

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2145

BY: Senator(s) England

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

36 (a) "Common carrier" means a person that holds itself
37 out to the general public as engaged in the business of
38 transporting goods for a fee and is engaged in the business of
39 transporting and delivering alcoholic beverages from a direct wine
40 shipper directly to a consumer or fulfillment provider in this
41 state.

42 (b) "Department" means the Department of Revenue.



43 (c) "Direct wine shipper" means a wine manufacturer
44 that holds a direct wine shipper's permit under Section 67-1-51
45 and meets the requirements of Sections 1 through 9 of this act.

46 (d) "Fulfillment provider" means the holder of a wine
47 fulfillment provider's permit under Section 67-1-51 who acts on
48 behalf of a direct wine shipper to ship wine to a consumer and
49 arranges for transport of wine to the consumer by a common
50 carrier.

51 (e) "Wine" means any product obtained from the
52 alcoholic fermentation of the juice of sound, ripe grapes, fruits
53 or berries, made in accordance with the revenue laws of the United
54 States, and containing more than five percent (5%) of alcohol by
55 weight.

56 In addition, the definitions in Section 67-1-5 shall apply to
57 the terms used in Sections 1 through 9 of this act, unless the
58 context requires otherwise.

59 **SECTION 2.** A person must hold a direct wine shipper's permit
60 before the person may engage in selling and shipping wine directly
61 to a resident in this state. A direct wine shipper may sell and
62 ship wine directly to residents in this state without being
63 required to transact the sale and shipment through the division.

64 **SECTION 3.** To qualify for a direct wine shipper's permit, an
65 applicant shall be:

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



68 (b) A person licensed or permitted outside of this
69 state to engage in the activity of manufacturing wine.

70 **SECTION 4.** (1) An applicant for a direct wine shipper's
71 permit shall:

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

75 (b) Provide to the department a copy of the applicant's
76 current license or permit to engage in the activity of
77 manufacturing wine issued in this or any other state; and

78 (c) Pay to the department the tax prescribed in Section
79 27-71-5.

80 (2) After a person complies with the provisions of
81 subsection (1) of this section, the department may conduct any
82 investigation as it considers necessary regarding the issuance of
83 a direct wine shipper's permit, and the department shall issue
84 such permit to the applicant if the requirements of Sections 1
85 through 9 of this act are met.

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

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

91 (b) Report to the department quarterly the total amount
92 of wine, by type, sold and shipped into or within the state the



93 preceding calendar year, and other information required by the
94 department under its rules and regulations adopted pursuant to
95 Section 8 of this act;

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

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

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

105 (2) A direct wine shipper shall not:

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

109 (b) Sell or ship more than twelve (12) nine-liter cases
110 of wine annually to any one (1) address.

111 **SECTION 6.** A direct wine shipper may annually renew his or
112 her direct wine shipper's permit, if the direct wine shipper:

113 (a) Is otherwise entitled to receive a direct wine
114 shipper's permit;

115 (b) Provides to the department a copy of his or her
116 current license or permit to engage in the activity of
117 manufacturing wine issued in this or any other state; and



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

120 **SECTION 7.** (1) To purchase and receive a direct shipment of
121 wine from a direct wine shipper, a resident of this state must be
122 at least twenty-one (21) years of age, and a person who is at
123 least twenty-one (21) years of age must sign for any wine shipped
124 from a direct wine shipper.

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

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

130 **SECTION 8.** The Commissioner of Revenue of the department
131 shall adopt rules and regulations as necessary to carry out
132 Sections 1 through 9 of this act. All of the enforcement
133 provisions of Section 67-1-1 et seq. that are not in conflict with
134 Sections 1 through 9 of this act may be used by the department to
135 enforce the provisions of Sections 1 through 9 of this act.

136 **SECTION 9.** (1) Any person who makes, participates in,
137 transports, imports or receives a sale or shipment of wine in
138 violation of Sections 1 through 9 of this act is guilty of a
139 misdemeanor and, upon conviction thereof, shall be punished by a
140 fine not exceeding One Thousand Dollars (\$1,000.00) or
141 imprisonment in the county jail for not more than six (6) months,



142 or both. Each sale or shipment in violation of Sections 1 through
143 9 of this act shall constitute a separate offense.

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

148 (3) Notwithstanding subsection (1) of this section, a
149 consumer who receives a direct shipment of wine in compliance with
150 the conditions in Sections 1 through 9 of this act, and who is of
151 legal age as specified in Section 7 of this act, shall not be
152 subject to penalties under this section for merely receiving such
153 a shipment. This exemption applies if the consumer reasonably
154 believes the shipment is in accordance with the permits and
155 regulatory requirements established by the state.

156 **SECTION 10.** Section 27-71-5, Mississippi Code of 1972, is
157 amended as follows:

158 27-71-5. (1) Upon each person approved for a permit under
159 the provisions of the Alcoholic Beverage Control Law and
160 amendments thereto, there is levied and imposed for each location
161 for the privilege of engaging and continuing in this state in the
162 business authorized by such permit, an annual privilege license
163 tax in the amount provided in the following schedule:

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



167 (i) For a permittee with annual production of
168 five thousand (5,000) gallons or more.....\$4,500.00
169 (ii) For a permittee with annual production under five thousand
170 (5,000) gallons.....\$2,800.00
171 (b) Manufacturer's permit, Class 2, wine
172 manufacturer.....\$1,800.00
173 (c) Manufacturer's permit, Class 3, native wine
174 manufacturer per ten thousand (10,000) gallons or part thereof
175 produced.....\$ 10.00
176 (d) Manufacturer's permit, Class 4, native spirit
177 manufacturer per one thousand (1,000) gallons or part thereof
178 produced.....\$ 300.00
179 (e) Native wine retailer's permit.....\$ 50.00
180 (f) Package retailer's permit, each.....\$ 900.00
181 (g) On-premises retailer's permit, except for clubs and
182 common carriers, each.....\$ 450.00
183 (h) On-premises retailer's permit for wine of more than
184 five percent (5%) alcohol by weight, but not more than twenty-one
185 percent (21%) alcohol by weight, each.....\$ 225.00
186 (i) On-premises retailer's permit for clubs...\$ 225.00
187 (j) On-premises retailer's permit for common carriers,
188 per car, plane, or other vehicle.....\$ 120.00
189 (k) Solicitor's permit, regardless of any other
190 provision of law, solicitor's permits shall be issued only in the
191 discretion of the department.....\$ 100.00



192	(l) Filing fee for each application except for an		
193	employee identification card.....	\$	25.00
194	(m) Temporary permit, Class 1, each.....	\$	10.00
195	(n) Temporary permit, Class 2, each.....	\$	50.00
196	(o) (i) Caterer's permit.....	\$	600.00
197	(ii) Caterer's permit for holders of on-premises		
198	retailer's permit.....	\$	150.00
199	(p) Research permit.....	\$	100.00
200	(q) Temporary permit, Class 3 (wine only).....	\$	10.00
201	(r) Special service permit.....	\$	225.00
202	(s) Merchant permit.....	\$	225.00
203	(t) Temporary alcoholic beverages charitable auction		
204	permit.....	\$	10.00
205	(u) Event venue retailer's permit.....	\$	225.00
206	(v) Temporary theatre permit, each.....	\$	10.00
207	(w) Charter ship operator's permit.....	\$	100.00
208	(x) Distillery retailer's permit.....	\$	450.00
209	(y) Festival wine permit.....	\$	10.00
210	(z) Charter vessel operator's permit.....	\$	100.00
211	(aa) Native spirit retailer's permit.....	\$	50.00
212	(ab) Delivery service permit.....	\$	500.00
213	(ac) Food truck permit.....	\$	100.00
214	(ad) On-premises tobacco permit.....	\$	450.00
215	<u>(ae) Direct wine shipper's permit.....</u>	<u>\$</u>	<u>100.00</u>
216	<u>(af) Wine fulfillment provider's permit.....</u>	<u>\$</u>	<u>100.00</u>



217 In addition to the filing fee imposed by paragraph (l) of
218 this subsection, a fee to be determined by the Department of
219 Revenue may be charged to defray costs incurred to process
220 applications. The additional fees shall be paid into the State
221 Treasury to the credit of a special fund account, which is hereby
222 created, and expenditures therefrom shall be made only to defray
223 the costs incurred by the Department of Revenue in processing
224 alcoholic beverage applications. Any unencumbered balance
225 remaining in the special fund account on June 30 of any fiscal
226 year shall lapse into the State General Fund.

