

By: Representative Shanks

To: Public Health and Human
Services

HOUSE BILL NO. 1315

1 AN ACT TO AMEND SECTION 43-63-7, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE PERIOD OF OPERATION OF THE MISSISSIPPI DEMENTIA CARE
3 PILOT PROGRAM WITHIN THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES;
4 TO BRING FORWARD SECTIONS 27-71-5, 27-71-7, 27-71-15, 27-71-29,
5 67-1-41, 67-1-45, 67-1-51, 67-1-53, 67-1-55, 67-1-57, 67-1-73,
6 97-31-47, 97-31-49, MISSISSIPPI CODE OF 1972, WHICH RELATE TO
7 ALCOHOLIC BEVERAGES, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND
8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 43-63-7, Mississippi Code of 1972, is
11 amended as follows:

12 43-63-7. (1) Subject to the appropriation of federal funds
13 for that purpose, there is established within the Department of
14 Human Services a pilot program known as the "Mississippi Dementia
15 Care Program" for the purpose of providing respite care services
16 to informal caregivers of persons with Alzheimer's disease or
17 related dementia. The pilot program shall use existing respite
18 care services infrastructure and selected fiscal agents to carry
19 out the operations of the program. The State Department of Mental
20 Health, the State Department of Health and the University of
21 Mississippi Medical Center shall cooperate with and provide



22 assistance to the Department of Human Services in the
23 establishment and operation of the program and in seeking to
24 obtain federal funds for the program.

25 (2) The Mississippi Dementia Care Program shall:

26 (a) Be operated for a period of * * * six (6)
27 consecutive years beginning on July 1, 2022, and continuing
28 through July 1, * * * 2028;

29 (b) Begin enrolling participating individuals
30 immediately upon the beginning of the program; and

31 (c) Actively serve not more than sixty (60) enrollees
32 for the first year of operation, and maintain this number of
33 enrollees for * * * each subsequent year of operation.

34 (3) To receive assistance from the Mississippi Dementia Care
35 program, the family unit must be assessed according to the
36 guidelines developed by the department to determine the need for
37 respite care services. This assessment must determine, at a
38 minimum, that:

39 (a) The family unit is unable to pay for respite care
40 without jeopardizing other basic needs, including, but not limited
41 to, food, shelter and medications; and

42 (b) The homebound person with Alzheimer's disease or
43 related dementia for whom the family unit is caring is sixty (60)
44 years of age or older, requires assistance to remain in the home,
45 and, without this assistance, would need to move to an assisted
46 living facility or a nursing facility.



(4) The Department of Human Services shall promulgate rules and regulations to effectuate the purposes of this chapter.

(5) The executive director of the department shall submit a report to the Legislature on or before January 1, 2023, and on or before January 1st of each year thereafter until the end of the pilot program period. The report shall include, but is not limited to, the following information:

(a) Total spent on program funding;

(b) The amount of administrative costs to operate the program;

(c) The number of individuals and informal caregivers served by the program;

(d) The income ranges of the individuals and informal caregivers participating in this program; and

(e) The efficacy of the assistance program.

(6) This section does not create an entitlement to respite care services through the provisions of this program, and the services provided and the number of individuals served are subject to appropriations of federal funds for that purpose.

SECTION 2. Section 27-71-5, Mississippi Code of 1972, is brought forward as follows:

27-71-5. (1) Upon each person approved for a permit under the provisions of the Alcoholic Beverage Control Law and amendments thereto, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the



72 business authorized by such permit, an annual privilege license
73 tax in the amount provided in the following schedule:

74 (a) Except as otherwise provided in this subsection
75 (1), manufacturer's permit, Class 1, distiller's and/or
76 rectifier's:

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

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

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

83 (c) Manufacturer's permit, Class 3, native wine
84 manufacturer per ten thousand (10,000) gallons or part thereof
85 produced.....\$ 10.00

86 (d) Manufacturer's permit, Class 4, native spirit
87 manufacturer per one thousand (1,000) gallons or part thereof
88 produced.....\$ 300.00

89 (e) Native wine retailer's permit.....\$ 50.00

90 (f) Package retailer's permit, each.....\$ 900.00

91 (g) On-premises retailer's permit, except for clubs and
92 common carriers, each.....\$ 450.00

93 (h) On-premises retailer's permit for wine of more than
94 five percent (5%) alcohol by weight, but not more than twenty-one
95 percent (21%) alcohol by weight, each.....\$ 225.00

96 (i) On-premises retailer's permit for clubs...\$ 225.00



97 (j) On-premises retailer's permit for common carriers,
98 per car, plane, or other vehicle.....\$ 120.00

99 (k) Solicitor's permit, regardless of any other
100 provision of law, solicitor's permits shall be issued only in the
101 discretion of the department.....\$ 100.00

102 (l) Filing fee for each application except for an
103 employee identification card.....\$ 25.00

104 (m) Temporary permit, Class 1, each.....\$ 10.00

105 (n) Temporary permit, Class 2, each.....\$ 50.00

106 (o) (i) Caterer's permit.....\$ 600.00

107 (ii) Caterer's permit for holders of on-premises
108 retailer's permit.....\$ 150.00

