

By: Senator(s) England

To: Finance

SENATE BILL NO. 2073

1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF A WINE
2 MANUFACTURER'S PERMIT IN THIS STATE, OR WHO IS LICENSED OR
3 PERMITTED OUTSIDE OF THE STATE TO ENGAGE IN THE ACTIVITY OF
4 MANUFACTURING, SUPPLYING, IMPORTING, DISTRIBUTING, WHOLESALING OR
5 RETAILING WINE, TO SELL AND SHIP WINE DIRECTLY TO RESIDENTS IN
6 THIS STATE, IF THE PERSON OBTAINS A DIRECT WINE SHIPPER'S PERMIT
7 FROM THE DEPARTMENT OF REVENUE; TO PROVIDE FOR THE ISSUANCE OF
8 DIRECT WINE SHIPPER'S PERMITS; TO REQUIRE THE HOLDER OF A DIRECT
9 WINE SHIPPER'S PERMIT TO KEEP CERTAIN RECORDS; TO PROHIBIT THE
10 HOLDER OF A DIRECT WINE SHIPPER'S PERMIT FROM SELLING OR SHIPPING
11 LIGHT WINE OR BEER OR ANY ALCOHOLIC BEVERAGE OTHER THAN WINE; TO
12 LIMIT THE AMOUNT OF WINE THAT A HOLDER OF A DIRECT WINE SHIPPER'S
13 PERMIT MAY SELL OR SHIP TO AN INDIVIDUAL EACH YEAR; TO PROVIDE FOR
14 THE ANNUAL RENEWAL OF DIRECT WINE SHIPPER'S PERMITS; TO PROVIDE
15 THAT PERSONS PURCHASING OR RECEIVING A DIRECT SHIPMENT OF WINE
16 FROM A DIRECT WINE SHIPPER MUST BE AT LEAST 21 YEARS OF AGE; TO
17 PROVIDE THAT PERSONS RECEIVING A DIRECT SHIPMENT OF WINE FROM A
18 DIRECT WINE SHIPPER SHALL USE THE WINE FOR PERSONAL CONSUMPTION
19 ONLY AND MAY NOT RESELL IT; TO AUTHORIZE THE COMMISSIONER OF
20 REVENUE TO ADOPT ANY RULES OR REGULATIONS AS NECESSARY TO CARRY
21 OUT THIS ACT; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO
22 AMEND SECTIONS 27-71-5, 27-71-7, 27-71-15 AND 27-71-29,
23 MISSISSIPPI CODE OF 1972, TO PROVIDE THE PRIVILEGE TAX REQUIRED
24 FOR THE ISSUANCE OF A DIRECT WINE SHIPPER'S PERMIT; TO LEVY A TAX
25 UPON THE SALES AND SHIPMENTS OF WINE MADE BY A DIRECT WINE
26 SHIPPER; TO REQUIRE A CERTAIN AMOUNT OF THE TAXES LEVIED TO BE
27 DEPOSITED INTO THE MENTAL HEALTH PROGRAMS FUND; TO AMEND SECTIONS
28 67-1-41, 67-1-45, 67-1-51, 67-1-53, 67-1-55, 67-1-57, 67-1-73,
29 97-31-47 AND 97-31-49, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
30 THE FOREGOING PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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



32 **SECTION 1.** As used in Sections 1 through 9 of this act, the
33 following words shall have the meanings as defined in this section
34 unless the context otherwise requires:

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

36 (b) "Direct wine shipper" means the holder of a direct
37 wine shipper's permit issued by the department under Sections 1
38 through 9 of this act.

39 (c) "Permit" means a direct wine shipper's permit
40 issued by the department under Sections 1 through 9 of this act.

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

46 In addition, the definitions in Section 67-1-5 shall be
47 applicable to the terms used in Sections 1 through 9 of this act,
48 unless the context otherwise requires.

49 **SECTION 2.** A person must hold a permit as a direct wine
50 shipper issued by the department before the person may engage in
51 selling and shipping wine directly to a resident in this state. A
52 direct wine shipper may sell and ship wine directly to residents
53 in this state without being required to transact the sale and
54 shipment through the division.

55 **SECTION 3.** To qualify for a permit, an applicant shall be:



(a) A holder of a Class 2 or Class 3 manufacturer's permit issued in accordance with Section 67-1-51; or

(b) A person licensed or permitted outside of this state to engage in the activity of manufacturing, supplying, importing, distributing, wholesaling or retailing wine.

SECTION 4. (1) An applicant for a permit shall:

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

(b) Provide to the department a copy of the applicant's current license or permit to engage in the activity of manufacturing, supplying, importing, distributing, wholesaling or retailing wine issued in this or any other state; and

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

(2) After a person complies with the provisions of subsection (1) of this section, the department may conduct any investigation as it considers necessary regarding the issuance of a permit, and the department shall issue a permit to the applicant if the requirements of Sections 1 through 9 of this act are met.

SECTION 5. (1) A direct wine shipper shall:

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



(b) Report to the department annually the total amount of wine, by type, sold and shipped into or within the state the preceding calendar year;

(c) Maintain for at least three (3) years all records that allow the department to ascertain the truthfulness of the information filed under Sections 1 through 9 of this act;

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

(e) Be deemed to have consented to the jurisdiction of the department or any other state agency and the state courts concerning enforcement of Sections 1 through 9 of this act and any related laws, rules or regulations.

(2) A direct wine shipper may not:

(a) Sell or ship any light wine or beer that is regulated under Section 67-3-1 et seq. or any alcoholic beverage other than wine;

(b) Sell or ship more than twenty-four (24) nine-liter cases of wine annually to any one (1) individual; or

(c) Ship wine to an address in a county that has not voted in favor of coming out from under the dry law.

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

(a) Is otherwise entitled to receive a permit;

(b) Provides to the department a copy of his or her current license or permit to engage in the activity of



106 manufacturing, supplying, importing, distributing, wholesaling or
107 retailing wine issued in this or any other state; and

108 (c) Pays to the department a renewal fee as prescribed
109 in Section 27-71-5.