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

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

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



242 (b) (i) In addition to the tax imposed in paragraph
243 (a) of this subsection, there is imposed and shall be collected by
244 the department from each permittee described in subsection (1)(g),
245 (h), (i), (n) and (u) of this section, an additional license tax
246 for the privilege of doing business within any municipality or
247 county in which the licensee is located in the amount of Two
248 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
249 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
250 (\$225.00) for each additional purchase of Five Thousand Dollars
251 (\$5,000.00), or fraction thereof.

252 (ii) In addition to the tax imposed in paragraph
253 (a) of this subsection, there is imposed and shall be collected by
254 the department from each permittee described in subsection (1)(o)
255 and (s) of this section, an additional license tax for the
256 privilege of doing business within any municipality or county in
257 which the licensee is located in the amount of Two Hundred Fifty
258 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
259 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
260 additional purchase of Five Thousand Dollars (\$5,000.00), or
261 fraction thereof.

262 (iii) Any person who has paid the additional
263 privilege license tax imposed by this paragraph, and whose permit
264 is renewed, may add any unused fraction of Five Thousand Dollars
265 (\$5,000.00) purchases to the first Five Thousand Dollars
266 (\$5,000.00) purchases authorized by the renewal permit, and no



267 additional license tax will be required until purchases exceed the
268 sum of the two (2) figures.

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

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

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

288 (5) If any person shall engage or continue in any business
289 which is taxable under this section without having paid the tax as
290 provided in this section, the person shall be liable for the full
291 amount of the tax plus a penalty thereon equal to the amount



292 thereof, and, in addition, shall be punished by a fine of not more
293 than One Thousand Dollars (\$1,000.00), or by imprisonment in the
294 county jail for a term of not more than six (6) months, or by both
295 such fine and imprisonment, in the discretion of the court.

296 (6) It shall be unlawful for any person to consume alcoholic
297 beverages on the premises of any hotel restaurant, restaurant,
298 club or the interior of any public place defined in Chapter 1,
299 Title 67, Mississippi Code of 1972, when the owner or manager
300 thereof displays in several conspicuous places inside the
301 establishment and at the entrances of establishment a sign
302 containing the following language: NO ALCOHOLIC BEVERAGES
303 ALLOWED.

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

306 27-71-7. (1) There is hereby levied and assessed an excise
307 tax upon each case of alcoholic beverages sold by the department
308 to be collected from each retail licensee at the time of sale in
309 accordance with the following schedule:

- 310 (a) Distilled spirits.....\$2.50 per gallon
- 311 (b) Sparkling wine and champagne.....\$1.00 per gallon
- 312 (c) Other wines, including native
313 wines.....\$.35 per gallon

314 (2) (a) In addition to the tax levied by subsection (1) of
315 this section, and in addition to any other markup collected,
316 the * * * division shall collect a markup of three percent (3%) on



317 all alcoholic beverages, as defined in Section 67-1-5, Mississippi
318 Code of 1972, which are sold by the division. The proceeds of the
319 markup shall be collected by the division from each purchaser at
320 the time of purchase.

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

340 From and after July 1, 1987, the revenue derived from this
341 three percent (3%) markup shall be deposited by the division in



342 the State Treasury to the credit of the "Mental Health Programs
343 Fund," a special fund which is hereby created in the State
344 Treasury and shall be used by the State Department of Mental
345 Health for the service programs of the department. Any revenue in
346 the "Alcoholism Treatment and Rehabilitation Fund" which is not
347 encumbered at the end of Fiscal Year 1987 shall be deposited to
348 the credit of the "Mental Health Programs Fund."

349 (3) There is levied and assessed upon the holder of a direct
350 wine shipper's permit, a tax in the amount of fifteen and one-half
351 percent (15.5%) of the sales price of each sale and shipment of
352 wine made to a resident in this state. The holder of a direct
353 wine shipper's permit shall file a monthly report with the
354 department along with a copy of the invoice for each sale and
355 shipment of wine and remit any taxes due; however, no report shall
356 be required for months in which no sales or shipments were made
357 into this state. The report, together with copies of the invoices
358 and the payment of all taxes, shall be filed with the department
359 not later than the twentieth day of the month following the month
360 in which the shipment was made. Permittees who fail to timely
361 file and pay taxes as required by this subsection shall pay a late
362 fee in the amount of Fifty Dollars (\$50.00), in addition to any
363 other penalty authorized by this article.

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



366 27-71-15. Except as otherwise provided in Section 67-9-1 for
367 the transportation of limited amounts of alcoholic beverages for
368 the use of an alcohol processing permittee, and in Sections 1
369 through 9 of this act for the sale and shipment of wine by the
370 holder of a direct wine shipper's permit, if transportation
371 requires passage through a county which has not authorized the
372 sale of alcoholic beverages, such transportation shall be by a
373 sealed vehicle. Such seal shall remain unbroken until the vehicle
374 shall reach the place of business operated by the permittee. The
375 operator of any vehicle transporting alcoholic beverages shall
376 have in his possession an invoice issued by the * * * department
377 at the time of the wholesale sale covering the merchandise
378 transported by the vehicle. The * * * department is authorized to
379 issue regulations controlling the transportation of alcoholic
380 beverages.

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

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

389 27-71-29. (1) (a) All taxes levied by this article shall
390 be paid to the Department of Revenue in cash or by personal check,



391 cashier's check, bank exchange, post office money order or express
392 money order and shall be deposited by the department in the State
393 Treasury on the same day collected, but no remittances other than
394 cash shall be a final discharge of liability for the tax herein
395 imposed and levied unless and until it has been paid in cash to
396 the department.

397 (b) All taxes levied under Section 27-71-7(1) and
398 received by the department under this article shall be paid into
399 the General Fund, and the three percent (3%) levied under Section
400 27-71-7(2) and received by the department under this article shall
401 be paid into the special fund in the State Treasury designated as
402 the "Alcoholism Treatment and Rehabilitation Fund" as required by
403 law. Any funds derived from the sale of alcoholic beverages in
404 excess of inventory requirements shall be paid not less often than
405 annually into the General Fund, except for a portion of the
406 twenty-seven and one-half percent (27-1/2%) markup provided for in
407 Section 27-71-11, as specified in subsection (2) of this section,
408 and except for fees charged by the department for the defraying of
409 costs associated with shipping alcoholic beverages. The revenue
410 derived from these fees shall be deposited by the department into
411 a special fund, hereby created in the State Treasury, which is
412 designated the "ABC Shipping Fund." The monies in this special
413 fund shall be earmarked for use by the department for any
414 expenditure made to ship alcoholic beverages. Any net proceeds
415 remaining in the special fund on August 1 of any fiscal year shall



416 lapse into the General Fund. "Net proceeds" in this section means
417 the total of all fees collected by the department to defray the
418 costs of shipping less the actual costs of shipping.

