

By: Senator(s) Harkins

To: Finance

SENATE BILL NO. 2851

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT, WHERE AN ON-PREMISES RETAILER'S PERMIT IS ISSUED TO
3 AN ESTABLISHMENT LOCATED IN A QUALIFIED RESORT AREA CREATED BY
4 SECTION 67-1-5(O)(III)(18), PERSONS IN THE PERMITTED PREMISES ARE
5 ALLOWED TO BRING ALCOHOLIC BEVERAGES INTO THE PERMITTED PREMISES
6 AND TO POSSESS, STORE AND CONSUME THOSE ALCOHOLIC BEVERAGES IN THE
7 PERMITTED PREMISES; AND FOR RELATED PURPOSES.

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

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

11 67-1-51. (1) Permits which may be issued by the department
12 shall be as follows:

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

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



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

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

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

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

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



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

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



70 a carryout order, a permit holder may sell one (1) bottle of wine
71 to be removed from the licensed premises for every two (2) entrees
72 ordered. In addition, an on-premises retailer's permittee at a
73 permitted premises located on Jefferson Davis Avenue within
74 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
75 beverages by the glass to a patron in a vehicle using a
76 drive-through method of delivery if the permitted premises is
77 located in a leisure and recreation district established under
78 Section 67-1-101. Such a sale will be considered to be made on
79 the permitted premises. An on-premises retailer's permit shall be
80 issued only to qualified hotels, restaurants and clubs, small
81 craft breweries, microbreweries, and to common carriers with
82 adequate facilities for serving passengers. In resort areas,
83 however, whether inside or outside of a municipality, the
84 department, in its discretion, may issue on-premises retailer's
85 permits to any establishments located therein as it deems proper.
86 An on-premises retailer's permit when issued to a common carrier
87 shall authorize the sale and serving of alcoholic beverages aboard
88 any licensed vehicle while moving through any county of the state;
89 however, the sale of such alcoholic beverages shall not be
90 permitted while such vehicle is stopped in a county that has not
91 legalized such sales. If an on-premises retailer's permit is
92 applied for by a common carrier operating solely in the water,
93 such common carrier must, along with all other qualifications for
94 a permit, (i) be certified to carry at least one hundred fifty



105 (150) passengers and/or provide overnight accommodations for at
106 least fifty (50) passengers and (ii) operate primarily in the
107 waters within the State of Mississippi which lie adjacent to the
108 State of Mississippi south of the three (3) most southern counties
109 in the State of Mississippi and/or on the Mississippi River or
110 navigable waters within any county bordering on the Mississippi
111 River.

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

125 (e) **Native wine retailer's permit.** Except as otherwise
126 provided in subsection (5) of this section, a native wine
127 retailer's permit shall be issued only to a holder of a Class 3
128 manufacturer's permit, and shall authorize the holder thereof to
129 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



145 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
146 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
147 Class 1 permittees shall obtain all alcoholic beverages from
148 package retailers located in the county in which the temporary
149 permit is issued. Alcoholic beverages remaining in stock upon
150 expiration of the temporary permit may be returned by the
151 permittee to the package retailer for a refund of the purchase
152 price upon consent of the package retailer or may be kept by the
153 permittee exclusively for personal use and consumption, subject to
154 all laws pertaining to the illegal sale and possession of
155 alcoholic beverages. The department, following review of the
156 statement provided by the applicant and the requirements of the
157 applicable statutes and regulations, may issue the permit.

158 Class 2. A temporary permit, not to exceed seventy (70)
159 days, may be issued to prospective permittees seeking to transfer
160 a permit authorized in paragraph (c) of this subsection. A Class
161 2 permit may be issued only to applicants demonstrating to the
162 department, by a statement signed under the penalty of perjury,
163 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
164 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
165 67-1-59. The department, following a preliminary review of the
166 statement provided by the applicant and the requirements of the
167 applicable statutes and regulations, may issue the permit.

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



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

Class 3. A temporary one-day permit may be issued to a
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



220 caterer's permit shall not authorize the service of alcoholic
221 beverages on a consistent, recurring basis at a separate, fixed
222 location owned or operated by the caterer, on-premises retailer or
223 affiliated entity and an on-premises retailer's permit shall be
224 required for the separate location. All sales of alcoholic
225 beverages by holders of a caterer's permit shall be made at the
226 location being catered by the caterer, and, except as otherwise
227 provided in subsection (5) of this section, such sales may be made
228 only for consumption at the catered location. The location being
229 catered may be anywhere within a county or judicial district that
230 has voted to come out from under the dry laws or in which the sale
231 and distribution of alcoholic beverages is otherwise authorized by
232 law. Such sales shall be made pursuant to any other conditions
233 and restrictions which apply to sales made by on-premises retail
234 permittees. The holder of a caterer's permit or his employees
235 shall remain at the catered location as long as alcoholic
236 beverages are being sold pursuant to the permit issued under this
237 paragraph (g), and the permittee shall have at the location the
238 identification card issued by the Alcoholic Beverage Control
239 Division of the department. No unsold alcoholic beverages may be
240 left at the catered location by the permittee upon the conclusion
241 of his business at that location. Appropriate law enforcement
242 officers and Alcoholic Beverage Control Division personnel may
243 enter a catered location on private property in order to enforce
244 laws governing the sale or serving of alcoholic beverages.