109 (p) Research permit.....\$ 100.00

110 (q) Temporary permit, Class 3 (wine only).....\$ 10.00

111 (r) Special service permit.....\$ 225.00

112 (s) Merchant permit.....\$ 225.00

113 (t) Temporary alcoholic beverages charitable auction
114 permit.....\$ 10.00

115 (u) Event venue retailer's permit.....\$ 225.00

116 (v) Temporary theatre permit, each.....\$ 10.00

117 (w) Charter ship operator's permit.....\$ 100.00

118 (x) Distillery retailer's permit.....\$ 450.00

119 (y) Festival wine permit.....\$ 10.00

120 (z) Charter vessel operator's permit.....\$ 100.00

121 (aa) Native spirit retailer's permit.....\$ 50.00



122 (ab) Delivery service permit.....\$ 500.00
123 (ac) Food truck permit.....\$ 100.00
124 (ad) On-premises tobacco permit.....\$ 450.00

125 In addition to the filing fee imposed by paragraph (l) of
126 this subsection, a fee to be determined by the Department of
127 Revenue may be charged to defray costs incurred to process
128 applications. The additional fees shall be paid into the State
129 Treasury to the credit of a special fund account, which is hereby
130 created, and expenditures therefrom shall be made only to defray
131 the costs incurred by the Department of Revenue in processing
132 alcoholic beverage applications. Any unencumbered balance
133 remaining in the special fund account on June 30 of any fiscal
134 year shall lapse into the State General Fund.

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

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

143 (2) (a) There is imposed and shall be collected from each
144 permittee, except a common carrier, solicitor, a temporary
145 permittee or a delivery service permittee, by the department, an
146 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 county in which the licensee is located in the amount of Two Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each additional purchase of Five Thousand Dollars (\$5,000.00), or fraction thereof.

(ii) 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)(o) and (s) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Fifty Dollars (\$250.00) on purchases exceeding Five Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each additional purchase of Five Thousand Dollars (\$5,000.00), or fraction thereof.

(iii) Any person who has paid the additional privilege license tax imposed by this paragraph, and whose permit



is renewed, may add any unused fraction of Five Thousand Dollars (\$5,000.00) purchases to the first Five Thousand Dollars (\$5,000.00) purchases authorized by the renewal permit, and no additional license tax will be required until purchases exceed the sum of the two (2) figures.

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

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

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



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

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

212 **SECTION 3.** Section 27-71-7, Mississippi Code of 1972, is
213 brought forward as follows:

214 27-71-7. (1) There is hereby levied and assessed an excise
215 tax upon each case of alcoholic beverages sold by the department
216 to be collected from each retail licensee at the time of sale in
217 accordance with the following schedule:

- 218 (a) Distilled spirits.....\$2.50 per gallon
- 219 (b) Sparkling wine and champagne.....\$1.00 per gallon
- 220 (c) Other wines, including



native wines.....\$.35 per gallon

(2) (a) In addition to the tax levied by subsection (1) of this section, and in addition to any other markup collected, the Alcoholic Beverage Control Division shall collect a markup of three percent (3%) on all alcoholic beverages, as defined in Section 67-1-5, Mississippi Code of 1972, which are sold by the division. The proceeds of the markup shall be collected by the division from each purchaser at the time of purchase.

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



to match all federal funds which may be available for alcoholism treatment and rehabilitation.

From and after July 1, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the credit of the "Mental Health Programs 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."

SECTION 4. Section 27-71-15, Mississippi Code of 1972, is brought forward 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, 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 commission at the time of the wholesale sale covering the merchandise transported by the vehicle. The commission is authorized to issue regulations controlling the transportation of alcoholic beverages.



When the restrictions imposed by this section and by the regulation of the commission 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 5. Section 27-71-29, Mississippi Code of 1972, is brought forward 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, cashier's check, bank exchange, post office money order or express money order and shall be deposited by the department in the State Treasury on the same day collected, but no remittances other than cash shall be a final discharge of liability for the tax herein imposed and levied unless and until it has been paid in cash to the department.

All taxes levied under Section 27-71-7(1) and received by the department under this article shall be paid into the General Fund, and the three percent (3%) levied under Section 27-71-7(2) and received by the department under this article shall be paid into the special fund in the State Treasury designated as the "Alcoholism Treatment and Rehabilitation Fund" as required by law. Any funds derived from the sale of alcoholic beverages in excess of inventory requirements shall be paid not less often than annually into the General Fund, except for a portion of the



296 twenty-seven and one-half percent (27-1/2%) markup provided for in
297 Section 27-71-11, as specified in subsection (2) of this section,
298 and except for fees charged by the department for the defraying of
299 costs associated with shipping alcoholic beverages. The revenue
300 derived from these fees shall be deposited by the department into
301 a special fund, hereby created in the State Treasury, which is
302 designated the "ABC Shipping Fund." The monies in this special
303 fund shall be earmarked for use by the department for any
304 expenditure made to ship alcoholic beverages. Any net proceeds
305 remaining in the special fund on August 1 of any fiscal year shall
306 lapse into the General Fund. "Net proceeds" in this section means
307 the total of all fees collected by the department to defray the
308 costs of shipping less the actual costs of shipping.