419 (c) All taxes levied under Section 27-71-7(3) and
420 received by the department under this article shall be paid into
421 the General Fund, except for an amount equivalent to the three
422 percent (3%) levied under Section 27-71-7(2), which shall be paid
423 into the special fund in the State Treasury designated as the
424 "Mental Health Programs Fund" as required by law.

425 (2) If the special bond sinking fund created in Section 7(3)
426 of Chapter 483, Laws of 2022 has a balance below the minimum
427 amount specified in the resolution providing for the issuance of
428 the bonds, or below one and one-half (1-1/2) times the amount
429 needed to pay the annual debt obligations related to the bonds
430 issued under Section 7 of Chapter 483, Laws of 2022, whichever is
431 the lesser amount, the Commissioner of Revenue shall transfer the
432 deficit amount to the bond sinking fund from revenue derived from
433 the twenty-seven and one-half percent (27-1/2%) markup provided
434 for in Section 27-71-11.

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

437 67-1-41. (1) The department is hereby created a wholesale
438 distributor and seller of alcoholic beverages, not including malt
439 liquors, within the State of Mississippi. It is granted the right
440 to import and sell alcoholic beverages at wholesale within the



441 state, and no person who is granted the right to sell, distribute
442 or receive alcoholic beverages at retail shall purchase any
443 alcoholic beverages from any source other than the department,
444 except as authorized in subsections (4), (9) and (12) of this
445 section and Sections 1 through 9 of this act. The department may
446 establish warehouses, and the department may purchase alcoholic
447 beverages in such quantities and from such sources as it may deem
448 desirable and sell the alcoholic beverages to authorized
449 permittees within the state including, at the discretion of the
450 department, any retail distributors operating within any military
451 post or qualified resort areas within the boundaries of the state,
452 keeping a correct and accurate record of all such transactions and
453 exercising such control over the distribution of alcoholic
454 beverages as seem right and proper in keeping with the provisions
455 or purposes of this article.

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

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



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

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

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

484 (7) The department may promulgate rules which authorize the
485 manufacturer of an alcoholic beverage or wine to import, transport
486 and furnish or give a sample of alcoholic beverages or wines to
487 the holders of package retailer's permits, on-premises retailer's
488 permits, native wine or native spirit retailer's permits and
489 temporary retailer's permits who have not previously purchased the
490 brand of that manufacturer from the department. For each holder



491 of the designated permits, the manufacturer may furnish not more
492 than five hundred (500) milliliters of any brand of alcoholic
493 beverage and not more than three (3) liters of any brand of wine.

494 (8) The department may promulgate rules disallowing open
495 product sampling of alcoholic beverages or wines by the holders of
496 package retailer's permits and permitting open product sampling of
497 alcoholic beverages by the holders of on-premises retailer's
498 permits. Permitted sample products shall be plainly identified
499 "sample" and the actual sampling must occur in the presence of the
500 manufacturer's representatives during the legal operating hours of
501 on-premises retailers.

502 (9) The department may promulgate rules and regulations that
503 authorize the holder of a research permit to import and purchase
504 limited amounts of alcoholic beverages from importers, wineries
505 and distillers of alcoholic beverages or from the department. The
506 department shall develop and provide forms to be completed by the
507 research permittee verifying each transaction. The completed
508 forms shall be forwarded to the department within a period of time
509 prescribed by the department. The records and inventory of
510 alcoholic beverages shall be open to inspection at any time by the
511 Director of the Alcoholic Beverage Control Division or any duly
512 authorized agent.

513 (10) The department may promulgate rules facilitating a
514 retailer's on-site pickup of alcoholic beverages sold by the
515 department or as authorized by the department, including, but not



516 limited to, native wines and native spirits, so that those
517 alcoholic beverages may be delivered to the retailer at the
518 manufacturer's location instead of via shipment from the
519 department's warehouse.

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

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

526 (12) (a) An individual resident of this state who is at
527 least twenty-one (21) years of age may purchase wine from a winery
528 and have the purchase shipped into this state so long as it is
529 shipped to a package retailer permittee in Mississippi; however,
530 the permittee shall pay to the department all taxes, fees and
531 surcharges on the wine that are imposed upon the sale of wine
532 shipped by the department or its warehouse operator. No credit
533 shall be provided to the permittee for any taxes paid to another
534 state as a result of the transaction. Package retailers may
535 charge a service fee for receiving and handling shipments from
536 wineries on behalf of the purchasers. The department shall
537 develop and provide forms to be completed by the package retailer
538 permittees verifying the transaction. The completed forms shall
539 be forwarded to the department within a period of time prescribed
540 by the department.



541 (b) The purchaser of wine that is to be shipped to a
542 package retailer's store shall be required to get the prior
543 approval of the package retailer before any wine is shipped to the
544 package retailer. A purchaser is limited to no more than ten (10)
545 cases of wine per year to be shipped to a package retailer. A
546 package retailer shall notify a purchaser of wine within two (2)
547 days after receiving the shipment of wine. If the purchaser of
548 the wine does not pick up or take the wine from the package
549 retailer within thirty (30) days after being notified by the
550 package retailer, the package retailer may sell the wine as part
551 of his inventory.

552 (c) Shipments of wine into this state under this
553 section shall be made by a duly licensed carrier. It shall be the
554 duty of every common or contract carrier, and of every firm or
555 corporation that shall bring, carry or transport wine from outside
556 the state for delivery inside the state to package retailer
557 permittees on behalf of consumers, to prepare and file with the
558 department, on a schedule as determined by the department, of
559 known wine shipments containing the name of the common or contract
560 carrier, firm or corporation making the report, the period of time
561 covered by said report, the name and permit number of the winery,
562 the name and permit number of the package retailer permittee
563 receiving such wine, the weight of the package delivered to each
564 package retailer permittee, a unique tracking number, and the date
565 of delivery. Reports received by the department shall be made



566 available by the department to the public via the Mississippi
567 Public Records Act process in the same manner as other state
568 alcohol filings.

569 Upon the department's request, any records supporting the
570 report shall be made available to the department within a
571 reasonable time after the department makes a written request for
572 such records. Any records containing information relating to such
573 reports shall be kept and preserved for a period of two (2) years,
574 unless their destruction sooner is authorized, in writing, by the
575 department, and shall be open and available to inspection by the
576 department upon the department's written request. Reports shall
577 also be made available to any law enforcement or regulatory body
578 in the state in which the railroad company, express company,
579 common or contract carrier making the report resides or does
580 business.

581 Any common or contract carrier that willfully fails to make
582 reports, as provided by this section or any of the rules and
583 regulations of the department for the administration and
584 enforcement of this section, is subject to a notification of
585 violation. In the case of a continuing failure to make reports,
586 the common or contract carrier is subject to possible license
587 suspension and revocation at the department's discretion.

588 (d) A winery that ships wine under this section shall
589 be deemed to have consented to the jurisdiction of the courts of
590 this state, of the department, of any other state agency regarding



591 the enforcement of this section, and of any related law, rules or
592 regulations.

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

599 (13) If any provision of this article, or its application to
600 any person or circumstance, is determined by a court to be invalid
601 or unconstitutional, the remaining provisions shall be construed
602 in accordance with the intent of the Legislature to further limit
603 rather than expand commerce in alcoholic beverages to protect the
604 health, safety, and welfare of the state's residents, and to
605 enhance strict regulatory control over taxation, distribution and
606 sale of alcoholic beverages through the three-tier regulatory
607 system imposed by this article upon all alcoholic beverages to
608 curb relationships and practices calculated to stimulate sales and
609 impair the state's policy favoring trade stability and the
610 promotion of temperance.