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

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

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

267 (k) **Special service permit.** A special service permit
268 shall authorize the holder to sell commercially sealed alcoholic
269 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



295 sold, stored or served on the premises, must be removed from the
296 premises immediately following the auction, and may not be
297 consumed on the premises; (iii) the permit holder may not conduct
298 more than two (2) auctions during a calendar year; (iv) the permit
299 holder may not pay a commission or promotional fee to any person
300 to arrange or conduct the auction.

301 (n) **Event venue retailer's permit.** An event venue
302 retailer's permit shall authorize the holder thereof to purchase
303 and resell alcoholic beverages, including native wines and native
304 spirits, for consumption on the premises during legal hours during
305 events held on the licensed premises if food is being served at
306 the event by a caterer who is not affiliated with or related to
307 the permittee. The caterer must serve at least three (3) entrees.
308 The permit may only be issued for venues that can accommodate two
309 hundred (200) persons or more. The number of persons a venue may
310 accommodate shall be determined by the local fire department and
311 such determination shall be provided in writing and submitted
312 along with all other documents required to be provided for an
313 on-premises retailer's permit. The permittee must derive the
314 majority of its revenue from event-related fees, including, but
315 not limited to, admission fees or ticket sales for live
316 entertainment in the building. "Event-related fees" do not
317 include alcohol, beer or light wine sales or any fee which may be
318 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.

(r) **Festival Wine Permit.** Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine 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 of this permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and



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

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

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



469 permit. Subject to the provisions of Section 67-1-51.1, this
470 permit authorizes the permittee, or its employee or an independent
471 contractor acting on its behalf, to deliver alcoholic beverages,
472 beer, light wine and light spirit product from a licensed retailer
473 to a person in this state who is at least twenty-one (21) years of
474 age for the individual's use and not for resale. This permit does
475 not authorize the delivery of alcoholic beverages, beer, light
476 wine or light spirit product to the premises of a location with a
477 permit for the manufacture, distribution or retail sale of
478 alcoholic beverages, beer, light wine or light spirit product.
479 The holder of a package retailer's permit or an on-premises
480 retailer's permit under Section 67-1-51 or of a beer, light wine
481 and light spirit product permit under Section 67-3-19 is
482 authorized to apply for a delivery service permit as a privilege
483 separate from its existing retail permit.

484 (v) **Food truck permit.** A food truck permit shall
485 authorize the holder of an on-premises retailer's permit to use a
486 food truck to sell alcoholic beverages off its premises to guests
487 who must consume the beverages in open containers. For the
488 purposes of this paragraph (v), "food truck" means a fully encased
489 food service establishment on a motor vehicle or on a trailer that
490 a motor vehicle pulls to transport, and from which a vendor,
491 standing within the frame of the establishment, prepares, cooks,
492 sells and serves food for immediate human consumption. The term
493 "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.



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

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

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

537 (b) A church or funeral home may waive the distance
538 restrictions imposed in this subsection in favor of allowing
539 issuance by the department of a permit, pursuant to subsection (1)
540 of this section, to authorize activity relating to the
541 manufacturing, sale or storage of alcoholic beverages which would
542 otherwise be prohibited under the minimum distance criterion.
543 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.

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

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

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

(f) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic



569 beverages at a licensed premises in a building consisting of at
570 least five thousand (5,000) square feet and located approximately
571 six hundred (600) feet from the intersection of Mississippi
572 Highway 15 and Mississippi Highway 4.

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

578 (h) The distance restrictions imposed in this
579 subsection shall not apply to the sale or storage of alcoholic
580 beverages at a theatre facility that features plays and other
581 theatrical performances and productions and (i) is capable of
582 seating more than seven hundred fifty (750) people, (ii) is owned
583 by a municipality which has a population greater than ten thousand
584 (10,000) according to the latest federal decennial census, (iii)
585 was constructed prior to 1930, (iv) is on the National Register of
586 Historic Places, and (v) is located in a historic district.

587 (i) The distance restrictions imposed in this
588 subsection shall not apply to the sale or storage of alcoholic
589 beverages at a licensed premises in a building located
590 approximately one and six-tenths (1.6) miles north of the
591 intersection of Mississippi Highway 15 and Mississippi Highway 4
592 on the west side of Mississippi Highway 15.



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

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and



618 may possess and consume the alcoholic beverage or wine outside of
619 the licensed premises if: (i) the licensed premises is located
620 within a leisure and recreation district created under Section
621 67-1-101 and (ii) the patron remains within the boundaries of the
622 leisure and recreation district while in possession of the
623 alcoholic beverage or wine.

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

628 (c) Where a permit is issued under subsection (1)(c) to
629 an establishment located in a resort area created by Section
630 67-1-5(o)(iii)(18), persons in the permitted premises are allowed
631 to bring alcoholic beverages into the permitted premises and to
632 possess, store and consume those alcoholic beverages in the
633 permitted premises.

634 **SECTION 2.** This act shall take effect and be in force from
635 and after July 1, 2025.