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

319 **SECTION 6.** Section 67-1-41, Mississippi Code of 1972, is
320 brought forward as follows:



67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department, except as authorized in subsections (4), (9) and (12) of this section. The department may establish warehouses, and the department may purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this article.

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



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

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

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

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

(7) The department may promulgate rules which authorize the manufacturer of an alcoholic beverage or wine to import, transport and furnish or give a sample of alcoholic beverages or wines to



the holders of package retailer's permits, on-premises retailer's permits, native wine or native spirit retailer's permits and temporary retailer's permits who have not previously purchased the 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 limited to, native wines and native spirits, so that those alcoholic beverages may be delivered to the retailer at the manufacturer's location instead of via shipment from the department's warehouse.

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

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

(12) (a) An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department or its warehouse operator. No credit shall be provided to the permittee for any taxes paid to another state as a result of the transaction. Package retailers may charge a service fee for receiving and handling shipments from



419 wineries on behalf of the purchasers. The department shall
420 develop and provide forms to be completed by the package retailer
421 permittees verifying the transaction. The completed forms shall
422 be forwarded to the department within a period of time prescribed
423 by the department.

424 (b) The purchaser of wine that is to be shipped to a
425 package retailer's store shall be required to get the prior
426 approval of the package retailer before any wine is shipped to the
427 package retailer. A purchaser is limited to no more than ten (10)
428 cases of wine per year to be shipped to a package retailer. A
429 package retailer shall notify a purchaser of wine within two (2)
430 days after receiving the shipment of wine. If the purchaser of
431 the wine does not pick up or take the wine from the package
432 retailer within thirty (30) days after being notified by the
433 package retailer, the package retailer may sell the wine as part
434 of his inventory.

435 (c) Shipments of wine into this state under this
436 section shall be made by a duly licensed carrier. It shall be the
437 duty of every common or contract carrier, and of every firm or
438 corporation that shall bring, carry or transport wine from outside
439 the state for delivery inside the state to package retailer
440 permittees on behalf of consumers, to prepare and file with the
441 department, on a schedule as determined by the department, of
442 known wine shipments containing the name of the common or contract
443 carrier, firm or corporation making the report, the period of time



covered by said report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and 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.

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 shall be kept and preserved for a period of two (2) 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.

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.

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



494 **SECTION 7.** Section 67-1-45, Mississippi Code of 1972, is
495 brought forward as follows:

496 67-1-45. No manufacturer, rectifier or distiller of
497 alcoholic beverages shall sell or attempt to sell any such
498 alcoholic beverages, except malt liquor, within the State of
499 Mississippi, except to the department, or as provided in Section
500 67-1-41, or pursuant to Section 67-1-51. A producer of native
501 wine or native spirit may sell native wines or native spirits,
502 respectively, to the department or to consumers at the location of
503 the native winery or native distillery or its immediate vicinity.

504 Any violation of this section by any manufacturer, rectifier
505 or distiller shall be punished by a fine of not less than Five
506 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
507 (\$2,000.00), to which may be added imprisonment in the county jail
508 not to exceed six (6) months.

509 **SECTION 8.** Section 67-1-51, Mississippi Code of 1972, is
510 brought forward as follows:

511 67-1-51. (1) Permits which may be issued by the department
512 shall be as follows:

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



Manufacturer's permits shall be of the following classes:

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

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

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

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

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



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

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



569 for the wine and the meal is available. Additionally, as part of
570 a carryout order, a permit holder may sell one (1) bottle of wine
571 to be removed from the licensed premises for every two (2) entrees
572 ordered. In addition, an on-premises retailer's permittee at a
573 permitted premises located on Jefferson Davis Avenue within
574 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
575 beverages by the glass to a patron in a vehicle using a
576 drive-through method of delivery if the permitted premises is
577 located in a leisure and recreation district established under
578 Section 67-1-101. Such a sale will be considered to be made on
579 the permitted premises. An on-premises retailer's permit shall be
580 issued only to qualified hotels, restaurants and clubs, small
581 craft breweries, microbreweries, and to common carriers with
582 adequate facilities for serving passengers. In resort areas,
583 however, whether inside or outside of a municipality, the
584 department, in its discretion, may issue on-premises retailer's
585 permits to any establishments located therein as it deems proper.
586 An on-premises retailer's permit when issued to a common carrier
587 shall authorize the sale and serving of alcoholic beverages aboard
588 any licensed vehicle while moving through any county of the state;
589 however, the sale of such alcoholic beverages shall not be
590 permitted while such vehicle is stopped in a county that has not
591 legalized such sales. If an on-premises retailer's permit is
592 applied for by a common carrier operating solely in the water,
593 such common carrier must, along with all other qualifications for



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

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

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



619 make retail sales of native wines to consumers for on-premises
620 consumption or to consumers in originally sealed and unopened
621 containers at an establishment located on the premises of or in
622 the immediate vicinity of a native winery. When selling to
623 consumers for on-premises consumption, a holder of a native wine
624 retailer's permit may add to the native wine alcoholic beverages
625 not produced on the premises, so long as the total volume of
626 foreign beverage components does not exceed twenty percent (20%)
627 of the mixed beverage. Hours of sale shall be the same as those
628 authorized for on-premises permittees in the city or county in
629 which the native wine retailer is located.