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

613 67-1-45. No manufacturer, rectifier or distiller of
614 alcoholic beverages shall sell or attempt to sell any such
615 alcoholic beverages, except malt liquor, within the State of



616 Mississippi, except to the department, or as provided in Section
617 67-1-41, or pursuant to Section 67-1-51. A producer of native
618 wine or native spirit may sell native wines or native spirits,
619 respectively, to the department or to consumers at the location of
620 the native winery or native distillery or its immediate vicinity.
621 The holder of a direct wine shipper's permit may sell wines
622 directly to residents in this state as authorized by Sections 1
623 through 9 of this act.

624 Any violation of this section by any manufacturer, rectifier
625 or distiller shall be punished by a fine of not less than Five
626 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
627 (\$2,000.00), to which may be added imprisonment in the county jail
628 not to exceed six (6) months.

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

631 67-1-51. (1) Permits which may be issued by the department
632 shall be as follows:

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

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



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

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

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

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

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



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

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



690 a carryout order, a permit holder may sell one (1) bottle of wine
691 to be removed from the licensed premises for every two (2) entrees
692 ordered. In addition, an on-premises retailer's permittee at a
693 permitted premises located on Jefferson Davis Avenue within
694 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
695 beverages by the glass to a patron in a vehicle using a
696 drive-through method of delivery if the permitted premises is
697 located in a leisure and recreation district established under
698 Section 67-1-101. Such a sale will be considered to be made on
699 the permitted premises. An on-premises retailer's permit shall be
700 issued only to qualified hotels, restaurants and clubs, small
701 craft breweries, microbreweries, and to common carriers with
702 adequate facilities for serving passengers. In resort areas,
703 however, whether inside or outside of a municipality, the
704 department, in its discretion, may issue on-premises retailer's
705 permits to any establishments located therein as it deems proper.
706 An on-premises retailer's permit when issued to a common carrier
707 shall authorize the sale and serving of alcoholic beverages aboard
708 any licensed vehicle while moving through any county of the state;
709 however, the sale of such alcoholic beverages shall not be
710 permitted while such vehicle is stopped in a county that has not
711 legalized such sales. If an on-premises retailer's permit is
712 applied for by a common carrier operating solely in the water,
713 such common carrier must, along with all other qualifications for
714 a permit, (i) be certified to carry at least one hundred fifty



715 (150) passengers and/or provide overnight accommodations for at
716 least fifty (50) passengers and (ii) operate primarily in the
717 waters within the State of Mississippi which lie adjacent to the
718 State of Mississippi south of the three (3) most southern counties
719 in the State of Mississippi and/or on the Mississippi River or
720 navigable waters within any county bordering on the Mississippi
721 River.

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

735 (e) **Native wine retailer's permit.** Except as otherwise
736 provided in subsection (5) of this section, a native wine
737 retailer's permit shall be issued only to a holder of a Class 3
738 manufacturer's permit, and shall authorize the holder thereof to
739 make retail sales of native wines to consumers for on-premises



740 consumption or to consumers in originally sealed and unopened
741 containers at an establishment located on the premises of or in
742 the immediate vicinity of a native winery. When selling to
743 consumers for on-premises consumption, a holder of a native wine
744 retailer's permit may add to the native wine alcoholic beverages
745 not produced on the premises, so long as the total volume of
746 foreign beverage components does not exceed twenty percent (20%)
747 of the mixed beverage. Hours of sale shall be the same as those
748 authorized for on-premises permittees in the city or county in
749 which the native wine retailer is located.

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

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

757 Class 1. A temporary one-day permit may be issued to bona
758 fide nonprofit civic or charitable organizations authorizing the
759 sale of alcoholic beverages, including native wine and native
760 spirit, for consumption on the premises described in the temporary
761 permit only. Class 1 permits may be issued only to applicants
762 demonstrating to the department, by a statement signed under
763 penalty of perjury submitted ten (10) days prior to the proposed
764 date or such other time as the department may determine, that they



765 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
766 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
767 Class 1 permittees shall obtain all alcoholic beverages from
768 package retailers located in the county in which the temporary
769 permit is issued. Alcoholic beverages remaining in stock upon
770 expiration of the temporary permit may be returned by the
771 permittee to the package retailer for a refund of the purchase
772 price upon consent of the package retailer or may be kept by the
773 permittee exclusively for personal use and consumption, subject to
774 all laws pertaining to the illegal sale and possession of
775 alcoholic beverages. The department, following review of the
776 statement provided by the applicant and the requirements of the
777 applicable statutes and regulations, may issue the permit.

778 Class 2. A temporary permit, not to exceed seventy (70)
779 days, may be issued to prospective permittees seeking to transfer
780 a permit authorized in paragraph (c) of this subsection. A Class
781 2 permit may be issued only to applicants demonstrating to the
782 department, by a statement signed under the penalty of perjury,
783 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
784 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
785 67-1-59. The department, following a preliminary review of the
786 statement provided by the applicant and the requirements of the
787 applicable statutes and regulations, may issue the permit.

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



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

796 Class 3. A temporary one-day permit may be issued to a
797 retail establishment authorizing the complimentary distribution of
798 wine, including native wine, to patrons of the retail
799 establishment at an open house or promotional event, for
800 consumption only on the premises described in the temporary
801 permit. A Class 3 permit may be issued only to an applicant
802 demonstrating to the department, by a statement signed under
803 penalty of perjury submitted ten (10) days before the proposed
804 date or such other time as the department may determine, that it
805 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
806 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
807 A Class 3 permit holder shall obtain all alcoholic beverages from
808 the holder(s) of a package retailer's permit located in the county
809 in which the temporary permit is issued. Wine remaining in stock
810 upon expiration of the temporary permit may be returned by the
811 Class 3 temporary permit holder to the package retailer for a
812 refund of the purchase price, with consent of the package
813 retailer, or may be kept by the Class 3 temporary permit holder
814 exclusively for personal use and consumption, subject to all laws



815 pertaining to the illegal sale and possession of alcoholic
816 beverages. The department, following review of the statement
817 provided by the applicant and the requirements of the applicable
818 statutes and regulations, may issue the permit. No retailer may
819 receive more than twelve (12) Class 3 temporary permits in a
820 calendar year. A Class 3 temporary permit shall not be issued to
821 a retail establishment that either holds a merchant permit issued
822 under paragraph (1) of this subsection, or holds a permit issued
823 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
824 the holder to engage in the business of a retailer of light wine
825 or beer.

826 (g) **Caterer's permit.** A caterer's permit shall permit
827 the purchase of alcoholic beverages by a person engaging in
828 business as a caterer and the resale of alcoholic beverages by
829 such person in conjunction with such catering business. No person
830 shall qualify as a caterer unless forty percent (40%) or more of
831 the revenue derived from such catering business shall be from the
832 serving of prepared food and not from the sale of alcoholic
833 beverages and unless such person has obtained a permit for such
834 business from the Department of Health. A caterer's permit shall
835 not authorize the sale of alcoholic beverages on the premises of
836 the person engaging in business as a caterer; however, the holder
837 of an on-premises retailer's permit may hold a caterer's permit.
838 When the holder of an on-premises retailer's permit or an
839 affiliated entity of the holder also holds a caterer's permit, the



840 caterer's permit shall not authorize the service of alcoholic
841 beverages on a consistent, recurring basis at a separate, fixed
842 location owned or operated by the caterer, on-premises retailer or
843 affiliated entity and an on-premises retailer's permit shall be
844 required for the separate location. All sales of alcoholic
845 beverages by holders of a caterer's permit shall be made at the
846 location being catered by the caterer, and, except as otherwise
847 provided in subsection (5) of this section, such sales may be made
848 only for consumption at the catered location. The location being
849 catered may be anywhere within a county or judicial district that
850 has voted to come out from under the dry laws or in which the sale
851 and distribution of alcoholic beverages is otherwise authorized by
852 law. Such sales shall be made pursuant to any other conditions
853 and restrictions which apply to sales made by on-premises retail
854 permittees. The holder of a caterer's permit or his employees
855 shall remain at the catered location as long as alcoholic
856 beverages are being sold pursuant to the permit issued under this
857 paragraph (g), and the permittee shall have at the location the
858 identification card issued by the * * * division * * *. No unsold
859 alcoholic beverages may be left at the catered location by the
860 permittee upon the conclusion of his business at that location.
861 Appropriate law enforcement officers and * * * division personnel
862 may enter a catered location on private property in order to
863 enforce laws governing the sale or serving of alcoholic beverages.