110 **SECTION 7.** (1) To purchase and receive a direct shipment of
111 wine from a direct wine shipper, a resident of this state must be
112 at least twenty-one (21) years of age, and a person who is at
113 least twenty-one (21) years of age must sign for any wine shipped
114 from a direct wine shipper.

115 (2) A shipment of wine may be ordered or purchased from a
116 direct wine shipper through a computer network.

117 (3) A person who receives a direct shipment of wine from a
118 direct wine shipper shall use the wine for personal consumption
119 only and may not resell it.

120 **SECTION 8.** The Commissioner of Revenue of the department may
121 adopt any rules or regulations as necessary to carry out Sections
122 1 through 9 of this act. All of the enforcement provisions of
123 Section 67-1-1 et seq. that are not in conflict with Sections 1
124 through 9 of this act may be used by the department to enforce the
125 provisions of Sections 1 through 9 of this act.

126 **SECTION 9.** (1) Any person who makes, participates in,
127 transports, imports or receives a sale or shipment of wine in
128 violation of Sections 1 through 9 of this act is guilty of a
129 misdemeanor and, upon conviction thereof, shall be punished by a
130 fine not exceeding One Thousand Dollars (\$1,000.00) or



imprisonment in the county jail for not more than six (6) months, or both. Each sale or shipment in violation of Sections 1 through 9 of this act shall constitute a separate offense.

(2) If any holder of a direct wine shipper's permit violates any provision of Sections 1 through 9 of this act, the department may suspend or revoke the permit and impose civil penalties as authorized under Section 67-1-1 et seq.

SECTION 10. Section 27-71-5, Mississippi Code of 1972, is amended 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 business authorized by such permit, an annual privilege license tax in the amount provided in the following schedule:

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

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

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

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

(c) Manufacturer's permit, Class 3, native wine



156 manufacturer per ten thousand (10,000) gallons or part thereof
 157 produced.....\$ 10.00
 158 (d) Manufacturer's permit, Class 4, native spirit
 159 manufacturer per one thousand (1,000) gallons or part thereof
 160 produced.....\$ 300.00
 161 (e) Native wine retailer's permit.....\$ 50.00
 162 (f) Package retailer's permit, each.....\$ 900.00
 163 (g) On-premises retailer's permit, except for clubs and
 164 common carriers, each.....\$ 450.00
 165 (h) On-premises retailer's permit for wine of more than
 166 five percent (5%) alcohol by weight, but not more than twenty-one
 167 percent (21%) alcohol by weight, each.....\$ 225.00
 168 (i) On-premises retailer's permit for clubs...\$ 225.00
 169 (j) On-premises retailer's permit for common carriers,
 170 per car, plane, or other vehicle.....\$ 120.00
 171 (k) Solicitor's permit, regardless of any other
 172 provision of law, solicitor's permits shall be issued only in the
 173 discretion of the department.....\$ 100.00
 174 (l) Filing fee for each application except for an
 175 employee identification card.....\$ 25.00
 176 (m) Temporary permit, Class 1, each.....\$ 10.00
 177 (n) Temporary permit, Class 2, each.....\$ 50.00
 178 (o) (i) Caterer's permit.....\$ 600.00
 179 (ii) Caterer's permit for holders of on-premises
 180 retailer's permit.....\$ 150.00



181	(p) Research permit.....	\$ 100.00
182	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
183	(r) Special service permit.....	\$ 225.00
184	(s) Merchant permit.....	\$ 225.00
185	(t) Temporary alcoholic beverages charitable auction	
186	permit.....	\$ 10.00
187	(u) Event venue retailer's permit.....	\$ 225.00
188	(v) Temporary theatre permit, each.....	\$ 10.00
189	(w) Charter ship operator's permit.....	\$ 100.00
190	(x) Distillery retailer's permit.....	\$ 450.00
191	(y) Festival wine permit.....	\$ 10.00
192	(z) Charter vessel operator's permit.....	\$ 100.00
193	(aa) Native spirit retailer's permit.....	\$ 50.00
194	(ab) Delivery service permit.....	\$ 500.00
195	(ac) Food truck permit.....	\$ 100.00
196	(ad) On-premises tobacco permit.....	\$ 450.00
197	<u>(ae) Direct wine shipper's permit.....</u>	<u>\$ 100.00</u>

198 In addition to the filing fee imposed by paragraph (1) of
199 this subsection, a fee to be determined by the Department of
200 Revenue may be charged to defray costs incurred to process
201 applications. The additional fees shall be paid into the State
202 Treasury to the credit of a special fund account, which is hereby
203 created, and expenditures therefrom shall be made only to defray
204 the costs incurred by the Department of Revenue in processing
205 alcoholic beverage applications. Any unencumbered balance



remaining in the special fund account on June 30 of any fiscal year shall lapse into the State General Fund.

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

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

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

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

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

(6) It shall be unlawful for any person to consume alcoholic beverages on the premises of any hotel restaurant, restaurant, club or the interior of any public place defined in Chapter 1, Title 67, Mississippi Code of 1972, when the owner or manager



281 thereof displays in several conspicuous places inside the
282 establishment and at the entrances of establishment a sign
283 containing the following language: NO ALCOHOLIC BEVERAGES
284 ALLOWED.

285 **SECTION 11.** Section 27-71-7, Mississippi Code of 1972, is
286 amended as follows:

287 27-71-7. (1) There is hereby levied and assessed an excise
288 tax upon each case of alcoholic beverages sold by the department
289 to be collected from each retail licensee at the time of sale in
290 accordance with the following schedule:

291 (a) Distilled spirits.....\$2.50 per gallon
292 (b) Sparkling wine and champagne.....\$1.00 per gallon
293 (c) Other wines, including native
294 wines.....\$.35 per gallon

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

302 (b) Until June 30, 1987, the revenue derived from this
303 three percent (3%) markup shall be deposited by the division in
304 the State Treasury to the credit of the "Alcoholism Treatment and
305 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."



