

By: Representatives Lamar, Hines

To: Ways and Means

HOUSE BILL NO. 1088
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT AN INDIVIDUAL MAY PURCHASE WINE FROM A WINERY AND
3 HAVE THE WINE PURCHASED SHIPPED INTO THIS STATE SO LONG AS IT IS
4 SHIPPED TO A PACKAGE RETAILER PERMITTEE IN THIS STATE; TO PROVIDE
5 THAT THE PACKAGE RETAILER PERMITTEE SHALL PAY TO THE DEPARTMENT OF
6 REVENUE ALL TAXES, FEES AND SURCHARGES ON THE WINE THAT ARE
7 IMPOSED UPON THE SALE OF WINE SHIPPED BY THE DEPARTMENT; TO AMEND
8 SECTIONS 67-1-43, 67-1-45 AND 67-1-51, MISSISSIPPI CODE OF 1972,
9 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

13 67-1-41. (1) The department is hereby created a wholesale
14 distributor and seller of alcoholic beverages, not including malt
15 liquors, within the State of Mississippi. It is granted the * * *
16 right to import and sell * * * alcoholic beverages at wholesale
17 within the state, and no person who is granted the right to sell,
18 distribute or receive * * * alcoholic beverages at retail shall
19 purchase any * * * alcoholic beverages from any source other than
20 the department except as authorized in subsections (4) * * *, (9)
21 and (11) of this section. The department may establish



22 warehouses, purchase * * * alcoholic beverages in such quantities
23 and from such sources as it may deem desirable and sell the * * *
24 alcoholic beverages to authorized permittees within the state
25 including, at the discretion of the department, any retail
26 distributors operating within any military post or qualified
27 resort areas within the boundaries of the state, keeping a correct
28 and accurate record of all such transactions and exercising such
29 control over the distribution of alcoholic beverages as seem right
30 and proper in keeping with the provisions or purposes of this
31 chapter.

32 (2) No person for the purpose of sale shall manufacture,
33 distill, brew, sell, possess, export, transport, distribute,
34 warehouse, store, solicit, take orders for, bottle, rectify,
35 blend, treat, mix or process any alcoholic beverage except in
36 accordance with authority granted under this chapter, or as
37 otherwise provided by law for native wines.

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

42 (4) The department may promulgate rules and regulations
43 which authorize on-premises retailers to purchase limited amounts
44 of alcoholic beverages from package retailers and for package
45 retailers to purchase limited amounts of alcoholic beverages from
46 other package retailers. The department shall develop and provide



47 forms to be completed by the on-premises retailers and the package
48 retailers verifying the transaction. The completed forms shall be
49 forwarded to the department within a period of time prescribed by
50 the department.

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

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

60 (7) The department may promulgate rules which authorize the
61 manufacturer of an alcoholic beverage or wine to import, transport
62 and furnish or give a sample of alcoholic beverages or wines to
63 the holders of package retailer's permits, on-premises retailer's
64 permits, native wine retailer's permits and temporary retailer's
65 permits who have not previously purchased the brand of that
66 manufacturer from the department. For each holder of the
67 designated permits, the manufacturer may furnish not more than
68 five hundred (500) milliliters of any brand of alcoholic beverage
69 and not more than three (3) liters of any brand of wine.

70 (8) The department may promulgate rules disallowing open
71 product sampling of alcoholic beverages or wines by the holders of



72 package retailer's permits and permitting open product sampling of
73 alcoholic beverages by the holders of on-premises retailer's
74 permits. Permitted sample products shall be plainly identified
75 "sample" and the actual sampling must occur in the presence of the
76 manufacturer's representatives during the legal operating hours of
77 on-premises retailers.

78 (9) The department may promulgate rules and regulations that
79 authorize the holder of a research permit to import and purchase
80 limited amounts of alcoholic beverages from importers, wineries
81 and distillers of alcoholic beverages or from the department. The
82 department shall develop and provide forms to be completed by the
83 research permittee verifying each transaction. The completed
84 forms shall be forwarded to the department within a period of time
85 prescribed by the department. The records and inventory of
86 alcoholic beverages shall be open to inspection at any time by the
87 Director of the Alcoholic Beverage Control Division or any duly
88 authorized agent.

89 (10) This section shall not apply to alcoholic beverages
90 authorized to be sold by the holder of a distillery retailer's
91 permit.

92 (11) (a) An individual resident of this state who is at
93 least twenty-one (21) years of age may purchase wine from a winery
94 and have the purchase shipped into this state so long as it is
95 shipped to a package retailer permittee in Mississippi; however,
96 the permittee shall pay to the department all taxes, fees and



97 surcharges on the wine that are imposed upon the sale of wine
98 shipped by the department. No credit shall be provided to the
99 permittee for any taxes paid to another state as a result of the
100 transaction. Package retailers may charge a service fee for
101 receiving and handling shipments from wineries on behalf of the
102 purchasers. The department shall develop and provide forms to be
103 completed by the package retailer permittees verifying the
104 transaction. The completed forms shall be forwarded to the
105 department within a period of time prescribed by the department.

