

By: Senator(s) Berry

To: Finance

SENATE BILL NO. 2823

1 AN ACT TO PROVIDE LEGAL REQUIREMENTS TO BE OBSERVED BY NATIVE
2 WINERIES AND NATIVE DISTILLERIES IN SELLING AND SHIPPING NATIVE
3 WINES OR NATIVE SPIRITS DIRECTLY TO RESIDENTS IN THIS STATE; TO
4 AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO CHANGE THE
5 NAME OF THE FESTIVAL WINE PERMIT TO "FESTIVAL PERMIT," AND TO MAKE
6 NATIVE DISTILLERIES ELIGIBLE TO HOLD THE PERMIT; TO REMOVE THE
7 REPEALER ON THE FESTIVAL PERMIT; TO EXPAND THE NATIVE WINE
8 RETAILER'S PERMIT AND THE NATIVE SPIRIT RETAILER'S PERMIT TO COVER
9 UP TO TWO ADDITIONAL TASTING ROOMS IN THIS STATE; TO SPECIFY THAT
10 A SEPARATE PERMIT IS REQUIRED FOR EACH TASTING ROOM; TO AMEND
11 SECTIONS 67-5-11 AND 67-11-9, MISSISSIPPI CODE OF 1972, TO ALLOW
12 NATIVE WINE AND NATIVE SPIRIT SALES TO CONSUMERS AT THE ADDITIONAL
13 TASTING ROOMS; TO SPECIFY THAT THE 24.5% ADDITIONAL MARKUP DOES
14 NOT APPLY TO NATIVE WINES OR NATIVE SPIRITS HELD AT THE NATIVE
15 WINERY OR NATIVE DISTILLERY FOR ON-SITE PICKUP BY RETAILERS; TO
16 AUTHORIZE NATIVE WINERIES AND NATIVE DISTILLERIES TO SELL AND SHIP
17 NATIVE WINES DIRECTLY TO RESIDENTS IN THIS STATE, WITHOUT BEING
18 REQUIRED TO TRANSACT THE SALE AND SHIPMENT THROUGH THE DEPARTMENT
19 OF REVENUE'S ALCOHOLIC BEVERAGE CONTROL DIVISION; TO AMEND
20 SECTIONS 67-1-41, 27-71-5 AND 27-71-11, MISSISSIPPI CODE OF 1972,
21 TO CONFORM; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** (1) When shipping native wines or native spirits
24 directly to a resident in this state as authorized under Section
25 67-5-11 or 67-11-9, a native winery or native distillery shall:



(a) Ensure that all containers 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 native wine or native spirit, 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 this section;

(d) Allow the department to perform an audit of the native winery's or native distillery'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 this section and any related laws, rules or regulations.

(2) When shipping native wines or native spirits directly to a resident in this state, a native winery or native distillery may not ship native wine or native spirit to an address in a county that has not voted in favor of coming out from under the dry law.

(3) (a) To purchase and receive a direct shipment of native wine or native spirit from a native winery or native distillery, a resident of this state must be at least twenty-one (21) years of age, and a person who is at least twenty-one (21) years of age must sign for any native wine or native spirit shipped.



50 (b) A shipment of native wine or native spirit may be
51 ordered or purchased from a native winery or native distillery
52 through a computer network.

53 (c) A person who receives a direct shipment of native
54 wine or native spirit from a native winery or native distillery
55 shall use the native wine or native spirit for personal
56 consumption only and may not resell it.

57 (4) The commissioner may adopt any rules or regulations as
58 necessary to carry out this section. All of the enforcement
59 provisions of this chapter that are not in conflict with this
60 section may be used by the department to enforce the provisions of
61 this section.

62 (5) (a) Any person who makes, participates in, transports,
63 imports or receives a sale or shipment of native wine or native
64 spirit in violation of this section is guilty of a misdemeanor
65 and, upon conviction thereof, shall be punished by a fine not
66 exceeding One Thousand Dollars (\$1,000.00) or imprisonment in the
67 county jail for not more than six (6) months, or both. Each sale
68 or shipment in violation of this section shall constitute a
69 separate offense.