330 (3) There is levied and assessed upon the holder of a direct
331 wine shipper's permit, a tax in the amount of fifteen and one-half
332 percent (15.5%) of the sales price of each sale and shipment of
333 wine made to a resident in this state. The holder of a direct
334 wine shipper's permit shall file a monthly report with the
335 department along with a copy of the invoice for each sale and
336 shipment of wine and remit any taxes due; however, no report shall
337 be required for months in which no sales or shipments were made
338 into this state. The report, together with copies of the invoices
339 and the payment of all taxes, shall be filed with the department
340 not later than the twentieth day of the month following the month
341 in which the shipment was made. Permittees who fail to timely
342 file and pay taxes as required by this subsection shall pay a late
343 fee in the amount of Fifty Dollars (\$50.00), in addition to any
344 other penalty authorized by this article.

345 **SECTION 12.** Section 27-71-15, Mississippi Code of 1972, is
346 amended as follows:

347 27-71-15. Except as otherwise provided in Section 67-9-1 for
348 the transportation of limited amounts of alcoholic beverages for
349 the use of an alcohol processing permittee, and in Sections 1
350 through 9 of this act for the sale and shipment of wine by the
351 holder of a direct wine shipper's permit, if transportation
352 requires passage through a county which has not authorized the
353 sale of alcoholic beverages, such transportation shall be by a
354 sealed vehicle. Such seal shall remain unbroken until the vehicle



shall reach the place of business operated by the permittee. The operator of any vehicle transporting alcoholic beverages shall have in his possession an invoice issued by the * * * department at the time of the wholesale sale covering the merchandise transported by the vehicle. The * * * department is authorized to issue regulations controlling the transportation of alcoholic beverages.

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

SECTION 13. Section 27-71-29, Mississippi Code of 1972, is amended as follows:

27-71-29. (1) (a) 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.

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

(c) All taxes levied under Section 27-71-7(3) and received by the department under this article shall be paid into the General Fund, except for an amount equivalent to the three percent (3%) levied under Section 27-71-7(2), which shall be paid



404 into the special fund in the State Treasury designated as the
405 "Mental Health Programs Fund" as required by law.

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

416 **SECTION 14.** Section 67-1-41, Mississippi Code of 1972, is
417 amended as follows:

418 67-1-41. (1) The department is hereby created a wholesale
419 distributor and seller of alcoholic beverages, not including malt
420 liquors, within the State of Mississippi. It is granted the right
421 to import and sell alcoholic beverages at wholesale within the
422 state, and no person who is granted the right to sell, distribute
423 or receive alcoholic beverages at retail shall purchase any
424 alcoholic beverages from any source other than the department,
425 except as authorized in subsections (4), (9) and (12) of this
426 section and Sections 1 through 9 of this act. The department may
427 establish warehouses, and the department may purchase alcoholic
428 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 wineries on behalf of the purchasers. The department shall develop and provide forms to be completed by the package retailer permittees verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.

(b) The purchaser of wine that is to be shipped to a package retailer's store shall be required to get the prior approval of the package retailer before any wine is shipped to the package retailer. A purchaser is limited to no more than ten (10) cases of wine per year to be shipped to a package retailer. A package retailer shall notify a purchaser of wine within two (2) days after receiving the shipment of wine. If the purchaser of



the wine does not pick up or take the wine from the package retailer within thirty (30) days after being notified by the package retailer, the package retailer may sell the wine as part of his inventory.

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

SECTION 15. Section 67-1-45, Mississippi Code of 1972, is amended as follows:

67-1-45. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity. The holder of a direct wine shipper's permit may sell wines



directly to residents in this state as authorized by Sections 1
through 9 of this act.

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

SECTION 16. Section 67-1-51, Mississippi Code of 1972, is amended as follows:

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

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

Manufacturer's permits shall be of the following classes:

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.



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

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

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

636 (b) **Package retailer's permit.** Except as otherwise
637 provided in this paragraph and Section 67-1-52, a package
638 retailer's permit shall authorize the holder thereof to operate a
639 store exclusively for the sale at retail in original sealed and
640 unopened packages of alcoholic beverages, including native wines,
641 native spirits and edibles, not to be consumed on the premises
642 where sold. Alcoholic beverages shall not be sold by any retailer
643 in any package or container containing less than fifty (50)
644 milliliters by liquid measure. A package retailer's permit, with
645 prior approval from the department, shall authorize the holder
646 thereof to sample new product furnished by a manufacturer's
647 representative or his employees at the permitted place of business
648 so long as the sampling otherwise complies with this article and
649 applicable department regulations. Such samples may not be
650 provided to customers at the permitted place of business. In
651 addition to the sale at retail of packages of alcoholic beverages,



652 the holder of a package retailer's permit is authorized to sell at
653 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
654 other beverages commonly used to mix with alcoholic beverages, and
655 fruits and foods that have been submerged in alcohol and are
656 commonly referred to as edibles. Nonalcoholic beverages sold by
657 the holder of a package retailer's permit shall not be consumed on
658 the premises where sold.