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

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

637 Class 1. A temporary one-day permit may be issued to bona
638 fide nonprofit civic or charitable organizations authorizing the
639 sale of alcoholic beverages, including native wine and native
640 spirit, for consumption on the premises described in the temporary
641 permit only. Class 1 permits may be issued only to applicants
642 demonstrating to the department, by a statement signed under
643 penalty of perjury submitted ten (10) days prior to the proposed



644 date or such other time as the department may determine, that they
645 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
646 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
647 Class 1 permittees shall obtain all alcoholic beverages from
648 package retailers located in the county in which the temporary
649 permit is issued. Alcoholic beverages remaining in stock upon
650 expiration of the temporary permit may be returned by the
651 permittee to the package retailer for a refund of the purchase
652 price upon consent of the package retailer or may be kept by the
653 permittee exclusively for personal use and consumption, subject to
654 all laws pertaining to the illegal sale and possession of
655 alcoholic beverages. The department, following review of the
656 statement provided by the applicant and the requirements of the
657 applicable statutes and regulations, may issue the permit.

658 Class 2. A temporary permit, not to exceed seventy (70)
659 days, may be issued to prospective permittees seeking to transfer
660 a permit authorized in paragraph (c) of this subsection. A Class
661 2 permit may be issued only to applicants demonstrating to the
662 department, by a statement signed under the penalty of perjury,
663 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
664 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
665 67-1-59. The department, following a preliminary review of the
666 statement provided by the applicant and the requirements of the
667 applicable statutes and regulations, may issue the permit.



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

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



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

706 (g) **Caterer's permit.** A caterer's permit shall permit
707 the purchase of alcoholic beverages by a person engaging in
708 business as a caterer and the resale of alcoholic beverages by
709 such person in conjunction with such catering business. No person
710 shall qualify as a caterer unless forty percent (40%) or more of
711 the revenue derived from such catering business shall be from the
712 serving of prepared food and not from the sale of alcoholic
713 beverages and unless such person has obtained a permit for such
714 business from the Department of Health. A caterer's permit shall
715 not authorize the sale of alcoholic beverages on the premises of
716 the person engaging in business as a caterer; however, the holder
717 of an on-premises retailer's permit may hold a caterer's permit.



718 When the holder of an on-premises retailer's permit or an
719 affiliated entity of the holder also holds a caterer's permit, the
720 caterer's permit shall not authorize the service of alcoholic
721 beverages on a consistent, recurring basis at a separate, fixed
722 location owned or operated by the caterer, on-premises retailer or
723 affiliated entity and an on-premises retailer's permit shall be
724 required for the separate location. All sales of alcoholic
725 beverages by holders of a caterer's permit shall be made at the
726 location being catered by the caterer, and, except as otherwise
727 provided in subsection (5) of this section, such sales may be made
728 only for consumption at the catered location. The location being
729 catered may be anywhere within a county or judicial district that
730 has voted to come out from under the dry laws or in which the sale
731 and distribution of alcoholic beverages is otherwise authorized by
732 law. Such sales shall be made pursuant to any other conditions
733 and restrictions which apply to sales made by on-premises retail
734 permittees. The holder of a caterer's permit or his employees
735 shall remain at the catered location as long as alcoholic
736 beverages are being sold pursuant to the permit issued under this
737 paragraph (g), and the permittee shall have at the location the
738 identification card issued by the Alcoholic Beverage Control
739 Division of the department. No unsold alcoholic beverages may be
740 left at the catered location by the permittee upon the conclusion
741 of his business at that location. Appropriate law enforcement
742 officers and Alcoholic Beverage Control Division personnel may



enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

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

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

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



767 (k) **Special service permit.** A special service permit
768 shall authorize the holder to sell commercially sealed alcoholic
769 beverages to the operator of a commercial or private aircraft for
770 en route consumption only by passengers. A special service permit
771 shall be issued only to a fixed-base operator who contracts with
772 an airport facility to provide fueling and other associated
773 services to commercial and private aircraft.

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

782 (m) **Temporary alcoholic beverages charitable auction**
783 **permit.** A temporary permit, not to exceed five (5) days, may be
784 issued to a qualifying charitable nonprofit organization that is
785 exempt from taxation under Section 501(c)(3) or (4) of the
786 Internal Revenue Code of 1986. The permit shall authorize the
787 holder to sell alcoholic beverages for the limited purpose of
788 raising funds for the organization during a live or silent auction
789 that is conducted by the organization and that meets the following
790 requirements: (i) the auction is conducted in an area of the
791 state where the sale of alcoholic beverages is authorized; (ii) if



792 the auction is conducted on the premises of an on-premises
793 retailer's permit holder, then the alcoholic beverages to be
794 auctioned must be stored separately from the alcoholic beverages
795 sold, stored or served on the premises, must be removed from the
796 premises immediately following the auction, and may not be
797 consumed on the premises; (iii) the permit holder may not conduct
798 more than two (2) auctions during a calendar year; (iv) the permit
799 holder may not pay a commission or promotional fee to any person
800 to arrange or conduct the auction.