70 (b) If any holder of a direct wine shipper's permit
71 violates any provision of this section, the department may suspend
72 or revoke the permit and impose civil penalties as authorized
73 under this chapter.



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

76 67-1-51. (1) Permits which may be issued by the department
77 shall be as follows:

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

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

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

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

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



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

100 (b) **Package retailer's permit.** Except as otherwise
101 provided in this paragraph and Section 67-1-52, a package
102 retailer's permit shall authorize the holder thereof to operate a
103 store exclusively for the sale at retail in original sealed and
104 unopened packages of alcoholic beverages, including native wines,
105 native spirits and edibles, not to be consumed on the premises
106 where sold. Alcoholic beverages shall not be sold by any retailer
107 in any package or container containing less than fifty (50)
108 milliliters by liquid measure. A package retailer's permit, with
109 prior approval from the department, shall authorize the holder
110 thereof to sample new product furnished by a manufacturer's
111 representative or his employees at the permitted place of business
112 so long as the sampling otherwise complies with this article and
113 applicable department regulations. Such samples may not be
114 provided to customers at the permitted place of business. In
115 addition to the sale at retail of packages of alcoholic beverages,
116 the holder of a package retailer's permit is authorized to sell at
117 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
118 other beverages commonly used to mix with alcoholic beverages, and
119 fruits and foods that have been submerged in alcohol and are
120 commonly referred to as edibles. Nonalcoholic beverages sold by



the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. In addition, an on-premises retailer's permittee at a permitted premises located on Jefferson Davis Avenue within one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic beverages by the glass to a patron in a vehicle using a drive-through method of delivery if the permitted premises is located in a leisure and recreation district established under Section 67-1-101. Such a sale will be considered to be made on the permitted premises. An on-premises retailer's permit shall be issued only to qualified hotels, restaurants and clubs, small



craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, however, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to any establishments located therein as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote



his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to 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, and at up to two (2) additional tasting rooms located in this state. Each additional tasting room requires a separate native wine retailer's permit.

When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the



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

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

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

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



220 permittee exclusively for personal use and consumption, subject to
221 all laws pertaining to the illegal sale and possession of
222 alcoholic beverages. The department, following review of the
223 statement provided by the applicant and the requirements of the
224 applicable statutes and regulations, may issue the permit.

225 Class 2. A temporary permit, not to exceed seventy (70)
226 days, may be issued to prospective permittees seeking to transfer
227 a permit authorized in paragraph (c) of this subsection. A Class
228 2 permit may be issued only to applicants demonstrating to the
229 department, by a statement signed under the penalty of perjury,
230 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
231 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
232 67-1-59. The department, following a preliminary review of the
233 statement provided by the applicant and the requirements of the
234 applicable statutes and regulations, may issue the permit.

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

243 Class 3. A temporary one-day permit may be issued to a
244 retail establishment authorizing the complimentary distribution of



wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (1) of this subsection, or holds a permit issued



under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made



only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

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



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

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

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

341 (l) **Merchant permit.** Except as otherwise provided in
342 subsection (5) of this section, a merchant permit shall be issued
343 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 other beverages, alcoholic or not, so long as the total volume of other beverage components containing alcohol does not exceed



twenty percent (20%). Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located.