659 (c) **On-premises retailer's permit.** Except as otherwise
660 provided in subsection (5) of this section, an on-premises
661 retailer's permit shall authorize the sale of alcoholic beverages,
662 including native wines and native spirits, for consumption on the
663 licensed premises only; however, a patron of the permit holder may
664 remove one (1) bottle of wine from the licensed premises if: (i)
665 the patron consumed a portion of the bottle of wine in the course
666 of consuming a meal purchased on the licensed premises; (ii) the
667 permit holder securely reseals the bottle; (iii) the bottle is
668 placed in a bag that is secured in a manner so that it will be
669 visibly apparent if the bag is opened; and (iv) a dated receipt
670 for the wine and the meal is available. Additionally, as part of
671 a carryout order, a permit holder may sell one (1) bottle of wine
672 to be removed from the licensed premises for every two (2) entrees
673 ordered. In addition, an on-premises retailer's permittee at a
674 permitted premises located on Jefferson Davis Avenue within
675 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
676 beverages by the glass to a patron in a vehicle using a



677 drive-through method of delivery if the permitted premises is
678 located in a leisure and recreation district established under
679 Section 67-1-101. Such a sale will be considered to be made on
680 the permitted premises. An on-premises retailer's permit shall be
681 issued only to qualified hotels, restaurants and clubs, small
682 craft breweries, microbreweries, and to common carriers with
683 adequate facilities for serving passengers. In resort areas,
684 however, whether inside or outside of a municipality, the
685 department, in its discretion, may issue on-premises retailer's
686 permits to any establishments located therein as it deems proper.
687 An on-premises retailer's permit when issued to a common carrier
688 shall authorize the sale and serving of alcoholic beverages aboard
689 any licensed vehicle while moving through any county of the state;
690 however, the sale of such alcoholic beverages shall not be
691 permitted while such vehicle is stopped in a county that has not
692 legalized such sales. If an on-premises retailer's permit is
693 applied for by a common carrier operating solely in the water,
694 such common carrier must, along with all other qualifications for
695 a permit, (i) be certified to carry at least one hundred fifty
696 (150) passengers and/or provide overnight accommodations for at
697 least fifty (50) passengers and (ii) operate primarily in the
698 waters within the State of Mississippi which lie adjacent to the
699 State of Mississippi south of the three (3) most southern counties
700 in the State of Mississippi and/or on the Mississippi River or



navigable waters within any county bordering on the Mississippi River.

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

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages



not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

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

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

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon



751 expiration of the temporary permit may be returned by the
752 permittee to the package retailer for a refund of the purchase
753 price upon consent of the package retailer or may be kept by the
754 permittee exclusively for personal use and consumption, subject to
755 all laws pertaining to the illegal sale and possession of
756 alcoholic beverages. The department, following review of the
757 statement provided by the applicant and the requirements of the
758 applicable statutes and regulations, may issue the permit.

759 Class 2. A temporary permit, not to exceed seventy (70)
760 days, may be issued to prospective permittees seeking to transfer
761 a permit authorized in paragraph (c) of this subsection. A Class
762 2 permit may be issued only to applicants demonstrating to the
763 department, by a statement signed under the penalty of perjury,
764 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
765 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
766 67-1-59. The department, following a preliminary review of the
767 statement provided by the applicant and the requirements of the
768 applicable statutes and regulations, may issue the permit.

769 Class 2 temporary permittees must purchase their alcoholic
770 beverages directly from the department or, with approval of the
771 department, purchase the remaining stock of the previous
772 permittee. If the proposed applicant of a Class 1 or Class 2
773 temporary permit falsifies information contained in the
774 application or statement, the applicant shall never again be



775 eligible for a retail alcohol beverage permit and shall be subject
776 to prosecution for perjury.

777 Class 3. A temporary one-day permit may be issued to a
778 retail establishment authorizing the complimentary distribution of
779 wine, including native wine, to patrons of the retail
780 establishment at an open house or promotional event, for
781 consumption only on the premises described in the temporary
782 permit. A Class 3 permit may be issued only to an applicant
783 demonstrating to the department, by a statement signed under
784 penalty of perjury submitted ten (10) days before the proposed
785 date or such other time as the department may determine, that it
786 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
787 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
788 A Class 3 permit holder shall obtain all alcoholic beverages from
789 the holder(s) of a package retailer's permit located in the county
790 in which the temporary permit is issued. Wine remaining in stock
791 upon expiration of the temporary permit may be returned by the
792 Class 3 temporary permit holder to the package retailer for a
793 refund of the purchase price, with consent of the package
794 retailer, or may be kept by the Class 3 temporary permit holder
795 exclusively for personal use and consumption, subject to all laws
796 pertaining to the illegal sale and possession of alcoholic
797 beverages. The department, following review of the statement
798 provided by the applicant and the requirements of the applicable
799 statutes and regulations, may issue the permit. No retailer may



800 receive more than twelve (12) Class 3 temporary permits in a
801 calendar year. A Class 3 temporary permit shall not be issued to
802 a retail establishment that either holds a merchant permit issued
803 under paragraph (1) of this subsection, or holds a permit issued
804 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
805 the holder to engage in the business of a retailer of light wine
806 or beer.

807 (g) **Caterer's permit.** A caterer's permit shall permit
808 the purchase of alcoholic beverages by a person engaging in
809 business as a caterer and the resale of alcoholic beverages by
810 such person in conjunction with such catering business. No person
811 shall qualify as a caterer unless forty percent (40%) or more of
812 the revenue derived from such catering business shall be from the
813 serving of prepared food and not from the sale of alcoholic
814 beverages and unless such person has obtained a permit for such
815 business from the Department of Health. A caterer's permit shall
816 not authorize the sale of alcoholic beverages on the premises of
817 the person engaging in business as a caterer; however, the holder
818 of an on-premises retailer's permit may hold a caterer's permit.
819 When the holder of an on-premises retailer's permit or an
820 affiliated entity of the holder also holds a caterer's permit, the
821 caterer's permit shall not authorize the service of alcoholic
822 beverages on a consistent, recurring basis at a separate, fixed
823 location owned or operated by the caterer, on-premises retailer or
824 affiliated entity and an on-premises retailer's permit shall be



825 required for the separate location. All sales of alcoholic
826 beverages by holders of a caterer's permit shall be made at the
827 location being catered by the caterer, and, except as otherwise
828 provided in subsection (5) of this section, such sales may be made
829 only for consumption at the catered location. The location being
830 catered may be anywhere within a county or judicial district that
831 has voted to come out from under the dry laws or in which the sale
832 and distribution of alcoholic beverages is otherwise authorized by
833 law. Such sales shall be made pursuant to any other conditions
834 and restrictions which apply to sales made by on-premises retail
835 permittees. The holder of a caterer's permit or his employees
836 shall remain at the catered location as long as alcoholic
837 beverages are being sold pursuant to the permit issued under this
838 paragraph (g), and the permittee shall have at the location the
839 identification card issued by the * * * division * * *. No unsold
840 alcoholic beverages may be left at the catered location by the
841 permittee upon the conclusion of his business at that location.
842 Appropriate law enforcement officers and * * * division personnel
843 may enter a catered location on private property in order to
844 enforce laws governing the sale or serving of alcoholic beverages.

