatre facility that features plays and other
1486 theatrical performances and productions and (i) is capable of
1487 seating more than seven hundred fifty (750) people, (ii) is owned
1488 by a municipality which has a population greater than ten thousand
1489 (10,000) according to the latest federal decennial census, (iii)
1490 was constructed prior to 1930, (iv) is on the National Register of
1491 Historic Places, and (v) is located in a historic district.

1492 (i) The distance restrictions imposed in this
1493 subsection shall not apply to the sale or storage of alcoholic
1494 beverages at a licensed premises in a building located
1495 approximately one and six-tenths (1.6) miles north of the
1496 intersection of Mississippi Highway 15 and Mississippi Highway 4
1497 on the west side of Mississippi Highway 15.

1498 (4) No person, either individually or as a member of a firm,
1499 partnership, limited liability company or association, or as a
1500 stockholder, officer or director in a corporation, shall own or
1501 control any interest in more than one (1) package retailer's
1502 permit, nor shall such person's spouse, if living in the same



1503 household of such person, any relative of such person, if living
1504 in the same household of such person, or any other person living
1505 in the same household with such person own any interest in any
1506 other package retailer's permit; however, in the case of a person
1507 holding a package retailer's permit issued before July 1, 2024,
1508 such a person may own one (1) additional package retailer's permit
1509 if the additional permit is issued for a premises with a minimum
1510 capital investment of Twenty Million Dollars (\$20,000,000.00) that
1511 is part of a major retail development project and located in one
1512 (1) of the three (3) most southern counties in the State of
1513 Mississippi, and not within one hundred (100) miles of another
1514 location in the State of Mississippi, for which the permittee
1515 holds such a permit.

1516 (5) (a) In addition to any other authority granted under
1517 this section, the holder of a permit issued under subsection
1518 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1519 sell or otherwise provide alcoholic beverages and/or wine to a
1520 patron of the permit holder in the manner authorized in the permit
1521 and the patron may remove an open glass, cup or other container of
1522 the alcoholic beverage and/or wine from the licensed premises and
1523 may possess and consume the alcoholic beverage or wine outside of
1524 the licensed premises if: (i) the licensed premises is located
1525 within a leisure and recreation district created under Section
1526 67-1-101 and (ii) the patron remains within the boundaries of the



1527 leisure and recreation district while in possession of the
1528 alcoholic beverage or wine.

1529 (b) Nothing in this subsection shall be construed to
1530 allow a person to bring any alcoholic beverages into a permitted
1531 premises except to the extent otherwise authorized by this
1532 article.

1533 **SECTION 20.** Section 67-1-53, Mississippi Code of 1972, is
1534 amended as follows:

1535 67-1-53. (1) Application for permits shall be in such form
1536 and shall contain such information as shall be required by the
1537 regulations of the * * * department; however, no regulation of
1538 the * * * department shall require personal financial information
1539 from any officer of a corporation applying for an on-premises
1540 retailer's permit to sell alcoholic beverages unless such officer
1541 owns ten percent (10%) or more of the stock of such corporation.

1542 (2) Every applicant for each type of permit authorized by
1543 Section 67-1-51 shall give notice of such application by
1544 publication for two (2) consecutive issues in a newspaper of
1545 general circulation published in the city or town in which
1546 applicant's place of business is located. However, in instances
1547 where no newspaper is published in the city or town, then the
1548 notice shall be published in a newspaper of general circulation
1549 published in the county where the applicant's business is located.
1550 If no newspaper is published in the county, the notice shall be
1551 published in a qualified newspaper which is published in the



1552 closest neighboring county and circulated in the county of
1553 applicant's residence. The notice shall be printed in ten-point
1554 black face type and shall set forth the type of permit to be
1555 applied for, the exact location of the place of business, the name
1556 of the owner or owners thereof, and if operating under an assumed
1557 name, the trade name together with the names of all owners, and if
1558 a corporation, the names and titles of all officers. The cost of
1559 such notice shall be borne by the applicant. The provisions of
1560 this subsection (2) shall not apply to applicants for a direct
1561 shipper's permit under Sections 1 through 12 of this act.

1562 (3) Each application or filing made under this section shall
1563 include the social security number(s) of the applicant in
1564 accordance with Section 93-11-64, Mississippi Code of 1972.