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



467 (r) **Festival * * * permit.** Any wine
468 manufacturer * * *, native * * * winery or native distillery
469 permitted by Mississippi or any other state is eligible to obtain
470 a festival * * * permit. This permit authorizes the entity to
471 transport product manufactured by it to festivals held within the
472 State of Mississippi and sell sealed, unopened bottles to festival
473 participants. The holder of this permit may provide samples at no
474 charge to participants. "Festival" means any event at which three
475 (3) or more vendors are present at a location for the sale or
476 distribution of goods. The holder of a festival * * * permit is
477 not required to purchase the alcoholic beverages authorized to be
478 sold by this paragraph from the department's liquor distribution
479 warehouse. However, if the holder does not purchase the alcoholic
480 beverages from the department's liquor distribution warehouse, the
481 holder of this permit shall pay to the department all taxes, fees
482 and surcharges on the alcoholic beverages sold at such festivals
483 that are imposed upon the sale of alcoholic beverages shipped by
484 the * * * division * * *. Additionally, the entity shall file all
485 applicable reports and returns as prescribed by the department.
486 This permit is issued per festival and provides authority to sell
487 for two (2) consecutive days during the hours authorized for
488 on-premises permittees' sales in that county or city. The holder
489 of the permit shall be required to maintain all requirements set
490 by Local Option Law for the service and sale of alcoholic



beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

* * *

(s) **Charter vessel operator's permit.** Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate 10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph(s).



(t) **Native spirit retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery, and at up to two (2) additional tasting rooms located in this state. Each additional tasting room requires a separate native spirit retailer's permit. 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 age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit.

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



established under Section 67-1-101. Food trucks cannot sell or serve alcoholic beverages unless also offering food prepared and cooked within the food truck, and permittees must maintain a twenty-five percent (25%) food sale revenue requirement based on the food sold from the food truck alone. The hours allowed for sale shall be the same as those for on-premises retailer's permittees in the location. This permit will not be required for the holder of a caterer's permit issued under this article to cater an event as allowed by law. Permittees must provide notice of not less than forty-eight (48) hours to the department of each location at which alcoholic beverages will be sold.

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



of this permit does not remove any obligation a permittee may have to follow local ordinances or actions prohibiting the use of tobacco products.

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

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

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



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

625 (d) The distance restrictions imposed in this
626 subsection shall not apply to the sale or storage of alcoholic
627 beverages at a qualified resort area as defined in Section
628 67-1-5(o)(iii)32.

629 (e) The distance restrictions imposed in this
630 subsection shall not apply to the sale or storage of alcoholic
631 beverages at a licensed premises in a building formerly owned by a
632 municipality and formerly leased by the municipality to a
633 municipal school district and used by the municipal school
634 district as a district bus shop facility.

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



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

646 (h) The distance restrictions imposed in this
647 subsection shall not apply to the sale or storage of alcoholic
648 beverages at a theatre facility that features plays and other
649 theatrical performances and productions and (i) is capable of
650 seating more than seven hundred fifty (750) people, (ii) is owned
651 by a municipality which has a population greater than ten thousand
652 (10,000) according to the latest federal decennial census, (iii)
653 was constructed prior to 1930, (iv) is on the National Register of
654 Historic Places, and (v) is located in a historic district.

655 (i) The distance restrictions imposed in this
656 subsection shall not apply to the sale or storage of alcoholic
657 beverages at a licensed premises in a building located
658 approximately one and six-tenths (1.6) miles north of the
659 intersection of Mississippi Highway 15 and Mississippi Highway 4
660 on the west side of Mississippi Highway 15.

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



666 household of such person, any relative of such person, if living
667 in the same household of such person, or any other person living
668 in the same household with such person own any interest in any
669 other package retailer's permit; however, in the case of a person
670 holding a package retailer's permit issued before July 1, 2024,
671 such a person may own one (1) additional package retailer's permit
672 if the additional permit is issued for a premises with a minimum
673 capital investment of Twenty Million Dollars (\$20,000,000.00) that
674 is part of a major retail development project and located in one
675 (1) of the three (3) most southern counties in the State of
676 Mississippi, and not within one hundred (100) miles of another
677 location in the State of Mississippi, for which the permittee
678 holds such a permit.

