

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.



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

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

54 (a) Total spent on program funding;

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

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

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

61 (e) The efficacy of the assistance program.

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

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

68           27-71-5. (1) Upon each person approved for a permit under  
69 the provisions of the Alcoholic Beverage Control Law and  
70 amendments thereto, there is levied and imposed for each location  
71 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 (1) 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

147 subsection (1) of this section for the privilege of doing business  
148 within any municipality or county in which the licensee is  
149 located.

150 (b) (i) In addition to the tax imposed in paragraph  
151 (a) of this subsection, there is imposed and shall be collected by  
152 the department from each permittee described in subsection (1)(g),  
153 (h), (i), (n) and (u) of this section, an additional license tax  
154 for the privilege of doing business within any municipality or  
155 county in which the licensee is located in the amount of Two  
156 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five  
157 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars  
158 (\$225.00) for each additional purchase of Five Thousand Dollars  
159 (\$5,000.00), or fraction thereof.

160 (ii) In addition to the tax imposed in paragraph  
161 (a) of this subsection, there is imposed and shall be collected by  
162 the department from each permittee described in subsection (1)(o)  
163 and (s) of this section, an additional license tax for the  
164 privilege of doing business within any municipality or county in  
165 which the licensee is located in the amount of Two Hundred Fifty  
166 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars  
167 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each  
168 additional purchase of Five Thousand Dollars (\$5,000.00), or  
169 fraction thereof.

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

172 is renewed, may add any unused fraction of Five Thousand Dollars  
173 (\$5,000.00) purchases to the first Five Thousand Dollars  
174 (\$5,000.00) purchases authorized by the renewal permit, and no  
175 additional license tax will be required until purchases exceed the  
176 sum of the two (2) figures.

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

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

191 (4) The number of permits issued by the department shall not  
192 be restricted or limited on a population basis; however, the  
193 foregoing limitation shall not be construed to preclude the right  
194 of the department to refuse to issue a permit because of the  
195 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



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

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

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



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

248         From and after July 1, 1987, the revenue derived from this  
249 three percent (3%) markup shall be deposited by the division in  
250 the State Treasury to the credit of the "Mental Health Programs  
251 Fund," a special fund which is hereby created in the State  
252 Treasury and shall be used by the State Department of Mental  
253 Health for the service programs of the department. Any revenue in  
254 the "Alcoholism Treatment and Rehabilitation Fund" which is not  
255 encumbered at the end of Fiscal Year 1987 shall be deposited to  
256 the credit of the "Mental Health Programs Fund."

257         **SECTION 4.** Section 27-71-15, Mississippi Code of 1972, is  
258 brought forward as follows:

259         27-71-15. Except as otherwise provided in Section 67-9-1 for  
260 the transportation of limited amounts of alcoholic beverages for  
261 the use of an alcohol processing permittee, if transportation  
262 requires passage through a county which has not authorized the  
263 sale of alcoholic beverages, such transportation shall be by a  
264 sealed vehicle. Such seal shall remain unbroken until the vehicle  
265 shall reach the place of business operated by the permittee. The  
266 operator of any vehicle transporting alcoholic beverages shall  
267 have in his possession an invoice issued by the commission at the  
268 time of the wholesale sale covering the merchandise transported by  
269 the vehicle. The commission is authorized to issue regulations  
270 controlling the transportation of alcoholic beverages.



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

277        **SECTION 5.** Section 27-71-29, Mississippi Code of 1972, is  
278 brought forward as follows:

279        27-71-29. (1) All taxes levied by this article shall be  
280 paid to the Department of Revenue in cash or by personal check,  
281 cashier's check, bank exchange, post office money order or express  
282 money order and shall be deposited by the department in the State  
283 Treasury on the same day collected, but no remittances other than  
284 cash shall be a final discharge of liability for the tax herein  
285 imposed and levied unless and until it has been paid in cash to  
286 the department.

287        All taxes levied under Section 27-71-7(1) and received by the  
288 department under this article shall be paid into the General Fund,  
289 and the three percent (3%) levied under Section 27-71-7(2) and  
290 received by the department under this article shall be paid into  
291 the special fund in the State Treasury designated as the  
292 "Alcoholism Treatment and Rehabilitation Fund" as required by law.  
293 Any funds derived from the sale of alcoholic beverages in excess  
294 of inventory requirements shall be paid not less often than  
295 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:

321        67-1-41. (1) The department is hereby created a wholesale  
322 distributor and seller of alcoholic beverages, not including malt  
323 liquors, within the State of Mississippi. It is granted the right  
324 to import and sell alcoholic beverages at wholesale within the  
325 state, and no person who is granted the right to sell, distribute  
326 or receive alcoholic beverages at retail shall purchase any  
327 alcoholic beverages from any source other than the department,  
328 except as authorized in subsections (4), (9) and (12) of this  
329 section. The department may establish warehouses, and the  
330 department may purchase alcoholic beverages in such quantities and  
331 from such sources as it may deem desirable and sell the alcoholic  
332 beverages to authorized permittees within the state including, at  
333 the discretion of the department, any retail distributors  
334 operating within any military post or qualified resort areas  
335 within the boundaries of the state, keeping a correct and accurate  
336 record of all such transactions and exercising such control over  
337 the distribution of alcoholic beverages as seem right and proper  
338 in keeping with the provisions or purposes of this article.