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



include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

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



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

864 (q) **Distillery retailer's permit.** The holder of a
865 Class 1 manufacturer's permit may obtain a distillery retailer's



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

879 The holder shall not sell at retail more than ten percent
880 (10%) of the alcoholic beverages produced annually at its
881 distillery. The holder shall not make retail sales of more than
882 two and twenty-five one-hundredths (2.25) liters, in the
883 aggregate, of the alcoholic beverages produced at its distillery
884 to any one (1) individual for consumption off the premises of the
885 distillery within a twenty-four-hour period. The hours of sale
886 shall be the same as those hours for package retailers under this
887 article. The holder of a distillery retailer's permit is not
888 required to purchase the alcoholic beverages authorized to be sold
889 by this paragraph from the department's liquor distribution
890 warehouse; however, if the holder does not purchase the alcoholic



891 beverages from the department's liquor distribution warehouse, the
892 holder shall pay to the department all taxes, fees and surcharges
893 on the alcoholic beverages that are imposed upon the sale of
894 alcoholic beverages shipped by the department or its warehouse
895 operator. In addition to alcoholic beverages, the holder of a
896 distillery retailer's permit may sell at retail promotional
897 products from the same retail location, including shirts, hats,
898 glasses, and other promotional products customarily sold by
899 alcoholic beverage manufacturers.

900 (r) **Festival Wine Permit.** Any wine manufacturer or
901 native wine producer permitted by Mississippi or any other state
902 is eligible to obtain a Festival Wine Permit. This permit
903 authorizes the entity to transport product manufactured by it to
904 festivals held within the State of Mississippi and sell sealed,
905 unopened bottles to festival participants. The holder of this
906 permit may provide samples at no charge to participants.
907 "Festival" means any event at which three (3) or more vendors are
908 present at a location for the sale or distribution of goods. The
909 holder of a Festival Wine Permit is not required to purchase the
910 alcoholic beverages authorized to be sold by this paragraph from
911 the department's liquor distribution warehouse. However, if the
912 holder does not purchase the alcoholic beverages from the
913 department's liquor distribution warehouse, the holder of this
914 permit shall pay to the department all taxes, fees and surcharges
915 on the alcoholic beverages sold at such festivals that are imposed



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

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

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



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

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



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

(v) **Food truck permit.** A food truck permit shall authorize the holder of an on-premises retailer's permit to use a food truck to sell alcoholic beverages off its premises to guests who must consume the beverages in open containers. For the purposes of this paragraph (v), "food truck" means a fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor,



991 standing within the frame of the establishment, prepares, cooks,
992 sells and serves food for immediate human consumption. The term
993 "food truck" does not include a food cart that is not motorized.
994 Food trucks shall maintain such distance requirements from
995 schools, churches, kindergartens and funeral homes as are required
996 for on-premises retailer's permittees under this article, and all
997 sales must be made within a valid leisure and recreation district
998 established under Section 67-1-101. Food trucks cannot sell or
999 serve alcoholic beverages unless also offering food prepared and
1000 cooked within the food truck, and permittees must maintain a
1001 twenty-five percent (25%) food sale revenue requirement based on
1002 the food sold from the food truck alone. The hours allowed for
1003 sale shall be the same as those for on-premises retailer's
1004 permittees in the location. This permit will not be required for
1005 the holder of a caterer's permit issued under this article to
1006 cater an event as allowed by law. Permittees must provide notice
1007 of not less than forty-eight (48) hours to the department of each
1008 location at which alcoholic beverages will be sold.

1009 (w) **On-premises tobacco permit.** An on-premises tobacco
1010 permit shall authorize the permittee to sell alcoholic beverages
1011 for consumption on the licensed premises. In addition to all
1012 other requirements to obtain an alcoholic beverage permit, the
1013 permittee must obtain and maintain a tobacco permit issued by the
1014 State of Mississippi, and have a capital investment of not less
1015 than Five Hundred Thousand Dollars (\$500,000.00) in the premises



1016 for which the permit is issued. In addition to alcoholic
1017 beverages, the permittee is authorized to sell only cigars,
1018 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
1019 Additionally, seventy-five percent (75%) of the permittee's annual
1020 gross revenue must be derived from the sale of cigars, cheroots,
1021 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
1022 be required, but food may be sold on the premises. The issuance
1023 of this permit does not remove any obligation a permittee may have
1024 to follow local ordinances or actions prohibiting the use of
1025 tobacco products.

1026 (2) Except as otherwise provided in subsection (4) of this
1027 section, retail permittees may hold more than one (1) retail
1028 permit, at the discretion of the department.

1029 (3) (a) Except as otherwise provided in this subsection, no
1030 authority shall be granted to any person to manufacture, sell or
1031 store for sale any intoxicating liquor as specified in this
1032 article within four hundred (400) feet of any church, school
1033 (excluding any community college, junior college, college or
1034 university), kindergarten or funeral home. However, within an
1035 area zoned commercial or business, such minimum distance shall be
1036 not less than one hundred (100) feet.