679 (5) (a) In addition to any other authority granted under
680 this section, the holder of a permit issued under subsection
681 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
682 sell or otherwise provide alcoholic beverages and/or wine to a
683 patron of the permit holder in the manner authorized in the permit
684 and the patron may remove an open glass, cup or other container of
685 the alcoholic beverage and/or wine from the licensed premises and
686 may possess and consume the alcoholic beverage or wine outside of
687 the licensed premises if: (i) the licensed premises is located
688 within a leisure and recreation district created under Section
689 67-1-101 and (ii) the patron remains within the boundaries of the



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

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

SECTION 3. Section 67-5-11, Mississippi Code of 1972, is
amended as follows:

67-5-11. (1) Within the State of Mississippi, every native
winery is authorized to make sales to the department or to
consumers at the location of the native winery or its immediate
vicinity, and to consumers at any additional tasting room covered
by a native wine retailer's permit. Every native winery is
authorized to make sales to any producer, manufacturer,
wholesaler, retailer or consumer located outside of the State of
Mississippi who are authorized by law to purchase the same.

(2) With respect to native wines * * * sold by the
department to retailers under Section 67-1-41, the native
winery * * * may hold those wines * * * for on-site pickup instead
of shipping them to the department warehouse, at the option of the
retailer and pursuant to any rules promulgated by the department.
Alcoholic beverages held for on-site pickup under this subsection
shall not be subject to the twenty-four and one-half percent
(24-1/2%) additional markup imposed by Section 27-71-11.



(3) A native winery may sell and ship native wines directly to residents in this state in accordance with Section 1 of this act, without being required to transact the sale and shipment through the division.

SECTION 4. Section 67-11-9, Mississippi Code of 1972, is amended as follows:

67-11-9. (1) Within the State of Mississippi, every native distillery is authorized to make sales to the department or to consumers at the location of the native distillery or its immediate vicinity, and to consumers at any additional tasting room covered by a native spirit retailer's permit. Every native distillery is authorized to make sales to any producer, manufacturer, wholesaler, retailer or consumer located outside of the State of Mississippi who is authorized by law to purchase the same.

(2) With respect to native spirits sold by the department to retailers under Section 67-1-41, the native distillery may hold those spirits for on-site pickup instead of shipping them to the department warehouse, at the option of the retailer and pursuant to any rules promulgated by the department. Alcoholic beverages held for on-site pickup under this subsection shall not be subject to the twenty-four and one-half percent (24-1/2%) additional markup imposed by Section 27-71-11.

(3) A native distillery may sell and ship native spirits directly to residents in this state in accordance with Section 1



of this act, without being required to transact the sale and shipment through the division.

SECTION 5. Section 67-1-41, Mississippi Code of 1972, is amended as follows:

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

(2) No person for the purpose of sale shall manufacture, distill, brew, sell, possess, export, transport, distribute, warehouse, store, solicit, take orders for, bottle, rectify,



blend, treat, mix or process any alcoholic beverage except in accordance with authority granted under this article, or as otherwise provided by law for native wines or native spirits.

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

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

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

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



789 (7) The department may promulgate rules which authorize the
790 manufacturer of an alcoholic beverage or wine to import, transport
791 and furnish or give a sample of alcoholic beverages or wines to
792 the holders of package retailer's permits, on-premises retailer's
793 permits, native wine or native spirit retailer's permits and
794 temporary retailer's permits who have not previously purchased the
795 brand of that manufacturer from the department. For each holder
796 of the designated permits, the manufacturer may furnish not more
797 than five hundred (500) milliliters of any brand of alcoholic
798 beverage and not more than three (3) liters of any brand of wine.

799 (8) The department may promulgate rules disallowing open
800 product sampling of alcoholic beverages or wines by the holders of
801 package retailer's permits and permitting open product sampling of
802 alcoholic beverages by the holders of on-premises retailer's
803 permits. Permitted sample products shall be plainly identified
804 "sample" and the actual sampling must occur in the presence of the
805 manufacturer's representatives during the legal operating hours of
806 on-premises retailers.