845 (h) **Research permit.** A research permit shall authorize
846 the holder thereof to operate a research facility for the
847 professional research of alcoholic beverages. Such permit shall
848 authorize the holder of the permit to import and purchase limited
849 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.

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



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

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit



holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section



501(c) (3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages



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

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. However, when selling to consumers for on-premises consumption, a holder of a distillery retailer's permit may add



974 other beverages, alcoholic or not, so long as the total volume of
975 other beverage components containing alcohol does not exceed
976 twenty percent (20%). Hours of sale shall be the same as those
977 authorized for on-premises permittees in the city or county in
978 which the distillery retailer is located.

979 The holder shall not sell at retail more than ten percent
980 (10%) of the alcoholic beverages produced annually at its
981 distillery. The holder shall not make retail sales of more than
982 two and twenty-five one-hundredths (2.25) liters, in the
983 aggregate, of the alcoholic beverages produced at its distillery
984 to any one (1) individual for consumption off the premises of the
985 distillery within a twenty-four-hour period. The hours of sale
986 shall be the same as those hours for package retailers under this
987 article. The holder of a distillery retailer's permit is not
988 required to purchase the alcoholic beverages authorized to be sold
989 by this paragraph from the department's liquor distribution
990 warehouse; however, if the holder does not purchase the alcoholic
991 beverages from the department's liquor distribution warehouse, the
992 holder shall pay to the department all taxes, fees and surcharges
993 on the alcoholic beverages that are imposed upon the sale of
994 alcoholic beverages shipped by the department or its warehouse
995 operator. In addition to alcoholic beverages, the holder of a
996 distillery retailer's permit may sell at retail promotional
997 products from the same retail location, including shirts, hats,



998 glasses, and other promotional products customarily sold by
999 alcoholic beverage manufacturers.

1000 (r) **Festival Wine Permit.** Any wine manufacturer or
1001 native wine producer permitted by Mississippi or any other state
1002 is eligible to obtain a Festival Wine Permit. This permit
1003 authorizes the entity to transport product manufactured by it to
1004 festivals held within the State of Mississippi and sell sealed,
1005 unopened bottles to festival participants. The holder of this
1006 permit may provide samples at no charge to participants.
1007 "Festival" means any event at which three (3) or more vendors are
1008 present at a location for the sale or distribution of goods. The
1009 holder of a Festival Wine Permit is not required to purchase the
1010 alcoholic beverages authorized to be sold by this paragraph from
1011 the department's liquor distribution warehouse. However, if the
1012 holder does not purchase the alcoholic beverages from the
1013 department's liquor distribution warehouse, the holder of this
1014 permit shall pay to the department all taxes, fees and surcharges
1015 on the alcoholic beverages sold at such festivals that are imposed
1016 upon the sale of alcoholic beverages shipped by the * * *
1017 division * * *. Additionally, the entity shall file all
1018 applicable reports and returns as prescribed by the department.
1019 This permit is issued per festival and provides authority to sell
1020 for two (2) consecutive days during the hours authorized for
1021 on-premises permittees' sales in that county or city. The holder
1022 of the permit shall be required to maintain all requirements set



1023 by Local Option Law for the service and sale of alcoholic
1024 beverages. This permit may be issued to entities participating in
1025 festivals at which a Class 1 temporary permit is in effect.

1026 This paragraph (r) shall stand repealed from and after July
1027 1, 2026.

1028 (s) **Charter vessel operator's permit.** Subject to the
1029 provisions of this paragraph (s), a charter vessel operator's
1030 permit shall authorize the holder thereof and its employees to
1031 sell and serve alcoholic beverages to passengers of the permit
1032 holder during public tours, historical tours, ecological tours and
1033 sunset cruises provided by the permit holder. The permit shall
1034 authorize the holder to only sell alcoholic beverages, including
1035 native wines, to passengers of the charter vessel operator during
1036 public tours, historical tours, ecological tours and sunset
1037 cruises provided by the permit holder aboard the charter vessel
1038 operator for consumption during such tours and cruises on the
1039 premises of the charter vessel operator described in the permit.
1040 For the purposes of this paragraph (s), "charter vessel operator"
1041 means a common carrier that (i) is certified to carry at least
1042 forty-nine (49) passengers, (ii) operates only in the waters
1043 within the State of Mississippi, which lie south of Interstate 10
1044 in the three (3) most southern counties in the State of
1045 Mississippi, and lie adjacent to the State of Mississippi south of
1046 the three (3) most southern counties in the State of Mississippi,
1047 extending not further than one (1) mile south of such counties,



and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph(s).

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



1073 age for the individual's use and not for resale. This permit does
1074 not authorize the delivery of alcoholic beverages, beer, light
1075 wine or light spirit product to the premises of a location with a
1076 permit for the manufacture, distribution or retail sale of
1077 alcoholic beverages, beer, light wine or light spirit product.
1078 The holder of a package retailer's permit or an on-premises
1079 retailer's permit under Section 67-1-51 or of a beer, light wine
1080 and light spirit product permit under Section 67-3-19 is
1081 authorized to apply for a delivery service permit as a privilege
1082 separate from its existing retail permit.