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

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

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

886 (k) **Special service permit.** A special service permit
887 shall authorize the holder to sell commercially sealed alcoholic
888 beverages to the operator of a commercial or private aircraft for



889 en route consumption only by passengers. A special service permit
890 shall be issued only to a fixed-base operator who contracts with
891 an airport facility to provide fueling and other associated
892 services to commercial and private aircraft.

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

901 (m) **Temporary alcoholic beverages charitable auction**
902 **permit.** A temporary permit, not to exceed five (5) days, may be
903 issued to a qualifying charitable nonprofit organization that is
904 exempt from taxation under Section 501(c)(3) or (4) of the
905 Internal Revenue Code of 1986. The permit shall authorize the
906 holder to sell alcoholic beverages for the limited purpose of
907 raising funds for the organization during a live or silent auction
908 that is conducted by the organization and that meets the following
909 requirements: (i) the auction is conducted in an area of the
910 state where the sale of alcoholic beverages is authorized; (ii) if
911 the auction is conducted on the premises of an on-premises
912 retailer's permit holder, then the alcoholic beverages to be
913 auctioned must be stored separately from the alcoholic beverages



914 sold, stored or served on the premises, must be removed from the
915 premises immediately following the auction, and may not be
916 consumed on the premises; (iii) the permit holder may not conduct
917 more than two (2) auctions during a calendar year; (iv) the permit
918 holder may not pay a commission or promotional fee to any person
919 to arrange or conduct the auction.

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



938 determination shall be made on a per event basis. An event may
939 not last longer than two (2) consecutive days per week.

940 (o) **Temporary theatre permit.** A temporary theatre
941 permit, not to exceed five (5) days, may be issued to a charitable
942 nonprofit organization that is exempt from taxation under Section
943 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
944 a theatre facility that features plays and other theatrical
945 performances and productions. Except as otherwise provided in
946 subsection (5) of this section, the permit shall authorize the
947 holder to sell alcoholic beverages, including native wines and
948 native spirits, to patrons of the theatre during performances and
949 productions at the theatre facility for consumption during such
950 performances and productions on the premises of the facility
951 described in the permit. A temporary theatre permit holder shall
952 obtain all alcoholic beverages from package retailers located in
953 the county in which the permit is issued. Alcoholic beverages
954 remaining in stock upon expiration of the temporary theatre permit
955 may be returned by the permittee to the package retailer for a
956 refund of the purchase price upon consent of the package retailer
957 or may be kept by the permittee exclusively for personal use and
958 consumption, subject to all laws pertaining to the illegal sale
959 and possession of alcoholic beverages.

960 (p) **Charter ship operator's permit.** Subject to the
961 provisions of this paragraph (p), a charter ship operator's permit
962 shall authorize the holder thereof and its employees to serve,



963 monitor, store and otherwise control the serving and availability
964 of alcoholic beverages to customers of the permit holder during
965 private charters under contract provided by the permit holder. A
966 charter ship operator's permit shall authorize such action by the
967 permit holder and its employees only as to alcoholic beverages
968 brought onto the permit holder's ship by customers of the permit
969 holder as part of such a private charter. All such alcoholic
970 beverages must be removed from the charter ship at the conclusion
971 of each private charter. A charter ship operator's permit shall
972 not authorize the permit holder to sell, charge for or otherwise
973 supply alcoholic beverages to customers, except as authorized in
974 this paragraph (p). For the purposes of this paragraph (p),
975 "charter ship operator" means a common carrier that (i) is
976 certified to carry at least one hundred fifty (150) passengers
977 and/or provide overnight accommodations for at least fifty (50)
978 passengers, (ii) operates only in the waters within the State of
979 Mississippi, which lie adjacent to the State of Mississippi south
980 of the three (3) most southern counties in the State of
981 Mississippi, and (iii) provides charters under contract for tours
982 and trips in such waters.

983 (q) **Distillery retailer's permit.** The holder of a
984 Class 1 manufacturer's permit may obtain a distillery retailer's
985 permit. A distillery retailer's permit shall authorize the holder
986 thereof to sell at retail alcoholic beverages to consumers for
987 on-premises consumption, or to consumers by the sealed and



988 unopened bottle from a retail location at the distillery for
989 off-premises consumption. The holder may only sell product
990 manufactured by the manufacturer at the distillery described in
991 the permit. However, when selling to consumers for on-premises
992 consumption, a holder of a distillery retailer's permit may add
993 other beverages, alcoholic or not, so long as the total volume of
994 other beverage components containing alcohol does not exceed
995 twenty percent (20%). Hours of sale shall be the same as those
996 authorized for on-premises permittees in the city or county in
997 which the distillery retailer is located.

998 The holder shall not sell at retail more than ten percent
999 (10%) of the alcoholic beverages produced annually at its
1000 distillery. The holder shall not make retail sales of more than
1001 two and twenty-five one-hundredths (2.25) liters, in the
1002 aggregate, of the alcoholic beverages produced at its distillery
1003 to any one (1) individual for consumption off the premises of the
1004 distillery within a twenty-four-hour period. The hours of sale
1005 shall be the same as those hours for package retailers under this
1006 article. The holder of a distillery retailer's permit is not
1007 required to purchase the alcoholic beverages authorized to be sold
1008 by this paragraph from the department's liquor distribution
1009 warehouse; however, if the holder does not purchase the alcoholic
1010 beverages from the department's liquor distribution warehouse, the
1011 holder shall pay to the department all taxes, fees and surcharges
1012 on the alcoholic beverages that are imposed upon the sale of



1013 alcoholic beverages shipped by the department or its warehouse
1014 operator. In addition to alcoholic beverages, the holder of a
1015 distillery retailer's permit may sell at retail promotional
1016 products from the same retail location, including shirts, hats,
1017 glasses, and other promotional products customarily sold by
1018 alcoholic beverage manufacturers.

1019 (r) **Festival wine permit.** Any wine manufacturer or
1020 native wine producer permitted by Mississippi or any other state
1021 is eligible to obtain a Festival Wine Permit. This permit
1022 authorizes the entity to transport product manufactured by it to
1023 festivals held within the State of Mississippi and sell sealed,
1024 unopened bottles to festival participants. The holder of this
1025 permit may provide samples at no charge to participants.
1026 "Festival" means any event at which three (3) or more vendors are
1027 present at a location for the sale or distribution of goods. The
1028 holder of a Festival Wine Permit is not required to purchase the
1029 alcoholic beverages authorized to be sold by this paragraph from
1030 the department's liquor distribution warehouse. However, if the
1031 holder does not purchase the alcoholic beverages from the
1032 department's liquor distribution warehouse, the holder of this
1033 permit shall pay to the department all taxes, fees and surcharges
1034 on the alcoholic beverages sold at such festivals that are imposed
1035 upon the sale of alcoholic beverages shipped by the * * *
1036 division * * *. Additionally, the entity shall file all
1037 applicable reports and returns as prescribed by the department.



1038 This permit is issued per festival and provides authority to sell
1039 for two (2) consecutive days during the hours authorized for
1040 on-premises permittees' sales in that county or city. The holder
1041 of the permit shall be required to maintain all requirements set
1042 by Local Option Law for the service and sale of alcoholic
1043 beverages. This permit may be issued to entities participating in
1044 festivals at which a Class 1 temporary permit is in effect.