1565 **SECTION 21.** Section 67-1-55, Mississippi Code of 1972, is
1566 amended as follows:

1567 67-1-55. No permit of any type shall be issued by the * * *
1568 department until the applicant has first filed with the * * *
1569 department a sworn statement disclosing all persons who are
1570 financially involved in the operation of the business for which
1571 the permit is sought. If an applicant is an individual, he will
1572 swear that he owns one hundred percent (100%) of the business for
1573 which he is seeking a permit. If the applicant is a partnership,
1574 all partners and their addresses shall be disclosed and the extent
1575 of their interest in the partnership shall be disclosed. If the
1576 applicant is a corporation, the total stock in the corporation



1577 shall be disclosed and each shareholder and his address and the
1578 amount of stock in the corporation owned by him shall be
1579 disclosed. If the applicant is a limited liability company, each
1580 member and their addresses shall be disclosed and the extent of
1581 their interest in the limited liability company shall be
1582 disclosed. If the applicant is a trust, the trustee and all
1583 beneficiaries and their addresses shall be disclosed. If the
1584 applicant is a combination of any of the above, all information
1585 required to be disclosed above shall be required.

1586 All the disclosures shall be in writing and kept on file at
1587 the * * * department and shall be available to the public.

1588 Every applicant must, when applying for a renewal of his
1589 permit, disclose any change in the ownership of the business or
1590 any change in the beneficiaries of the income from the business.

1591 Any person who willfully fails to fully disclose the
1592 information required by this section, or who gives false
1593 information, shall be guilty of a misdemeanor and, upon conviction
1594 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1595 (\$500.00) or imprisoned for not more than one (1) year, or both,
1596 and the person or applicant shall never again be eligible for any
1597 permit pertaining to alcoholic beverages.

1598 The provisions of this section shall not apply to applicants
1599 for a direct shipper's permit under Sections 1 through 12 of this
1600 act.



1601 **SECTION 22.** Section 67-1-57, Mississippi Code of 1972, is
1602 amended as follows:

1603 67-1-57. Before a permit is issued the department shall
1604 satisfy itself:

1605 (a) That the applicant, if an individual, or if a
1606 partnership, each of the members of the partnership, or if a
1607 corporation, each of its principal officers and directors, or if a
1608 limited liability company, each member of the limited liability
1609 company, is of good moral character and, in addition, enjoys a
1610 reputation of being a peaceable, law-abiding citizen of the
1611 community in which he resides, and is generally fit for the trust
1612 to be reposed in him, is not less than twenty-one (21) years of
1613 age, and has not been convicted of a felony in any state or
1614 federal court.

1615 (b) That, except in the case of an application for a
1616 solicitor's permit, the applicant is the true and actual owner of
1617 the business for which the permit is desired, and that he intends
1618 to carry on the business authorized for himself and not as the
1619 agent of any other person, and that he intends to superintend in
1620 person the management of the business or that he will designate a
1621 manager to manage the business for him. Except for managers
1622 employed by the holder of a direct shipper's permit, all managers
1623 must be approved by the department prior to completing any
1624 managerial tasks on behalf of the permittee and must possess all
1625 of the qualifications required of a permittee; however, a felony



conviction, other than a crime of violence, does not automatically disqualify a person from being approved as a manager if the person was released from incarceration at least three (3) years prior to application for approval as a manager. A felony conviction, other than a crime of violence, may be considered by the department in determining whether all other qualifications are met.

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

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

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

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



1651 (g) That the applicant is not in the habit of using
1652 alcoholic beverages to excess and is not physically or mentally
1653 incapacitated, and that the applicant has the ability to read and
1654 write the English language.

1655 (h) That the * * * department does not believe and has
1656 no reason to believe that the applicant will sell or knowingly
1657 permit any agent, servant or employee to unlawfully sell liquor in
1658 a dry area or in any other manner contrary to law.

1659 (i) That the applicant is not residentially domiciled
1660 with any person whose permit or license has been cancelled for
1661 cause within the twelve (12) months next preceding the date of the
1662 present application for a permit.

1663 (j) That the * * * department has not, in the exercise
1664 of its discretion which is reserved and preserved to it, refused
1665 to grant permits under the restrictions of this section, as well
1666 as under any other pertinent provision of this article.

1667 (k) That there are not sufficient legal reasons to deny
1668 a permit on the ground that the premises for which the permit is
1669 sought has previously been operated, used or frequented for any
1670 purpose or in any manner that is lewd, immoral or offensive to
1671 public decency. In the granting or withholding of any permit to
1672 sell alcoholic beverages at retail, the * * * department in
1673 forming its conclusions may give consideration to any
1674 recommendations made in writing by the district or county attorney
1675 or county, circuit or chancery judge of the county, or the sheriff



1676 of the county, or the mayor or chief of police of an incorporated
1677 city or town wherein the applicant proposes to conduct his
1678 business and to any recommendations made by representatives of
1679 the * * * department.