1083 (v) **Food truck permit.** A food truck permit shall
1084 authorize the holder of an on-premises retailer's permit to use a
1085 food truck to sell alcoholic beverages off its premises to guests
1086 who must consume the beverages in open containers. For the
1087 purposes of this paragraph (v), "food truck" means a fully encased
1088 food service establishment on a motor vehicle or on a trailer that
1089 a motor vehicle pulls to transport, and from which a vendor,
1090 standing within the frame of the establishment, prepares, cooks,
1091 sells and serves food for immediate human consumption. The term
1092 "food truck" does not include a food cart that is not motorized.
1093 Food trucks shall maintain such distance requirements from
1094 schools, churches, kindergartens and funeral homes as are required
1095 for on-premises retailer's permittees under this article, and all
1096 sales must be made within a valid leisure and recreation district
1097 established under Section 67-1-101. Food trucks cannot sell or



1098 serve alcoholic beverages unless also offering food prepared and
1099 cooked within the food truck, and permittees must maintain a
1100 twenty-five percent (25%) food sale revenue requirement based on
1101 the food sold from the food truck alone. The hours allowed for
1102 sale shall be the same as those for on-premises retailer's
1103 permittees in the location. This permit will not be required for
1104 the holder of a caterer's permit issued under this article to
1105 cater an event as allowed by law. Permittees must provide notice
1106 of not less than forty-eight (48) hours to the department of each
1107 location at which alcoholic beverages will be sold.

1108 (w) **On-premises tobacco permit.** An on-premises tobacco
1109 permit shall authorize the permittee to sell alcoholic beverages
1110 for consumption on the licensed premises. In addition to all
1111 other requirements to obtain an alcoholic beverage permit, the
1112 permittee must obtain and maintain a tobacco permit issued by the
1113 State of Mississippi, and have a capital investment of not less
1114 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
1115 for which the permit is issued. In addition to alcoholic
1116 beverages, the permittee is authorized to sell only cigars,
1117 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
1118 Additionally, seventy-five percent (75%) of the permittee's annual
1119 gross revenue must be derived from the sale of cigars, cheroots,
1120 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
1121 be required, but food may be sold on the premises. The issuance
1122 of this permit does not remove any obligation a permittee may have



1123 to follow local ordinances or actions prohibiting the use of
1124 tobacco products.

1125 (x) Direct wine shipper's permit. A direct wine
1126 shipper's permit shall authorize the holder to sell and ship a
1127 limited amount of wine directly to residents in this state in
1128 accordance with the provisions of Sections 1 through 9 of this
1129 act, without being required to transact the sale and shipment of
1130 those wines through the division.

1131 (2) Except as otherwise provided in subsection (4) of this
1132 section, retail permittees may hold more than one (1) retail
1133 permit, at the discretion of the department.

1134 (3) (a) Except as otherwise provided in this subsection, no
1135 authority shall be granted to any person to manufacture, sell or
1136 store for sale any intoxicating liquor as specified in this
1137 article within four hundred (400) feet of any church, school
1138 (excluding any community college, junior college, college or
1139 university), kindergarten or funeral home. However, within an
1140 area zoned commercial or business, such minimum distance shall be
1141 not less than one hundred (100) feet.

1142 (b) A church or funeral home may waive the distance
1143 restrictions imposed in this subsection in favor of allowing
1144 issuance by the department of a permit, pursuant to subsection (1)
1145 of this section, to authorize activity relating to the
1146 manufacturing, sale or storage of alcoholic beverages which would
1147 otherwise be prohibited under the minimum distance criterion.



1148 Such waiver shall be in written form from the owner, the governing
1149 body, or the appropriate officer of the church or funeral home
1150 having the authority to execute such a waiver, and the waiver
1151 shall be filed with and verified by the department before becoming
1152 effective.

1153 (c) The distance restrictions imposed in this
1154 subsection shall not apply to the sale or storage of alcoholic
1155 beverages at a bed and breakfast inn listed in the National
1156 Register of Historic Places or to the sale or storage of alcoholic
1157 beverages in a historic district that is listed in the National
1158 Register of Historic Places, is a qualified resort area and is
1159 located in a municipality having a population greater than one
1160 hundred thousand (100,000) according to the latest federal
1161 decennial census.

1162 (d) The distance restrictions imposed in this
1163 subsection shall not apply to the sale or storage of alcoholic
1164 beverages at a qualified resort area as defined in Section
1165 67-1-5(o)(iii)32.

1166 (e) The distance restrictions imposed in this
1167 subsection shall not apply to the sale or storage of alcoholic
1168 beverages at a licensed premises in a building formerly owned by a
1169 municipality and formerly leased by the municipality to a
1170 municipal school district and used by the municipal school
1171 district as a district bus shop facility.



1172 (f) The distance restrictions imposed in this
1173 subsection shall not apply to the sale or storage of alcoholic
1174 beverages at a licensed premises in a building consisting of at
1175 least five thousand (5,000) square feet and located approximately
1176 six hundred (600) feet from the intersection of Mississippi
1177 Highway 15 and Mississippi Highway 4.

1178 (g) The distance restrictions imposed in this
1179 subsection shall not apply to the sale or storage of alcoholic
1180 beverages at a licensed premises in a building located at or near
1181 the intersection of Ward and Tate Streets and adjacent properties
1182 in the City of Senatobia, Mississippi.

1183 (h) The distance restrictions imposed in this
1184 subsection shall not apply to the sale or storage of alcoholic
1185 beverages at a theatre facility that features plays and other
1186 theatrical performances and productions and (i) is capable of
1187 seating more than seven hundred fifty (750) people, (ii) is owned
1188 by a municipality which has a population greater than ten thousand
1189 (10,000) according to the latest federal decennial census, (iii)
1190 was constructed prior to 1930, (iv) is on the National Register of
1191 Historic Places, and (v) is located in a historic district.

1192 (i) The distance restrictions imposed in this
1193 subsection shall not apply to the sale or storage of alcoholic
1194 beverages at a licensed premises in a building located
1195 approximately one and six-tenths (1.6) miles north of the



1196 intersection of Mississippi Highway 15 and Mississippi Highway 4
1197 on the west side of Mississippi Highway 15.