106 (b) The purchaser of wine that is to be shipped to a
107 package retailer's store shall be required to get the prior
108 approval of the package retailer before any wine is shipped to the
109 package retailer. A purchaser is limited to no more than ten (10)
110 cases of wine per year to be shipped to a package retailer. A
111 package retailer shall notify a purchaser of wine within two (2)
112 days after receiving the shipment of wine. If the purchaser of
113 the wine does not pick up or take the wine from the package
114 retailer within thirty (30) days after being notified by the
115 package retailer, the package retailer may sell the wine as part
116 of his inventory.

117 (c) Shipments of wine into this state under this
118 section shall be made by a duly licensed carrier. It shall be the
119 duty of every common or contract carrier, and of every firm or
120 corporation that shall bring, carry or transport wine from outside
121 the state for delivery inside the state to package retailer



122 permittees on behalf of consumers, to prepare and file with the
123 department, on a schedule as determined by the department, of
124 known wine shipments containing the name of the common or contract
125 carrier, firm or corporation making the report, the period of time
126 covered by said report, the name and permit number of the winery,
127 the name and permit number of the package retailer permittee
128 receiving such wine, the weight of the package delivered to each
129 package retailer permittee, a unique tracking number, and the date
130 of delivery. Reports received by the department shall be made
131 available by the department to the public via the Mississippi
132 Public Records Act process in the same manner as other state
133 alcohol filings.

134 Upon the department's request, any records supporting the
135 report shall be made available to the department within a
136 reasonable time after the department makes a written request for
137 such records. Any records containing information relating to such
138 reports shall be kept and preserved for a period of two (2) years,
139 unless their destruction sooner is authorized, in writing, by the
140 department, and shall be open and available to inspection by the
141 department upon the department's written request. Reports shall
142 also be made available to any law enforcement or regulatory body
143 in the state in which the railroad company, express company,
144 common or contract carrier making the report resides or does
145 business.



146 Any common or contract carrier that willfully fails to make
147 reports, as provided by this section or any of the rules and
148 regulations of the department for the administration and
149 enforcement of this section, is subject to a notification of
150 violation. In the case of a continuing failure to make reports,
151 the common or contract carrier is subject to possible license
152 suspension and revocation at the department's discretion.

153 (d) A winery that ships wine under this section shall
154 be deemed to have consented to the jurisdiction of the courts of
155 this state, of the department, of any other state agency regarding
156 the enforcement of this section, and of any related law, rules or
157 regulations.

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

164 (12) If any provision of this chapter, or its application to
165 any person or circumstance, is determined by a court to be invalid
166 or unconstitutional, the remaining provisions shall be construed
167 in accordance with the intent of the Legislature to further limit
168 rather than expand commerce in alcoholic beverages to protect the
169 health, safety, and welfare of the state's residents, and to
170 enhance strict regulatory control over taxation, distribution and



171 sale of alcoholic beverages through the three-tier regulatory
172 system imposed by this chapter upon all alcoholic beverages to
173 curb relationships and practices calculated to stimulate sales and
174 impair the state's policy favoring trade stability and the
175 promotion of temperance.

176 **SECTION 2.** Section 67-1-43, Mississippi Code of 1972, is
177 amended as follows:

178 67-1-43. Any authorized retail distributor who shall
179 purchase or receive intoxicating liquor from any source except
180 from the * * * department, unless authorized by rules and
181 regulations of the * * * department promulgated under * * *
182 Section 67-1-41, shall be guilty of a misdemeanor and upon
183 conviction thereof shall be punished by a fine of not less than
184 Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars
185 (\$2,000.00), to which may be added imprisonment in the county jail
186 for not more than six (6) months. Any authorization of such
187 person to sell intoxicating beverages may be revoked as provided
188 by law.

189 **SECTION 3.** Section 67-1-45, Mississippi Code of 1972, is
190 amended as follows:

191 67-1-45. No manufacturer, rectifier or distiller of * * *
192 alcoholic beverages shall sell or attempt to sell any such * * *
193 alcoholic beverages, except malt liquor, within the State of
194 Mississippi, except to the * * * department, or * * * as provided
195 in Section 67-1-41. A producer of native wine may sell native



196 wines to the * * * department or to consumers at the location of
197 the native winery or its immediate vicinity.

198 Any violation of this section by any manufacturer, rectifier
199 or distiller shall be punished by a fine of not less than Five
200 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
201 (\$2,000.00), to which may be added imprisonment in the county jail
202 not to exceed six (6) months.

203 **SECTION 4.** Section 67-1-51, Mississippi Code of 1972, is
204 amended as follows:

205 67-1-51. (1) Permits which may be issued by the department
206 shall be as follows:

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

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

214 Class 1. Distiller's and/or rectifier's permit, which shall
215 authorize the holder thereof to operate a distillery for the
216 production of distilled spirits by distillation or redistillation
217 and/or to operate a rectifying plant for the purifying, refining,
218 mixing, blending, flavoring or reducing in proof of distilled
219 spirits and alcohol.