1037 (b) A church or funeral home may waive the distance
1038 restrictions imposed in this subsection in favor of allowing
1039 issuance by the department of a permit, pursuant to subsection (1)
1040 of this section, to authorize activity relating to the



1041 manufacturing, sale or storage of alcoholic beverages which would
1042 otherwise be prohibited under the minimum distance criterion.
1043 Such waiver shall be in written form from the owner, the governing
1044 body, or the appropriate officer of the church or funeral home
1045 having the authority to execute such a waiver, and the waiver
1046 shall be filed with and verified by the department before becoming
1047 effective.

1048 (c) The distance restrictions imposed in this
1049 subsection shall not apply to the sale or storage of alcoholic
1050 beverages at a bed and breakfast inn listed in the National
1051 Register of Historic Places or to the sale or storage of alcoholic
1052 beverages in a historic district that is listed in the National
1053 Register of Historic Places, is a qualified resort area and is
1054 located in a municipality having a population greater than one
1055 hundred thousand (100,000) according to the latest federal
1056 decennial census.

1057 (d) The distance restrictions imposed in this
1058 subsection shall not apply to the sale or storage of alcoholic
1059 beverages at a qualified resort area as defined in Section
1060 67-1-5(o)(iii)32.

1061 (e) The distance restrictions imposed in this
1062 subsection shall not apply to the sale or storage of alcoholic
1063 beverages at a licensed premises in a building formerly owned by a
1064 municipality and formerly leased by the municipality to a



1065 municipal school district and used by the municipal school
1066 district as a district bus shop facility.

1067 (f) The distance restrictions imposed in this
1068 subsection shall not apply to the sale or storage of alcoholic
1069 beverages at a licensed premises in a building consisting of at
1070 least five thousand (5,000) square feet and located approximately
1071 six hundred (600) feet from the intersection of Mississippi
1072 Highway 15 and Mississippi Highway 4.

1073 (g) The distance restrictions imposed in this
1074 subsection shall not apply to the sale or storage of alcoholic
1075 beverages at a licensed premises in a building located at or near
1076 the intersection of Ward and Tate Streets and adjacent properties
1077 in the City of Senatobia, Mississippi.

1078 (h) The distance restrictions imposed in this
1079 subsection shall not apply to the sale or storage of alcoholic
1080 beverages at a theatre facility that features plays and other
1081 theatrical performances and productions and (i) is capable of
1082 seating more than seven hundred fifty (750) people, (ii) is owned
1083 by a municipality which has a population greater than ten thousand
1084 (10,000) according to the latest federal decennial census, (iii)
1085 was constructed prior to 1930, (iv) is on the National Register of
1086 Historic Places, and (v) is located in a historic district.

1087 (i) The distance restrictions imposed in this
1088 subsection shall not apply to the sale or storage of alcoholic
1089 beverages at a licensed premises in a building located



1090 approximately one and six-tenths (1.6) miles north of the
1091 intersection of Mississippi Highway 15 and Mississippi Highway 4
1092 on the west side of Mississippi Highway 15.

1093 (4) No person, either individually or as a member of a firm,
1094 partnership, limited liability company or association, or as a
1095 stockholder, officer or director in a corporation, shall own or
1096 control any interest in more than one (1) package retailer's
1097 permit, nor shall such person's spouse, if living in the same
1098 household of such person, any relative of such person, if living
1099 in the same household of such person, or any other person living
1100 in the same household with such person own any interest in any
1101 other package retailer's permit; however, in the case of a person
1102 holding a package retailer's permit issued before July 1, 2024,
1103 such a person may own one (1) additional package retailer's permit
1104 if the additional permit is issued for a premises with a minimum
1105 capital investment of Twenty Million Dollars (\$20,000,000.00) that
1106 is part of a major retail development project and located in one
1107 (1) of the three (3) most southern counties in the State of
1108 Mississippi, and not within one hundred (100) miles of another
1109 location in the State of Mississippi, for which the permittee
1110 holds such a permit.

1111 (5) (a) In addition to any other authority granted under
1112 this section, the holder of a permit issued under subsection
1113 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1114 sell or otherwise provide alcoholic beverages and/or wine to a



1115 patron of the permit holder in the manner authorized in the permit
1116 and the patron may remove an open glass, cup or other container of
1117 the alcoholic beverage and/or wine from the licensed premises and
1118 may possess and consume the alcoholic beverage or wine outside of
1119 the licensed premises if: (i) the licensed premises is located
1120 within a leisure and recreation district created under Section
1121 67-1-101 and (ii) the patron remains within the boundaries of the
1122 leisure and recreation district while in possession of the
1123 alcoholic beverage or wine.

1124 (b) Nothing in this subsection shall be construed to
1125 allow a person to bring any alcoholic beverages into a permitted
1126 premises except to the extent otherwise authorized by this
1127 article.

1128 **SECTION 9.** Section 67-1-53, Mississippi Code of 1972, is
1129 brought forward as follows:

1130 67-1-53. (1) Application for permits shall be in such form
1131 and shall contain such information as shall be required by the
1132 regulations of the commission; however, no regulation of the
1133 commission shall require personal financial information from any
1134 officer of a corporation applying for an on-premises retailer's
1135 permit to sell alcoholic beverages unless such officer owns ten
1136 percent (10%) or more of the stock of such corporation.