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



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

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

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

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

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



370 the holders of package retailer's permits, on-premises retailer's  
371 permits, native wine or native spirit retailer's permits and  
372 temporary retailer's permits who have not previously purchased the  
373 brand of that manufacturer from the department. For each holder  
374 of the designated permits, the manufacturer may furnish not more  
375 than five hundred (500) milliliters of any brand of alcoholic  
376 beverage and not more than three (3) liters of any brand of wine.

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

385 (9) The department may promulgate rules and regulations that  
386 authorize the holder of a research permit to import and purchase  
387 limited amounts of alcoholic beverages from importers, wineries  
388 and distillers of alcoholic beverages or from the department. The  
389 department shall develop and provide forms to be completed by the  
390 research permittee verifying each transaction. The completed  
391 forms shall be forwarded to the department within a period of time  
392 prescribed by the department. The records and inventory of  
393 alcoholic beverages shall be open to inspection at any time by the

394 Director of the Alcoholic Beverage Control Division or any duly  
395 authorized agent.

396 (10) The department may promulgate rules facilitating a  
397 retailer's on-site pickup of alcoholic beverages sold by the  
398 department or as authorized by the department, including, but not  
399 limited to, native wines and native spirits, so that those  
400 alcoholic beverages may be delivered to the retailer at the  
401 manufacturer's location instead of via shipment from the  
402 department's warehouse.

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

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

409 (12) (a) An individual resident of this state who is at  
410 least twenty-one (21) years of age may purchase wine from a winery  
411 and have the purchase shipped into this state so long as it is  
412 shipped to a package retailer permittee in Mississippi; however,  
413 the permittee shall pay to the department all taxes, fees and  
414 surcharges on the wine that are imposed upon the sale of wine  
415 shipped by the department or its warehouse operator. No credit  
416 shall be provided to the permittee for any taxes paid to another  
417 state as a result of the transaction. Package retailers may  
418 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.

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



444 covered by said report, the name and permit number of the winery,  
445 the name and permit number of the package retailer permittee  
446 receiving such wine, the weight of the package delivered to each  
447 package retailer permittee, a unique tracking number, and the date  
448 of delivery. Reports received by the department shall be made  
449 available by the department to the public via the Mississippi  
450 Public Records Act process in the same manner as other state  
451 alcohol filings.

452       Upon the department's request, any records supporting the  
453 report shall be made available to the department within a  
454 reasonable time after the department makes a written request for  
455 such records. Any records containing information relating to such  
456 reports shall be kept and preserved for a period of two (2) years,  
457 unless their destruction sooner is authorized, in writing, by the  
458 department, and shall be open and available to inspection by the  
459 department upon the department's written request. Reports shall  
460 also be made available to any law enforcement or regulatory body  
461 in the state in which the railroad company, express company,  
462 common or contract carrier making the report resides or does  
463 business.

464       Any common or contract carrier that willfully fails to make  
465 reports, as provided by this section or any of the rules and  
466 regulations of the department for the administration and  
467 enforcement of this section, is subject to a notification of  
468 violation. In the case of a continuing failure to make reports,

469 the common or contract carrier is subject to possible license  
470 suspension and revocation at the department's discretion.

471 (d) A winery that ships wine under this section shall  
472 be deemed to have consented to the jurisdiction of the courts of  
473 this state, of the department, of any other state agency regarding  
474 the enforcement of this section, and of any related law, rules or  
475 regulations.

476 (e) Any person who makes, participates in, transports,  
477 imports or receives a shipment in violation of this section is  
478 guilty of a misdemeanor and, upon conviction thereof, shall be  
479 punished by a fine of One Thousand Dollars (\$1,000.00) or  
480 imprisonment in the county jail for not more than six (6) months,  
481 or both. Each shipment shall constitute a separate offense.

482 (13) If any provision of this article, or its application to  
483 any person or circumstance, is determined by a court to be invalid  
484 or unconstitutional, the remaining provisions shall be construed  
485 in accordance with the intent of the Legislature to further limit  
486 rather than expand commerce in alcoholic beverages to protect the  
487 health, safety, and welfare of the state's residents, and to  
488 enhance strict regulatory control over taxation, distribution and  
489 sale of alcoholic beverages through the three-tier regulatory  
490 system imposed by this article upon all alcoholic beverages to  
491 curb relationships and practices calculated to stimulate sales and  
492 impair the state's policy favoring trade stability and the  
493 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.



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

520        Class 1. Distiller's and/or rectifier's permit, which shall

521        authorize the holder thereof to operate a distillery for the

522        production of distilled spirits by distillation or redistillation

523        and/or to operate a rectifying plant for the purifying, refining,

524        mixing, blending, flavoring or reducing in proof of distilled

525        spirits and alcohol.