807 (9) The department may promulgate rules and regulations that
808 authorize the holder of a research permit to import and purchase
809 limited amounts of alcoholic beverages from importers, wineries
810 and distillers of alcoholic beverages or from the department. The
811 department shall develop and provide forms to be completed by the
812 research permittee verifying each transaction. The completed
813 forms shall be forwarded to the department within a period of time



814 prescribed by the department. The records and inventory of
815 alcoholic beverages shall be open to inspection at any time by the
816 Director of the Alcoholic Beverage Control Division or any duly
817 authorized agent.

818 (10) The department may promulgate rules facilitating a
819 retailer's on-site pickup of alcoholic beverages sold by the
820 department or as authorized by the department, including, but not
821 limited to, native wines and native spirits, so that those
822 alcoholic beverages may be delivered to the retailer at the
823 manufacturer's location instead of via shipment from the
824 department's warehouse.

825 (11) * * * This section shall not apply to alcoholic
826 beverages authorized to be sold by the holder of a distillery
827 retailer's permit or a festival * * * permit.

828 * * *

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



839 wineries on behalf of the purchasers. The department shall
840 develop and provide forms to be completed by the package retailer
841 permittees verifying the transaction. The completed forms shall
842 be forwarded to the department within a period of time prescribed
843 by the department.

844 (b) The purchaser of wine that is to be shipped to a
845 package retailer's store shall be required to get the prior
846 approval of the package retailer before any wine is shipped to the
847 package retailer. A purchaser is limited to no more than ten (10)
848 cases of wine per year to be shipped to a package retailer. A
849 package retailer shall notify a purchaser of wine within two (2)
850 days after receiving the shipment of wine. If the purchaser of
851 the wine does not pick up or take the wine from the package
852 retailer within thirty (30) days after being notified by the
853 package retailer, the package retailer may sell the wine as part
854 of his inventory.

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



864 covered by said report, the name and permit number of the winery,
865 the name and permit number of the package retailer permittee
866 receiving such wine, the weight of the package delivered to each
867 package retailer permittee, a unique tracking number, and the date
868 of delivery. Reports received by the department shall be made
869 available by the department to the public via the Mississippi
870 Public Records Act process in the same manner as other state
871 alcohol filings.

872 Upon the department's request, any records supporting the
873 report shall be made available to the department within a
874 reasonable time after the department makes a written request for
875 such records. Any records containing information relating to such
876 reports shall be kept and preserved for a period of two (2) years,
877 unless their destruction sooner is authorized, in writing, by the
878 department, and shall be open and available to inspection by the
879 department upon the department's written request. Reports shall
880 also be made available to any law enforcement or regulatory body
881 in the state in which the railroad company, express company,
882 common or contract carrier making the report resides or does
883 business.

884 Any common or contract carrier that willfully fails to make
885 reports, as provided by this section or any of the rules and
886 regulations of the department for the administration and
887 enforcement of this section, is subject to a notification of
888 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 6. 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 manufacturer per ten thousand (10,000) gallons or part thereof produced.....\$ 10.00

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

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

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



939 (g) On-premises retailer's permit, except for clubs and
 940 common carriers, each.....\$ 450.00
 941 (h) On-premises retailer's permit for wine of more than
 942 five percent (5%) alcohol by weight, but not more than twenty-one
 943 percent (21%) alcohol by weight, each.....\$ 225.00
 944 (i) On-premises retailer's permit for clubs...\$ 225.00
 945 (j) On-premises retailer's permit for common carriers,
 946 per car, plane, or other vehicle.....\$ 120.00
 947 (k) Solicitor's permit, regardless of any other
 948 provision of law, solicitor's permits shall be issued only in the
 949 discretion of the department.....\$ 100.00
 950 (l) Filing fee for each application except for an
 951 employee identification card.....\$ 25.00
 952 (m) Temporary permit, Class 1, each.....\$ 10.00
 953 (n) Temporary permit, Class 2, each.....\$ 50.00
 954 (o) (i) Caterer's permit.....\$ 600.00
 955 (ii) Caterer's permit for holders of on-premises
 956 retailer's permit.....\$ 150.00
 957 (p) Research permit.....\$ 100.00
 958 (q) Temporary permit, Class 3 (wine only).....\$ 10.00
 959 (r) Special service permit.....\$ 225.00
 960 (s) Merchant permit.....\$ 225.00
 961 (t) Temporary alcoholic beverages charitable auction
 962 permit.....\$ 10.00
 963 (u) Event venue retailer's permit.....\$ 225.00