1045 This paragraph (r) shall stand repealed from and after July
1046 1, 2026.

1047 (s) **Charter vessel operator's permit.** Subject to the
1048 provisions of this paragraph (s), a charter vessel operator's
1049 permit shall authorize the holder thereof and its employees to
1050 sell and serve alcoholic beverages to passengers of the permit
1051 holder during public tours, historical tours, ecological tours and
1052 sunset cruises provided by the permit holder. The permit shall
1053 authorize the holder to only sell alcoholic beverages, including
1054 native wines, to passengers of the charter vessel operator during
1055 public tours, historical tours, ecological tours and sunset
1056 cruises provided by the permit holder aboard the charter vessel
1057 operator for consumption during such tours and cruises on the
1058 premises of the charter vessel operator described in the permit.
1059 For the purposes of this paragraph (s), "charter vessel operator"
1060 means a common carrier that (i) is certified to carry at least
1061 forty-nine (49) passengers, (ii) operates only in the waters
1062 within the State of Mississippi, which lie south of Interstate 10



1063 in the three (3) most southern counties in the State of
1064 Mississippi, and lie adjacent to the State of Mississippi south of
1065 the three (3) most southern counties in the State of Mississippi,
1066 extending not further than one (1) mile south of such counties,
1067 and (iii) provides vessel services for tours and cruises in such
1068 waters as provided in this paragraph(s).

1069 (t) **Native spirit retailer's permit.** Except as
1070 otherwise provided in subsection (5) of this section, a native
1071 spirit retailer's permit shall be issued only to a holder of a
1072 Class 4 manufacturer's permit, and shall authorize the holder
1073 thereof to make retail sales of native spirits to consumers for
1074 on-premises consumption or to consumers in originally sealed and
1075 unopened containers at an establishment located on the premises of
1076 or in the immediate vicinity of a native distillery. When selling
1077 to consumers for on-premises consumption, a holder of a native
1078 spirit retailer's permit may add to the native spirit alcoholic
1079 beverages not produced on the premises, so long as the total
1080 volume of foreign beverage components does not exceed twenty
1081 percent (20%) of the mixed beverage. Hours of sale shall be the
1082 same as those authorized for on-premises permittees in the city or
1083 county in which the native spirit retailer is located.

1084 (u) **Delivery service permit.** Any individual, limited
1085 liability company, corporation or partnership registered to do
1086 business in this state is eligible to obtain a delivery service
1087 permit. Subject to the provisions of Section 67-1-51.1, this



1088 permit authorizes the permittee, or its employee or an independent
1089 contractor acting on its behalf, to deliver alcoholic beverages,
1090 beer, light wine and light spirit product from a licensed retailer
1091 to a person in this state who is at least twenty-one (21) years of
1092 age for the individual's use and not for resale. This permit does
1093 not authorize the delivery of alcoholic beverages, beer, light
1094 wine or light spirit product to the premises of a location with a
1095 permit for the manufacture, distribution or retail sale of
1096 alcoholic beverages, beer, light wine or light spirit product.
1097 The holder of a package retailer's permit or an on-premises
1098 retailer's permit under Section 67-1-51 or of a beer, light wine
1099 and light spirit product permit under Section 67-3-19 is
1100 authorized to apply for a delivery service permit as a privilege
1101 separate from its existing retail permit.

1102 (v) **Food truck permit.** A food truck permit shall
1103 authorize the holder of an on-premises retailer's permit to use a
1104 food truck to sell alcoholic beverages off its premises to guests
1105 who must consume the beverages in open containers. For the
1106 purposes of this paragraph (v), "food truck" means a fully encased
1107 food service establishment on a motor vehicle or on a trailer that
1108 a motor vehicle pulls to transport, and from which a vendor,
1109 standing within the frame of the establishment, prepares, cooks,
1110 sells and serves food for immediate human consumption. The term
1111 "food truck" does not include a food cart that is not motorized.
1112 Food trucks shall maintain such distance requirements from



1113 schools, churches, kindergartens and funeral homes as are required
1114 for on-premises retailer's permittees under this article, and all
1115 sales must be made within a valid leisure and recreation district
1116 established under Section 67-1-101. Food trucks cannot sell or
1117 serve alcoholic beverages unless also offering food prepared and
1118 cooked within the food truck, and permittees must maintain a
1119 twenty-five percent (25%) food sale revenue requirement based on
1120 the food sold from the food truck alone. The hours allowed for
1121 sale shall be the same as those for on-premises retailer's
1122 permittees in the location. This permit will not be required for
1123 the holder of a caterer's permit issued under this article to
1124 cater an event as allowed by law. Permittees must provide notice
1125 of not less than forty-eight (48) hours to the department of each
1126 location at which alcoholic beverages will be sold.

1127 (w) **On-premises tobacco permit.** An on-premises tobacco
1128 permit shall authorize the permittee to sell alcoholic beverages
1129 for consumption on the licensed premises. In addition to all
1130 other requirements to obtain an alcoholic beverage permit, the
1131 permittee must obtain and maintain a tobacco permit issued by the
1132 State of Mississippi, and have a capital investment of not less
1133 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
1134 for which the permit is issued. In addition to alcoholic
1135 beverages, the permittee is authorized to sell only cigars,
1136 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
1137 Additionally, seventy-five percent (75%) of the permittee's annual



1138 gross revenue must be derived from the sale of cigars, cheroots,
1139 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
1140 be required, but food may be sold on the premises. The issuance
1141 of this permit does not remove any obligation a permittee may have
1142 to follow local ordinances or actions prohibiting the use of
1143 tobacco products.

1144 (x) **Direct wine shipper's permit.** A direct wine
1145 shipper's permit shall authorize the holder to sell and ship a
1146 limited amount of wine directly to residents in this state in
1147 accordance with the provisions of Sections 1 through 9 of this
1148 act, without being required to transact the sale and shipment of
1149 those wines through the division.

1150 (y) **Wine fulfillment provider's permit.** A wine
1151 fulfillment provider's permit authorizes a fulfillment provider,
1152 as defined in Section 1 of this act, to ship wine to a consumer on
1153 behalf of a holder of a direct wine shipper's permit.

1154 (2) Except as otherwise provided in subsection (4) of this
1155 section, retail permittees may hold more than one (1) retail
1156 permit, at the discretion of the department.

1157 (3) (a) Except as otherwise provided in this subsection, no
1158 authority shall be granted to any person to manufacture, sell or
1159 store for sale any intoxicating liquor as specified in this
1160 article within four hundred (400) feet of any church, school
1161 (excluding any community college, junior college, college or
1162 university), kindergarten or funeral home. However, within an



1163 area zoned commercial or business, such minimum distance shall be
1164 not less than one hundred (100) feet.

1165 (b) A church or funeral home may waive the distance
1166 restrictions imposed in this subsection in favor of allowing
1167 issuance by the department of a permit, pursuant to subsection (1)
1168 of this section, to authorize activity relating to the
1169 manufacturing, sale or storage of alcoholic beverages which would
1170 otherwise be prohibited under the minimum distance criterion.
1171 Such waiver shall be in written form from the owner, the governing
1172 body, or the appropriate officer of the church or funeral home
1173 having the authority to execute such a waiver, and the waiver
1174 shall be filed with and verified by the department before becoming
1175 effective.

1176 (c) The distance restrictions imposed in this
1177 subsection shall not apply to the sale or storage of alcoholic
1178 beverages at a bed and breakfast inn listed in the National
1179 Register of Historic Places or to the sale or storage of alcoholic
1180 beverages in a historic district that is listed in the National
1181 Register of Historic Places, is a qualified resort area and is
1182 located in a municipality having a population greater than one
1183 hundred thousand (100,000) according to the latest federal
1184 decennial census.