1137 (2) Every applicant for each type of permit authorized by
1138 Section 67-1-51 shall give notice of such application by
1139 publication for two (2) consecutive issues in a newspaper of



1140 general circulation published in the city or town in which
1141 applicant's place of business is located. However, in instances
1142 where no newspaper is published in the city or town, then the
1143 notice shall be published in a newspaper of general circulation
1144 published in the county where the applicant's business is located.
1145 If no newspaper is published in the county, the notice shall be
1146 published in a qualified newspaper which is published in the
1147 closest neighboring county and circulated in the county of
1148 applicant's residence. The notice shall be printed in ten-point
1149 black face type and shall set forth the type of permit to be
1150 applied for, the exact location of the place of business, the name
1151 of the owner or owners thereof, and if operating under an assumed
1152 name, the trade name together with the names of all owners, and if
1153 a corporation, the names and titles of all officers. The cost of
1154 such notice shall be borne by the applicant.

1155 (3) Each application or filing made under this section shall
1156 include the social security number(s) of the applicant in
1157 accordance with Section 93-11-64, Mississippi Code of 1972.

1158 **SECTION 10.** Section 67-1-55, Mississippi Code of 1972, is
1159 brought forward as follows:

1160 67-1-55. No permit of any type shall be issued by the
1161 commission until the applicant has first filed with the commission
1162 a sworn statement disclosing all persons who are financially
1163 involved in the operation of the business for which the permit is
1164 sought. If an applicant is an individual, he will swear that he



1165 owns one hundred percent (100%) of the business for which he is
1166 seeking a permit. If the applicant is a partnership, all partners
1167 and their addresses shall be disclosed and the extent of their
1168 interest in the partnership shall be disclosed. If the applicant
1169 is a corporation, the total stock in the corporation shall be
1170 disclosed and each shareholder and his address and the amount of
1171 stock in the corporation owned by him shall be disclosed. If the
1172 applicant is a limited liability company, each member and their
1173 addresses shall be disclosed and the extent of their interest in
1174 the limited liability company shall be disclosed. If the
1175 applicant is a trust, the trustee and all beneficiaries and their
1176 addresses shall be disclosed. If the applicant is a combination
1177 of any of the above, all information required to be disclosed
1178 above shall be required.

1179 All the disclosures shall be in writing and kept on file at
1180 the commission's office and shall be available to the public.

1181 Every applicant must, when applying for a renewal of his
1182 permit, disclose any change in the ownership of the business or
1183 any change in the beneficiaries of the income from the business.

1184 Any person who willfully fails to fully disclose the
1185 information required by this section, or who gives false
1186 information, shall be guilty of a misdemeanor and, upon conviction
1187 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1188 (\$500.00) or imprisoned for not more than one (1) year, or both,



1189 and the person or applicant shall never again be eligible for any
1190 permit pertaining to alcoholic beverages.

1191 **SECTION 11.** Section 67-1-57, Mississippi Code of 1972, is
1192 brought forward as follows:

1193 67-1-57. Before a permit is issued the department shall
1194 satisfy itself:

1195 (a) That the applicant, if an individual, or if a
1196 partnership, each of the members of the partnership, or if a
1197 corporation, each of its principal officers and directors, or if a
1198 limited liability company, each member of the limited liability
1199 company, is of good moral character and, in addition, enjoys a
1200 reputation of being a peaceable, law-abiding citizen of the
1201 community in which he resides, and is generally fit for the trust
1202 to be reposed in him, is not less than twenty-one (21) years of
1203 age, and has not been convicted of a felony in any state or
1204 federal court.

1205 (b) That, except in the case of an application for a
1206 solicitor's permit, the applicant is the true and actual owner of
1207 the business for which the permit is desired, and that he intends
1208 to carry on the business authorized for himself and not as the
1209 agent of any other person, and that he intends to superintend in
1210 person the management of the business or that he will designate a
1211 manager to manage the business for him. All managers must be
1212 approved by the department prior to completing any managerial
1213 tasks on behalf of the permittee and must possess all of the



1214 qualifications required of a permittee; however, a felony
1215 conviction, other than a crime of violence, does not automatically
1216 disqualify a person from being approved as a manager if the person
1217 was released from incarceration at least three (3) years prior to
1218 application for approval as a manager. A felony conviction, other
1219 than a crime of violence, may be considered by the department in
1220 determining whether all other qualifications are met.

1221 (c) That the applicant for a package retailer's permit,
1222 if an individual, is a resident of the State of Mississippi. If
1223 the applicant is a partnership, each member of the partnership
1224 must be a resident of the state. If the applicant is a limited
1225 liability company, each member of the limited liability company
1226 must be a resident of the state. If the applicant is a
1227 corporation, the designated manager of the corporation must be a
1228 resident of the state.

1229 (d) That the place for which the permit is to be issued
1230 is an appropriate one considering the character of the premises
1231 and the surrounding neighborhood.