964	(v)	Temporary theatre permit, each.....	\$ 10.00
965	(w)	Charter ship operator's permit.....	\$ 100.00
966	(x)	Distillery retailer's permit.....	\$ 450.00
967	(y)	Festival * * * permit.....	\$ 10.00
968	(z)	Charter vessel operator's permit.....	\$ 100.00
969	(aa)	Native spirit retailer's permit.....	\$ 50.00
970	(ab)	Delivery service permit.....	\$ 500.00
971	(ac)	Food truck permit.....	\$ 100.00
972	(ad)	On-premises tobacco permit.....	\$ 450.00

973 In addition to the filing fee imposed by paragraph (1) of
974 this subsection, a fee to be determined by the Department of
975 Revenue may be charged to defray costs incurred to process
976 applications. The additional fees shall be paid into the State
977 Treasury to the credit of a special fund account, which is hereby
978 created, and expenditures therefrom shall be made only to defray
979 the costs incurred by the Department of Revenue in processing
980 alcoholic beverage applications. Any unencumbered balance
981 remaining in the special fund account on June 30 of any fiscal
982 year shall lapse into the State General Fund.

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



989 * * *

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

997 (b) (i) In addition to the tax imposed in paragraph
998 (a) of this subsection, there is imposed and shall be collected by
999 the department from each permittee described in subsection (1)(g),
1000 (h), (i), (n) and (u) of this section, an additional license tax
1001 for the privilege of doing business within any municipality or
1002 county in which the licensee is located in the amount of Two
1003 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
1004 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
1005 (\$225.00) for each additional purchase of Five Thousand Dollars
1006 (\$5,000.00), or fraction thereof.

1007 (ii) In addition to the tax imposed in paragraph
1008 (a) of this subsection, there is imposed and shall be collected by
1009 the department from each permittee described in subsection (1)(o)
1010 and (s) of this section, an additional license tax for the
1011 privilege of doing business within any municipality or county in
1012 which the licensee is located in the amount of Two Hundred Fifty
1013 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars



1014 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
1015 additional purchase of Five Thousand Dollars (\$5,000.00), or
1016 fraction thereof.

1017 (iii) Any person who has paid the additional
1018 privilege license tax imposed by this paragraph, and whose permit
1019 is renewed, may add any unused fraction of Five Thousand Dollars
1020 (\$5,000.00) purchases to the first Five Thousand Dollars
1021 (\$5,000.00) purchases authorized by the renewal permit, and no
1022 additional license tax will be required until purchases exceed the
1023 sum of the two (2) figures.

1024 (c) If the licensee is located within a municipality,
1025 the department shall pay the amount of additional license tax
1026 collected under this section to the municipality, and if outside a
1027 municipality the department shall pay the additional license tax
1028 to the county in which the licensee is located. Payments by the
1029 department to the respective local government subdivisions shall
1030 be made once each month for any collections during the preceding
1031 month.

1032 (3) When an application for any permit, other than for
1033 renewal of a permit, has been rejected by the department, such
1034 decision shall be final. Appeal may be made in the manner
1035 provided by Section 67-1-39. Another application from an
1036 applicant who has been denied a permit shall not be reconsidered
1037 within a twelve-month period.



1038 (4) The number of permits issued by the department shall not
1039 be restricted or limited on a population basis; however, the
1040 foregoing limitation shall not be construed to preclude the right
1041 of the department to refuse to issue a permit because of the
1042 undesirability of the proposed location.