1680 (1) That the applicant and the applicant's key
1681 employees, as determined by the * * * department, do not have a
1682 disqualifying criminal record. In order to obtain a criminal
1683 record history check, the applicant shall submit to the commission
1684 a set of fingerprints from any local law enforcement agency for
1685 each person for whom the records check is required. The * * *
1686 department shall forward the fingerprints to the Mississippi
1687 Department of Public Safety. If no disqualifying record is
1688 identified at the state level, the Department of Public Safety
1689 shall forward the fingerprints to the Federal Bureau of
1690 Investigation for a national criminal history record check. Costs
1691 for processing the set or sets of fingerprints shall be borne by
1692 the applicant. The department may waive the fingerprint
1693 requirement in the case of an applicant for a direct shipper's
1694 permit. The * * * department shall not deny employment to an
1695 employee of the applicant prior to the identification of a
1696 disqualifying record or other disqualifying information.

1697 **SECTION 23.** Section 67-1-73, Mississippi Code of 1972, is
1698 amended as follows:

1699 67-1-73. (1) Except as otherwise provided in subsection (3)
1700 of this section, every manufacturer, including native wine or



1701 native spirit producers, within or without the state, and every
1702 other shipper of alcoholic beverages who sells any alcoholic
1703 beverage, including native wine or native spirit, within the
1704 state, shall, at the time of making such sale, file with the
1705 department a copy of the invoice of such sale showing in detail
1706 the kind of alcoholic beverage sold, the quantities of each, the
1707 size of the container and the weight of the contents, the
1708 alcoholic content, and the name and address of the person to whom
1709 sold.

1710 (2) Except as otherwise provided in subsection (3) of this
1711 section, every person transporting alcoholic beverages, including
1712 native wine or native spirit, within this state to a point within
1713 this state, whether such transportation originates within or
1714 without this state, shall, within five (5) days after delivery of
1715 such shipment, furnish the department a copy of the bill of lading
1716 or receipt, showing the name or consignor or consignee, date,
1717 place received, destination, and quantity of alcoholic beverages
1718 delivered. Upon failure to comply with the provisions of this
1719 section, such person shall be deemed guilty of a misdemeanor and,
1720 upon conviction thereof, shall be fined in the sum of Fifty
1721 Dollars (\$50.00) for each offense.

1722 (3) Information regarding the sales, shipment, delivery and
1723 transportation of wine and/or distilled spirits in this state by
1724 the holder of a direct shipper's permit under Sections 1 through



1725 12 of this act shall be in such form and content as prescribed by
1726 the department.

1727 **SECTION 24.** Section 97-31-47, Mississippi Code of 1972, is
1728 amended as follows:

1729 97-31-47. It shall be unlawful for any transportation
1730 company, or any agent, employee, or officer of such company, or
1731 any other person, or corporation to transport into or deliver in
1732 this state in any manner or by any means any spirituous, vinous,
1733 malt, or other intoxicating liquors or drinks, or for any such
1734 person, company, or corporation to transport any spirituous, malt,
1735 vinous, or intoxicating liquors or drinks from one place within
1736 this state to another place within the state, or from one (1)
1737 point within this state to any point without the state, except in
1738 cases where this chapter * * *, Section 67-9-1, or Sections 1
1739 through 12 of this act authorizes the transportation.

1740 **SECTION 25.** Section 97-31-49, Mississippi Code of 1972, is
1741 amended as follows:

1742 97-31-49. Except as otherwise provided in Sections 1 through
1743 12 of this act, it shall be unlawful for any person, firm or
1744 corporation in this state, in person, by letter, circular, or
1745 other printed or written matter, or in any other manner, to
1746 solicit or take order in this state for any liquors, bitters or
1747 drinks prohibited by the laws of this state to be sold, bartered,
1748 or otherwise disposed of. The inhibition of this section shall
1749 apply to such liquors, bitters and drinks, whether the parties



1750 intend that the same shall be shipped into this state from outside
1751 of the state, or from one (1) point in this state to another point
1752 in this state. If such order be in writing, parol evidence
1753 thereof is admissible without producing or accounting for the
1754 absence of the original; and the taking or soliciting of such
1755 orders is within the inhibition of this section, although the
1756 orders are subject to approval by some other person, and no part
1757 of the price is paid, nor any part of the goods is delivered when
1758 the order is taken.

1759 **SECTION 26.** This act shall take effect and be in force from
1760 and after July 1, 2025.