1232 (e) That the place for which the permit is to be issued
1233 is within the corporate limits of an incorporated municipality or
1234 qualified resort area or club which comes within the provisions of
1235 this article.

1236 (f) That the applicant is not indebted to the state for
1237 any taxes, fees or payment of penalties imposed by any law of the



1238 State of Mississippi or by any rule or regulation of the
1239 commission.

1240 (g) That the applicant is not in the habit of using
1241 alcoholic beverages to excess and is not physically or mentally
1242 incapacitated, and that the applicant has the ability to read and
1243 write the English language.

1244 (h) That the commission does not believe and has no
1245 reason to believe that the applicant will sell or knowingly permit
1246 any agent, servant or employee to unlawfully sell liquor in a dry
1247 area or in any other manner contrary to law.

1248 (i) That the applicant is not residentially domiciled
1249 with any person whose permit or license has been cancelled for
1250 cause within the twelve (12) months next preceding the date of the
1251 present application for a permit.

1252 (j) That the commission has not, in the exercise of its
1253 discretion which is reserved and preserved to it, refused to grant
1254 permits under the restrictions of this section, as well as under
1255 any other pertinent provision of this article.

1256 (k) That there are not sufficient legal reasons to deny
1257 a permit on the ground that the premises for which the permit is
1258 sought has previously been operated, used or frequented for any
1259 purpose or in any manner that is lewd, immoral or offensive to
1260 public decency. In the granting or withholding of any permit to
1261 sell alcoholic beverages at retail, the commission in forming its
1262 conclusions may give consideration to any recommendations made in



writing by the district or county attorney or county, circuit or chancery judge of the county, or the sheriff of the county, or the mayor or chief of police of an incorporated city or town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the commission.

(1) That the applicant and the applicant's key employees, as determined by the commission, do not have a disqualifying criminal record. In order to obtain a criminal record history check, the applicant shall submit to the commission a set of fingerprints from any local law enforcement agency for each person for whom the records check is required. The commission shall forward the fingerprints to the Mississippi Department of Public Safety. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. Costs for processing the set or sets of fingerprints shall be borne by the applicant. The commission shall not deny employment to an employee of the applicant prior to the identification of a disqualifying record or other disqualifying information.

SECTION 12. Section 67-1-73, Mississippi Code of 1972, is brought forward as follows:

67-1-73. Every manufacturer, including native wine or native spirit producers, within or without the state, and every other shipper of alcoholic beverages who sells any alcoholic beverage,



1288 including native wine or native spirit, within the state, shall,
1289 at the time of making such sale, file with the department a copy
1290 of the invoice of such sale showing in detail the kind of
1291 alcoholic beverage sold, the quantities of each, the size of the
1292 container and the weight of the contents, the alcoholic content,
1293 and the name and address of the person to whom sold.

1294 Every person transporting alcoholic beverages, including
1295 native wine or native spirit, within this state to a point within
1296 this state, whether such transportation originates within or
1297 without this state, shall, within five (5) days after delivery of
1298 such shipment, furnish the department a copy of the bill of lading
1299 or receipt, showing the name or consignor or consignee, date,
1300 place received, destination, and quantity of alcoholic beverages
1301 delivered. Upon failure to comply with the provisions of this
1302 section, such person shall be deemed guilty of a misdemeanor and,
1303 upon conviction thereof, shall be fined in the sum of Fifty
1304 Dollars (\$50.00) for each offense.

1305 **SECTION 13.** Section 97-31-47, Mississippi Code of 1972, is
1306 brought forward as follows:

1307 97-31-47. It shall be unlawful for any transportation
1308 company, or any agent, employee, or officer of such company, or
1309 any other person, or corporation to transport into or deliver in
1310 this state in any manner or by any means any spirituous, vinous,
1311 malt, or other intoxicating liquors or drinks, or for any such
1312 person, company, or corporation to transport any spirituous, malt,



1313 vinous, or intoxicating liquors or drinks from one place within
1314 this state to another place within the state, or from one (1)
1315 point within this state to any point without the state, except in
1316 cases where this chapter or Section 67-9-1 authorizes the
1317 transportation.

1318 **SECTION 14.** Section 97-31-49, Mississippi Code of 1972, is
1319 brought forward as follows:

1320 97-31-49. It shall be unlawful for any person, firm or
1321 corporation in this state, in person, by letter, circular, or
1322 other printed or written matter, or in any other manner, to
1323 solicit or take order in this state for any liquors, bitters or
1324 drinks prohibited by the laws of this state to be sold, bartered,
1325 or otherwise disposed of. The inhibition of this section shall
1326 apply to such liquors, bitters and drinks, whether the parties
1327 intend that the same shall be shipped into this state from outside
1328 of the state, or from one point in this state to another point in
1329 this state. If such order be in writing, parol evidence thereof
1330 is admissible without producing or accounting for the absence of
1331 the original; and the taking or soliciting of such orders is
1332 within the inhibition of this section, although the orders are
1333 subject to approval by some other person, and no part of the price
1334 is paid, nor any part of the goods is delivered when the order is
1335 taken.

1336 **SECTION 15.** This act shall take effect and be in force from
1337 and after July 1, 2025.