1043 (5) If any person shall engage or continue in any business
1044 which is taxable under this section without having paid the tax as
1045 provided in this section, the person shall be liable for the full
1046 amount of the tax plus a penalty thereon equal to the amount
1047 thereof, and, in addition, shall be punished by a fine of not more
1048 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
1049 county jail for a term of not more than six (6) months, or by both
1050 such fine and imprisonment, in the discretion of the court.

1051 (6) It shall be unlawful for any person to consume alcoholic
1052 beverages on the premises of any hotel restaurant, restaurant,
1053 club or the interior of any public place defined in Chapter 1,
1054 Title 67, Mississippi Code of 1972, when the owner or manager
1055 thereof displays in several conspicuous places inside the
1056 establishment and at the entrances of establishment a sign
1057 containing the following language: NO ALCOHOLIC BEVERAGES
1058 ALLOWED.

1059 **SECTION 7.** Section 27-71-11, Mississippi Code of 1972, is
1060 amended as follows:

1061 27-71-11. (1) The department shall from time to time by
1062 resolution request the State Bond Commission to provide sufficient



1063 funds required to maintain an adequate alcoholic beverage
1064 inventory. Said funds shall be provided under the provisions of
1065 Chapter 557, Laws of 1966.

1066 (2) The department shall add to the cost of all alcoholic
1067 beverages shipped from the department warehouse a markup of
1068 twenty-seven and one-half percent (27-1/2%), inclusive of the
1069 three percent (3%) markup imposed by Section 27-71-7(2).

1070 (3) In addition to other excise taxes and markups imposed in
1071 this section and in Section 27-71-7, the department shall add to
1072 the cost of all alcoholic beverages shipped a charge of
1073 Twenty-five Cents (25¢) per case, to be deposited into the ABC
1074 Warehouse Improvements Fund created in Section 67-1-211(2).
1075 However, any unobligated amounts above Ten Million Dollars
1076 (\$10,000,000.00) remaining in the ABC Warehouse Improvements Fund
1077 at the end of a fiscal year shall be transferred to the State
1078 General Fund.

1079 (4) Notwithstanding the contract for warehouse and
1080 distribution operations under Section 67-1-205, the department
1081 shall remain responsible for purchasing and selling alcoholic
1082 beverages. The department shall sell alcoholic beverages at
1083 uniform prices throughout the state. Pricing for all alcoholic
1084 beverages shall be set by the addition of the markup and taxes to
1085 the price at which the beverages were purchased by the department.

1086 (5) A permittee's order shall qualify for shipping when it
1087 includes the minimum number of cases of alcoholic beverages as set



1088 by the department. The department shall place qualifying orders
1089 in a queue for shipment in the order in which the orders are made.
1090 An order of fewer than the minimum number of cases, and special
1091 orders, shall be added to the permittee's next qualified shipment.
1092 The department shall give sufficient notice of any change in the
1093 minimum number of cases for shipping and shall allow the
1094 opportunity for comment.

1095 (6) The department shall set a per-case shipping fee to be
1096 charged to permittees. The department shall adjust the fee to
1097 match, as closely as possible, the shipping costs as defined in
1098 Section 67-1-201. The shipping fee charged under this subsection
1099 shall be deposited to the credit of the ABC Shipping Fund created
1100 in Section 27-71-29.

1101 (7) The department shall charge manufacturers a bailment fee
1102 of One Dollar and Fifty Cents (\$1.50) per case of alcoholic
1103 beverages stored in the warehouse, to be deposited to the credit
1104 of the bond sinking fund created in Section 7(3) of Chapter 483,
1105 Laws of 2022.

1106 **SECTION 8.** Section 1 of this act shall be codified in Title
1107 67, Chapter 1, Mississippi Code of 1972.

1108 **SECTION 9.** This act shall take effect and be in force from
1109 and after its passage.