1198 (4) No person, either individually or as a member of a firm,
1199 partnership, limited liability company or association, or as a
1200 stockholder, officer or director in a corporation, shall own or
1201 control any interest in more than one (1) package retailer's
1202 permit, nor shall such person's spouse, if living in the same
1203 household of such person, any relative of such person, if living
1204 in the same household of such person, or any other person living
1205 in the same household with such person own any interest in any
1206 other package retailer's permit; however, in the case of a person
1207 holding a package retailer's permit issued before July 1, 2024,
1208 such a person may own one (1) additional package retailer's permit
1209 if the additional permit is issued for a premises with a minimum
1210 capital investment of Twenty Million Dollars (\$20,000,000.00) that
1211 is part of a major retail development project and located in one
1212 (1) of the three (3) most southern counties in the State of
1213 Mississippi, and not within one hundred (100) miles of another
1214 location in the State of Mississippi, for which the permittee
1215 holds such a permit.

1216 (5) (a) In addition to any other authority granted under
1217 this section, the holder of a permit issued under subsection
1218 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1219 sell or otherwise provide alcoholic beverages and/or wine to a
1220 patron of the permit holder in the manner authorized in the permit



1221 and the patron may remove an open glass, cup or other container of
1222 the alcoholic beverage and/or wine from the licensed premises and
1223 may possess and consume the alcoholic beverage or wine outside of
1224 the licensed premises if: (i) the licensed premises is located
1225 within a leisure and recreation district created under Section
1226 67-1-101 and (ii) the patron remains within the boundaries of the
1227 leisure and recreation district while in possession of the
1228 alcoholic beverage or wine.

1229 (b) Nothing in this subsection shall be construed to
1230 allow a person to bring any alcoholic beverages into a permitted
1231 premises except to the extent otherwise authorized by this
1232 article.

1233 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is
1234 amended as follows:

1235 67-1-53. (1) Application for permits shall be in such form
1236 and shall contain such information as shall be required by the
1237 regulations of the * * * department; however, no regulation of
1238 the * * * department shall require personal financial information
1239 from any officer of a corporation applying for an on-premises
1240 retailer's permit to sell alcoholic beverages unless such officer
1241 owns ten percent (10%) or more of the stock of such corporation.

1242 (2) Every applicant for each type of permit authorized by
1243 Section 67-1-51 shall give notice of such application by
1244 publication for two (2) consecutive issues in a newspaper of
1245 general circulation published in the city or town in which



applicant's place of business is located. However, in instances where no newspaper is published in the city or town, then the notice shall be published in a newspaper of general circulation published in the county where the applicant's business is located. If no newspaper is published in the county, the notice shall be published in a qualified newspaper which is published in the closest neighboring county and circulated in the county of applicant's residence. The notice shall be printed in ten-point black face type and shall set forth the type of permit to be applied for, the exact location of the place of business, the name of the owner or owners thereof, and if operating under an assumed name, the trade name together with the names of all owners, and if a corporation, the names and titles of all officers. The cost of such notice shall be borne by the applicant. The provisions of this subsection (2) shall not apply to applicants for a direct wine shipper's permit under Sections 1 through 9 of this act.

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

SECTION 18. Section 67-1-55, Mississippi Code of 1972, is amended as follows:

67-1-55. No permit of any type shall be issued by the * * * department until the applicant has first filed with the * * * department a sworn statement disclosing all persons who are financially involved in the operation of the business for which



1271 the permit is sought. If an applicant is an individual, he will
1272 swear that he owns one hundred percent (100%) of the business for
1273 which he is seeking a permit. If the applicant is a partnership,
1274 all partners and their addresses shall be disclosed and the extent
1275 of their interest in the partnership shall be disclosed. If the
1276 applicant is a corporation, the total stock in the corporation
1277 shall be disclosed and each shareholder and his address and the
1278 amount of stock in the corporation owned by him shall be
1279 disclosed. If the applicant is a limited liability company, each
1280 member and their addresses shall be disclosed and the extent of
1281 their interest in the limited liability company shall be
1282 disclosed. If the applicant is a trust, the trustee and all
1283 beneficiaries and their addresses shall be disclosed. If the
1284 applicant is a combination of any of the above, all information
1285 required to be disclosed above shall be required.

1286 All the disclosures shall be in writing and kept on file at
1287 the * * * department and shall be available to the public.

1288 Every applicant must, when applying for a renewal of his
1289 permit, disclose any change in the ownership of the business or
1290 any change in the beneficiaries of the income from the business.

1291 Any person who willfully fails to fully disclose the
1292 information required by this section, or who gives false
1293 information, shall be guilty of a misdemeanor and, upon conviction
1294 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1295 (\$500.00) or imprisoned for not more than one (1) year, or both,



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

The provisions of this section shall not apply to persons applying for a direct wine shipper's permit under Sections 1 through 9 of this act.

SECTION 19. Section 67-1-57, Mississippi Code of 1972, is amended as follows:

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

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

(b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent of any other person, and that he intends to superintend in person the management of the business or that he will designate a



1321 manager to manage the business for him. Except for managers
1322 employed by the holder of a direct wine shipper's permit, all
1323 managers must be approved by the department prior to completing
1324 any managerial tasks on behalf of the permittee and must possess
1325 all of the qualifications required of a permittee; however, a
1326 felony conviction, other than a crime of violence, does not
1327 automatically disqualify a person from being approved as a manager
1328 if the person was released from incarceration at least three (3)
1329 years prior to application for approval as a manager. A felony
1330 conviction, other than a crime of violence, may be considered by
1331 the department in determining whether all other qualifications are
1332 met.

1333 (c) That the applicant for a package retailer's permit,
1334 if an individual, is a resident of the State of Mississippi. If
1335 the applicant is a partnership, each member of the partnership
1336 must be a resident of the state. If the applicant is a limited
1337 liability company, each member of the limited liability company
1338 must be a resident of the state. If the applicant is a
1339 corporation, the designated manager of the corporation must be a
1340 resident of the state.