1185 (d) The distance restrictions imposed in this
1186 subsection shall not apply to the sale or storage of alcoholic
1187 beverages at a qualified resort area as defined in Section



1188 67-1-5(o) (iii)32.

1189 (e) The distance restrictions imposed in this
1190 subsection shall not apply to the sale or storage of alcoholic
1191 beverages at a licensed premises in a building formerly owned by a
1192 municipality and formerly leased by the municipality to a
1193 municipal school district and used by the municipal school
1194 district as a district bus shop facility.

1195 (f) The distance restrictions imposed in this
1196 subsection shall not apply to the sale or storage of alcoholic
1197 beverages at a licensed premises in a building consisting of at
1198 least five thousand (5,000) square feet and located approximately
1199 six hundred (600) feet from the intersection of Mississippi
1200 Highway 15 and Mississippi Highway 4.

1201 (g) The distance restrictions imposed in this
1202 subsection shall not apply to the sale or storage of alcoholic
1203 beverages at a licensed premises in a building located at or near
1204 the intersection of Ward and Tate Streets and adjacent properties
1205 in the City of Senatobia, Mississippi.

1206 (h) The distance restrictions imposed in this
1207 subsection shall not apply to the sale or storage of alcoholic
1208 beverages at a theatre facility that features plays and other
1209 theatrical performances and productions and (i) is capable of
1210 seating more than seven hundred fifty (750) people, (ii) is owned
1211 by a municipality which has a population greater than ten thousand
1212 (10,000) according to the latest federal decennial census, (iii)



1213 was constructed prior to 1930, (iv) is on the National Register of
1214 Historic Places, and (v) is located in a historic district.

1215 (i) The distance restrictions imposed in this
1216 subsection shall not apply to the sale or storage of alcoholic
1217 beverages at a licensed premises in a building located
1218 approximately one and six-tenths (1.6) miles north of the
1219 intersection of Mississippi Highway 15 and Mississippi Highway 4
1220 on the west side of Mississippi Highway 15.

1221 (4) No person, either individually or as a member of a firm,
1222 partnership, limited liability company or association, or as a
1223 stockholder, officer or director in a corporation, shall own or
1224 control any interest in more than one (1) package retailer's
1225 permit, nor shall such person's spouse, if living in the same
1226 household of such person, any relative of such person, if living
1227 in the same household of such person, or any other person living
1228 in the same household with such person own any interest in any
1229 other package retailer's permit; however, in the case of a person
1230 holding a package retailer's permit issued before July 1, 2024,
1231 such a person may own one (1) additional package retailer's permit
1232 if the additional permit is issued for a premises with a minimum
1233 capital investment of Twenty Million Dollars (\$20,000,000.00) that
1234 is part of a major retail development project and located in one
1235 (1) of the three (3) most southern counties in the State of
1236 Mississippi, and not within one hundred (100) miles of another



1237 location in the State of Mississippi, for which the permittee
1238 holds such a permit.

1239 (5) (a) In addition to any other authority granted under
1240 this section, the holder of a permit issued under subsection
1241 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1242 sell or otherwise provide alcoholic beverages and/or wine to a
1243 patron of the permit holder in the manner authorized in the permit
1244 and the patron may remove an open glass, cup or other container of
1245 the alcoholic beverage and/or wine from the licensed premises and
1246 may possess and consume the alcoholic beverage or wine outside of
1247 the licensed premises if: (i) the licensed premises is located
1248 within a leisure and recreation district created under Section
1249 67-1-101 and (ii) the patron remains within the boundaries of the
1250 leisure and recreation district while in possession of the
1251 alcoholic beverage or wine.

1252 (b) Nothing in this subsection shall be construed to
1253 allow a person to bring any alcoholic beverages into a permitted
1254 premises except to the extent otherwise authorized by this
1255 article.

1256 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is
1257 amended as follows:

1258 67-1-53. (1) Application for permits shall be in such form
1259 and shall contain such information as shall be required by the
1260 regulations of the * * * department; however, no regulation of
1261 the * * * department shall require personal financial information



1262 from any officer of a corporation applying for an on-premises
1263 retailer's permit to sell alcoholic beverages unless such officer
1264 owns ten percent (10%) or more of the stock of such corporation.

1265 (2) Every applicant for each type of permit authorized by
1266 Section 67-1-51 shall give notice of such application by
1267 publication for two (2) consecutive issues in a newspaper of
1268 general circulation published in the city or town in which
1269 applicant's place of business is located. However, in instances
1270 where no newspaper is published in the city or town, then the
1271 notice shall be published in a newspaper of general circulation
1272 published in the county where the applicant's business is located.
1273 If no newspaper is published in the county, the notice shall be
1274 published in a qualified newspaper which is published in the
1275 closest neighboring county and circulated in the county of
1276 applicant's residence. The notice shall be printed in ten-point
1277 black face type and shall set forth the type of permit to be
1278 applied for, the exact location of the place of business, the name
1279 of the owner or owners thereof, and if operating under an assumed
1280 name, the trade name together with the names of all owners, and if
1281 a corporation, the names and titles of all officers. The cost of
1282 such notice shall be borne by the applicant. The provisions of
1283 this subsection (2) shall not apply to applicants for a direct
1284 wine shipper's permit under Sections 1 through 9 of this act.



1285 (3) Each application or filing made under this section shall
1286 include the social security number(s) of the applicant in
1287 accordance with Section 93-11-64, Mississippi Code of 1972.

1288 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is
1289 amended as follows:

1290 67-1-55. No permit of any type shall be issued by the * * *
1291 department until the applicant has first filed with the * * *
1292 department a sworn statement disclosing all persons who are
1293 financially involved in the operation of the business for which
1294 the permit is sought. If an applicant is an individual, he will
1295 swear that he owns one hundred percent (100%) of the business for
1296 which he is seeking a permit. If the applicant is a partnership,
1297 all partners and their addresses shall be disclosed and the extent
1298 of their interest in the partnership shall be disclosed. If the
1299 applicant is a corporation, the total stock in the corporation
1300 shall be disclosed and each shareholder and his address and the
1301 amount of stock in the corporation owned by him shall be
1302 disclosed. If the applicant is a limited liability company, each
1303 member and their addresses shall be disclosed and the extent of
1304 their interest in the limited liability company shall be
1305 disclosed. If the applicant is a trust, the trustee and all
1306 beneficiaries and their addresses shall be disclosed. If the
1307 applicant is a combination of any of the above, all information
1308 required to be disclosed above shall be required.



1309 All the disclosures shall be in writing and kept on file at
1310 the * * * department and shall be available to the public.

1311 Every applicant must, when applying for a renewal of his
1312 permit, disclose any change in the ownership of the business or
1313 any change in the beneficiaries of the income from the business.

1314 Any person who willfully fails to fully disclose the
1315 information required by this section, or who gives false
1316 information, shall be guilty of a misdemeanor and, upon conviction
1317 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1318 (\$500.00) or imprisoned for not more than one (1) year, or both,
1319 and the person or applicant shall never again be eligible for any
1320 permit pertaining to alcoholic beverages.

1321 The provisions of this section shall not apply to persons
1322 applying for a direct wine shipper's permit under Sections 1
1323 through 9 of this act.

1324 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is
1325 amended as follows:

1326 67-1-57. Before a permit is issued the department shall
1327 satisfy itself:

1328 (a) That the applicant, if an individual, or if a
1329 partnership, each of the members of the partnership, or if a
1330 corporation, each of its principal officers and directors, or if a
1331 limited liability company, each member of the limited liability
1332 company, is of good moral character and, in addition, enjoys a
1333 reputation of being a peaceable, law-abiding citizen of the



1334 community in which he resides, and is generally fit for the trust
1335 to be reposed in him, is not less than twenty-one (21) years of
1336 age, and has not been convicted of a felony in any state or
1337 federal court.