526        Class 2. Wine manufacturer's permit, which shall authorize

527        the holder thereof to manufacture, import in bulk, bottle and

528        store wine or vinous liquor.

529        Class 3. Native wine producer's permit, which shall

530        authorize the holder thereof to produce, bottle, store and sell

531        native wines.

532        Class 4. Native spirit producer's permit, which shall

533        authorize the holder thereof to produce, bottle, store and sell

534        native spirits.

535                (b) **Package retailer's permit.** Except as otherwise

536        provided in this paragraph and Section 67-1-52, a package

537        retailer's permit shall authorize the holder thereof to operate a

538        store exclusively for the sale at retail in original sealed and

539        unopened packages of alcoholic beverages, including native wines,

540        native spirits and edibles, not to be consumed on the premises

541        where sold. Alcoholic beverages shall not be sold by any retailer

542        in any package or container containing less than fifty (50)

543        milliliters by liquid measure. A package retailer's permit, with



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



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



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

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

615 (e) **Native wine retailer's permit.** Except as otherwise  
616 provided in subsection (5) of this section, a native wine  
617 retailer's permit shall be issued only to a holder of a Class 3  
618 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



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

762 (j) **Hospitality cart permit.** A hospitality cart permit  
763 shall authorize the sale of alcoholic beverages from a mobile cart  
764 on a golf course that is the holder of an on-premises retailer's  
765 permit. The alcoholic beverages sold from the cart must be  
766 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.

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



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

821 (o) **Temporary theatre permit.** A temporary theatre  
822 permit, not to exceed five (5) days, may be issued to a charitable  
823 nonprofit organization that is exempt from taxation under Section  
824 501(c) (3) or (4) of the Internal Revenue Code and owns or operates  
825 a theatre facility that features plays and other theatrical  
826 performances and productions. Except as otherwise provided in  
827 subsection (5) of this section, the permit shall authorize the  
828 holder to sell alcoholic beverages, including native wines and  
829 native spirits, to patrons of the theatre during performances and  
830 productions at the theatre facility for consumption during such  
831 performances and productions on the premises of the facility  
832 described in the permit. A temporary theatre permit holder shall  
833 obtain all alcoholic beverages from package retailers located in  
834 the county in which the permit is issued. Alcoholic beverages  
835 remaining in stock upon expiration of the temporary theatre permit  
836 may be returned by the permittee to the package retailer for a  
837 refund of the purchase price upon consent of the package retailer  
838 or may be kept by the permittee exclusively for personal use and  
839 consumption, subject to all laws pertaining to the illegal sale  
840 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



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

927 This paragraph (r) shall stand repealed from and after July  
928 1, 2026.

929 (s) **Charter vessel operator's permit.** Subject to the  
930 provisions of this paragraph (s), a charter vessel operator's  
931 permit shall authorize the holder thereof and its employees to  
932 sell and serve alcoholic beverages to passengers of the permit  
933 holder during public tours, historical tours, ecological tours and  
934 sunset cruises provided by the permit holder. The permit shall  
935 authorize the holder to only sell alcoholic beverages, including  
936 native wines, to passengers of the charter vessel operator during  
937 public tours, historical tours, ecological tours and sunset  
938 cruises provided by the permit holder aboard the charter vessel  
939 operator for consumption during such tours and cruises on the  
940 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.



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

984 (v) **Food truck permit.** A food truck permit shall  
985 authorize the holder of an on-premises retailer's permit to use a  
986 food truck to sell alcoholic beverages off its premises to guests  
987 who must consume the beverages in open containers. For the  
988 purposes of this paragraph (v), "food truck" means a fully encased  
989 food service establishment on a motor vehicle or on a trailer that  
990 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.



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



1263 writing by the district or county attorney or county, circuit or  
1264 chancery judge of the county, or the sheriff of the county, or the  
1265 mayor or chief of police of an incorporated city or town wherein  
1266 the applicant proposes to conduct his business and to any  
1267 recommendations made by representatives of the commission.

1268 (1) That the applicant and the applicant's key  
1269 employees, as determined by the commission, do not have a  
1270 disqualifying criminal record. In order to obtain a criminal  
1271 record history check, the applicant shall submit to the commission  
1272 a set of fingerprints from any local law enforcement agency for  
1273 each person for whom the records check is required. The  
1274 commission shall forward the fingerprints to the Mississippi  
1275 Department of Public Safety. If no disqualifying record is  
1276 identified at the state level, the Department of Public Safety  
1277 shall forward the fingerprints to the Federal Bureau of  
1278 Investigation for a national criminal history record check. Costs  
1279 for processing the set or sets of fingerprints shall be borne by  
1280 the applicant. The commission shall not deny employment to an  
1281 employee of the applicant prior to the identification of a  
1282 disqualifying record or other disqualifying information.

1283 **SECTION 12.** Section 67-1-73, Mississippi Code of 1972, is  
1284 brought forward as follows:

1285 67-1-73. Every manufacturer, including native wine or native  
1286 spirit producers, within or without the state, and every other  
1287 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.