1341 (d) That the place for which the permit is to be issued
1342 is an appropriate one considering the character of the premises
1343 and the surrounding neighborhood.

1344 (e) That the place for which the permit is to be issued
1345 is within the corporate limits of an incorporated municipality or



1346 qualified resort area or club which comes within the provisions of
1347 this article.

1348 (f) That the applicant is not indebted to the state for
1349 any taxes, fees or payment of penalties imposed by any law of the
1350 State of Mississippi or by any rule or regulation of the * * *
1351 department.

1352 (g) That the applicant is not in the habit of using
1353 alcoholic beverages to excess and is not physically or mentally
1354 incapacitated, and that the applicant has the ability to read and
1355 write the English language.

1356 (h) That the * * * department does not believe and has
1357 no reason to believe that the applicant will sell or knowingly
1358 permit any agent, servant or employee to unlawfully sell liquor in
1359 a dry area or in any other manner contrary to law.

1360 (i) That the applicant is not residentially domiciled
1361 with any person whose permit or license has been cancelled for
1362 cause within the twelve (12) months next preceding the date of the
1363 present application for a permit.

1364 (j) That the * * * department has not, in the exercise
1365 of its discretion which is reserved and preserved to it, refused
1366 to grant permits under the restrictions of this section, as well
1367 as under any other pertinent provision of this article.

1368 (k) That there are not sufficient legal reasons to deny
1369 a permit on the ground that the premises for which the permit is
1370 sought has previously been operated, used or frequented for any



1371 purpose or in any manner that is lewd, immoral or offensive to
1372 public decency. In the granting or withholding of any permit to
1373 sell alcoholic beverages at retail, the * * department in forming
1374 its conclusions may give consideration to any recommendations made
1375 in writing by the district or county attorney or county, circuit
1376 or chancery judge of the county, or the sheriff of the county, or
1377 the mayor or chief of police of an incorporated city or town
1378 wherein the applicant proposes to conduct his business and to any
1379 recommendations made by representatives of the * * * department.

1380 (1) That the applicant and the applicant's key
1381 employees, as determined by the * * * department, do not have a
1382 disqualifying criminal record. In order to obtain a criminal
1383 record history check, the applicant shall submit to the * * *
1384 department a set of fingerprints from any local law enforcement
1385 agency for each person for whom the records check is required.
1386 The * * * department shall forward the fingerprints to the
1387 Mississippi Department of Public Safety. If no disqualifying
1388 record is identified at the state level, the Department of Public
1389 Safety shall forward the fingerprints to the Federal Bureau of
1390 Investigation for a national criminal history record check. Costs
1391 for processing the set or sets of fingerprints shall be borne by
1392 the applicant. The department may waive the fingerprint
1393 requirement in the case of an applicant for a direct wine
1394 shipper's permit. The * * * department shall not deny employment



to an employee of the applicant prior to the identification of a disqualifying record or other disqualifying information.

SECTION 20. Section 67-1-73, Mississippi Code of 1972, is amended as follows:

67-1-73. (1) Except as otherwise provided in subsection (3) of this section, 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, including native wine or native spirit, within the state, shall, at the time of making such sale, file with the department a copy of the invoice of such sale showing in detail the kind of alcoholic beverage sold, the quantities of each, the size of the container and the weight of the contents, the alcoholic content, and the name and address of the person to whom sold.

(2) Except as otherwise provided in subsection (3) of this section, every person transporting alcoholic beverages, including native wine or native spirit, within this state to a point within this state, whether such transportation originates within or without this state, shall, within five (5) days after delivery of such shipment, furnish the department a copy of the bill of lading or receipt, showing the name or consignor or consignee, date, place received, destination, and quantity of alcoholic beverages delivered. Upon failure to comply with the provisions of this section, such person shall be deemed guilty of a misdemeanor and,



1420 upon conviction thereof, shall be fined in the sum of Fifty
1421 Dollars (\$50.00) for each offense.

1422 (3) Information regarding the sales, shipment, delivery and
1423 transportation of wine in this state by the holder of a direct
1424 wine shipper's permit under Sections 1 through 9 of this act shall
1425 be in such form and content as prescribed by the department.

1426 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is
1427 amended as follows:

1428 97-31-47. It shall be unlawful for any transportation
1429 company, or any agent, employee, or officer of such company, or
1430 any other person, or corporation to transport into or deliver in
1431 this state in any manner or by any means any spirituous, vinous,
1432 malt, or other intoxicating liquors or drinks, or for any such
1433 person, company, or corporation to transport any spirituous, malt,
1434 vinous, or intoxicating liquors or drinks from one place within
1435 this state to another place within the state, or from one (1)
1436 point within this state to any point without the state, except in
1437 cases where this chapter * * *, Section 67-9-1, or Sections 1
1438 through 9 of this act authorizes the transportation.

1439 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is
1440 amended as follows:

1441 97-31-49. Except as otherwise provided in Sections 1 through
1442 9 of this act, it shall be unlawful for any person, firm or
1443 corporation in this state, in person, by letter, circular, or
1444 other printed or written matter, or in any other manner, to



1445 solicit or take order in this state for any liquors, bitters or
1446 drinks prohibited by the laws of this state to be sold, bartered,
1447 or otherwise disposed of. The inhibition of this section shall
1448 apply to such liquors, bitters and drinks, whether the parties
1449 intend that the same shall be shipped into this state from outside
1450 of the state, or from one (1) point in this state to another point
1451 in this state. If such order be in writing, parol evidence
1452 thereof is admissible without producing or accounting for the
1453 absence of the original; and the taking or soliciting of such
1454 orders is within the inhibition of this section, although the
1455 orders are subject to approval by some other person, and no part
1456 of the price is paid, nor any part of the goods is delivered when
1457 the order is taken.

1458 **SECTION 23.** This act shall take effect and be in force from
1459 and after July 1, 2025.