1338 (b) That, except in the case of an application for a
1339 solicitor's permit, the applicant is the true and actual owner of
1340 the business for which the permit is desired, and that he intends
1341 to carry on the business authorized for himself and not as the
1342 agent of any other person, and that he intends to superintend in
1343 person the management of the business or that he will designate a
1344 manager to manage the business for him. Except for managers
1345 employed by the holder of a direct wine shipper's permit, all
1346 managers must be approved by the department prior to completing
1347 any managerial tasks on behalf of the permittee and must possess
1348 all of the qualifications required of a permittee; however, a
1349 felony conviction, other than a crime of violence, does not
1350 automatically disqualify a person from being approved as a manager
1351 if the person was released from incarceration at least three (3)
1352 years prior to application for approval as a manager. A felony
1353 conviction, other than a crime of violence, may be considered by
1354 the department in determining whether all other qualifications are
1355 met.

1356 (c) That the applicant for a package retailer's permit,
1357 if an individual, is a resident of the State of Mississippi. If
1358 the applicant is a partnership, each member of the partnership



1359 must be a resident of the state. If the applicant is a limited
1360 liability company, each member of the limited liability company
1361 must be a resident of the state. If the applicant is a
1362 corporation, the designated manager of the corporation must be a
1363 resident of the state.

1364 (d) That the place for which the permit is to be issued
1365 is an appropriate one considering the character of the premises
1366 and the surrounding neighborhood.

1367 (e) That the place for which the permit is to be issued
1368 is within the corporate limits of an incorporated municipality or
1369 qualified resort area or club which comes within the provisions of
1370 this article.

1371 (f) That the applicant is not indebted to the state for
1372 any taxes, fees or payment of penalties imposed by any law of the
1373 State of Mississippi or by any rule or regulation of the * * *
1374 department.

1375 (g) That the applicant is not in the habit of using
1376 alcoholic beverages to excess and is not physically or mentally
1377 incapacitated, and that the applicant has the ability to read and
1378 write the English language.

1379 (h) That the * * * department does not believe and has
1380 no reason to believe that the applicant will sell or knowingly
1381 permit any agent, servant or employee to unlawfully sell liquor in
1382 a dry area or in any other manner contrary to law.



1383 (i) That the applicant is not residentially domiciled
1384 with any person whose permit or license has been cancelled for
1385 cause within the twelve (12) months next preceding the date of the
1386 present application for a permit.

1387 (j) That the * * * department has not, in the exercise
1388 of its discretion which is reserved and preserved to it, refused
1389 to grant permits under the restrictions of this section, as well
1390 as under any other pertinent provision of this article.

1391 (k) That there are not sufficient legal reasons to deny
1392 a permit on the ground that the premises for which the permit is
1393 sought has previously been operated, used or frequented for any
1394 purpose or in any manner that is lewd, immoral or offensive to
1395 public decency. In the granting or withholding of any permit to
1396 sell alcoholic beverages at retail, the * * * department in forming
1397 its conclusions may give consideration to any recommendations made
1398 in writing by the district or county attorney or county, circuit
1399 or chancery judge of the county, or the sheriff of the county, or
1400 the mayor or chief of police of an incorporated city or town
1401 wherein the applicant proposes to conduct his business and to any
1402 recommendations made by representatives of the * * * department.

1403 (l) That the applicant and the applicant's key
1404 employees, as determined by the * * * department, do not have a
1405 disqualifying criminal record. In order to obtain a criminal
1406 record history check, the applicant shall submit to the * * *
1407 department a set of fingerprints from any local law enforcement



1408 agency for each person for whom the records check is required.
1409 The * * * department shall forward the fingerprints to the
1410 Mississippi Department of Public Safety. If no disqualifying
1411 record is identified at the state level, the Department of Public
1412 Safety shall forward the fingerprints to the Federal Bureau of
1413 Investigation for a national criminal history record check. Costs
1414 for processing the set or sets of fingerprints shall be borne by
1415 the applicant. The department may waive the fingerprint
1416 requirement in the case of an applicant for a direct wine
1417 shipper's permit. The * * * department shall not deny employment
1418 to an employee of the applicant prior to the identification of a
1419 disqualifying record or other disqualifying information.

1420 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is
1421 amended as follows:

1422 67-1-73. (1) Except as otherwise provided in subsection (3)
1423 of this section, every manufacturer, including native wine or
1424 native spirit producers, within or without the state, and every
1425 other shipper of alcoholic beverages who sells any alcoholic
1426 beverage, including native wine or native spirit, within the
1427 state, shall, at the time of making such sale, file with the
1428 department a copy of the invoice of such sale showing in detail
1429 the kind of alcoholic beverage sold, the quantities of each, the
1430 size of the container and the weight of the contents, the
1431 alcoholic content, and the name and address of the person to whom
1432 sold.



1433 (2) Except as otherwise provided in subsection (3) of this
1434 section, every person transporting alcoholic beverages, including
1435 native wine or native spirit, within this state to a point within
1436 this state, whether such transportation originates within or
1437 without this state, shall, within five (5) days after delivery of
1438 such shipment, furnish the department a copy of the bill of lading
1439 or receipt, showing the name or consignor or consignee, date,
1440 place received, destination, and quantity of alcoholic beverages
1441 delivered. Upon failure to comply with the provisions of this
1442 section, such person shall be deemed guilty of a misdemeanor and,
1443 upon conviction thereof, shall be fined in the sum of Fifty
1444 Dollars (\$50.00) for each offense.

1445 (3) Information regarding the sales, shipment, delivery and
1446 transportation of wine in this state by the holder of a direct
1447 wine shipper's permit under Sections 1 through 9 of this act shall
1448 be in such form and content as prescribed by the department.

1449 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is
1450 amended as follows:

1451 97-31-47. It shall be unlawful for any transportation
1452 company, or any agent, employee, or officer of such company, or
1453 any other person, or corporation to transport into or deliver in
1454 this state in any manner or by any means any spirituous, vinous,
1455 malt, or other intoxicating liquors or drinks, or for any such
1456 person, company, or corporation to transport any spirituous, malt,
1457 vinous, or intoxicating liquors or drinks from one place within



1458 this state to another place within the state, or from one (1)
1459 point within this state to any point without the state, except in
1460 cases where this chapter * * *, Section 67-9-1, or Sections 1
1461 through 9 of this act authorizes the transportation.

1462 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is
1463 amended as follows:

1464 97-31-49. Except as otherwise provided in Sections 1 through
1465 9 of this act, it shall be unlawful for any person, firm or
1466 corporation in this state, in person, by letter, circular, or
1467 other printed or written matter, or in any other manner, to
1468 solicit or take order in this state for any liquors, bitters or
1469 drinks prohibited by the laws of this state to be sold, bartered,
1470 or otherwise disposed of. The inhibition of this section shall
1471 apply to such liquors, bitters and drinks, whether the parties
1472 intend that the same shall be shipped into this state from outside
1473 of the state, or from one (1) point in this state to another point
1474 in this state. If such order be in writing, parol evidence
1475 thereof is admissible without producing or accounting for the
1476 absence of the original; and the taking or soliciting of such
1477 orders is within the inhibition of this section, although the
1478 orders are subject to approval by some other person, and no part
1479 of the price is paid, nor any part of the goods is delivered when
1480 the order is taken.

1481 **SECTION 23.** This act shall take effect and be in force from
1482 and after July 1, 2025.



Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

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