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

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

226 (b) **Package retailer's permit.** Except as otherwise
227 provided in this paragraph and Section 67-1-52, a package
228 retailer's permit shall authorize the holder thereof to operate a
229 store exclusively for the sale at retail in original sealed and
230 unopened packages of alcoholic beverages, including native wines,
231 not to be consumed on the premises where sold. Alcoholic
232 beverages shall not be sold by any retailer in any package or
233 container containing less than fifty (50) milliliters by liquid
234 measure. A package retailer's permit, with prior approval from
235 the department, shall authorize the holder thereof to sample new
236 product furnished by a manufacturer's representative or his
237 employees at the permitted place of business so long as the
238 sampling otherwise complies with this chapter and applicable
239 department regulations. Such samples may not be provided to
240 customers at the permitted place of business. In addition to the
241 sale at retail of packages of alcoholic beverages, the holder of a
242 package retailer's permit is authorized to sell at retail
243 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
244 other beverages commonly used to mix with alcoholic beverages.



245 Nonalcoholic beverages sold by the holder of a package retailer's
246 permit shall not be consumed on the premises where sold.

247 (c) **On-premises retailer's permit.** Except as otherwise
248 provided in subsection (5) of this section, an on-premises
249 retailer's permit shall authorize the sale of alcoholic beverages,
250 including native wines, for consumption on the licensed premises
251 only; however, a patron of the permit holder may remove one (1)
252 bottle of wine from the licensed premises if: (i) the patron
253 consumed a portion of the bottle of wine in the course of
254 consuming a meal purchased on the licensed premises; (ii) the
255 permit holder securely reseals the bottle; (iii) the bottle is
256 placed in a bag that is secured in a manner so that it will be
257 visibly apparent if the bag is opened; and (iv) a dated receipt
258 for the wine and the meal is available. Such a permit shall be
259 issued only to qualified hotels, restaurants and clubs, and to
260 common carriers with adequate facilities for serving passengers.
261 In resort areas, whether inside or outside of a municipality, the
262 department, in its discretion, may issue on-premises retailer's
263 permits to such establishments as it deems proper. An on-premises
264 retailer's permit when issued to a common carrier shall authorize
265 the sale and serving of alcoholic beverages aboard any licensed
266 vehicle while moving through any county of the state; however, the
267 sale of such alcoholic beverages shall not be permitted while such
268 vehicle is stopped in a county that has not legalized such sales.
269 If an on-premises retailer's permit is applied for by a common



270 carrier operating solely in the water, such common carrier must,
271 along with all other qualifications for a permit, (i) be certified
272 to carry at least one hundred fifty (150) passengers and/or
273 provide overnight accommodations for at least fifty (50)
274 passengers and (ii) operate primarily in the waters within the
275 State of Mississippi which lie adjacent to the State of
276 Mississippi south of the three (3) most southern counties in the
277 State of Mississippi and/or on the Mississippi River or navigable
278 waters within any county bordering on the Mississippi River.

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

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



295 manufacturer's permit, and shall authorize the holder thereof to
296 make retail sales of native wines to consumers for on-premises
297 consumption or to consumers in originally sealed and unopened
298 containers at an establishment located on the premises of or in
299 the immediate vicinity of a native winery.

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

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

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



320 expiration of the temporary permit may be returned by the
321 permittee to the package retailer for a refund of the purchase
322 price upon consent of the package retailer or may be kept by the
323 permittee exclusively for personal use and consumption, subject to
324 all laws pertaining to the illegal sale and possession of
325 alcoholic beverages. The department, following review of the
326 statement provided by the applicant and the requirements of the
327 applicable statutes and regulations, may issue the permit.

328 Class 2. A temporary permit, not to exceed seventy (70)
329 days, may be issued to prospective permittees seeking to transfer
330 a permit authorized in paragraph (c) of this subsection. A Class
331 2 permit may be issued only to applicants demonstrating to the
332 department, by a statement signed under the penalty of perjury,
333 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
334 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
335 67-1-59. The department, following a preliminary review of the
336 statement provided by the applicant and the requirements of the
337 applicable statutes and regulations, may issue the permit.

338 Class 2 temporary permittees must purchase their alcoholic
339 beverages directly from the department or, with approval of the
340 department, purchase the remaining stock of the previous
341 permittee. If the proposed applicant of a Class 1 or Class 2
342 temporary permit falsifies information contained in the
343 application or statement, the applicant shall never again be



344 eligible for a retail alcohol beverage permit and shall be subject
345 to prosecution for perjury.

346 Class 3. A temporary one-day permit may be issued to a
347 retail establishment authorizing the complimentary distribution of
348 wine, including native wine, to patrons of the retail
349 establishment at an open house or promotional event, for
350 consumption only on the premises described in the temporary
351 permit. A Class 3 permit may be issued only to an applicant
352 demonstrating to the department, by a statement signed under
353 penalty of perjury submitted ten (10) days before the proposed
354 date or such other time as the department may determine, that it
355 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
356 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
357 A Class 3 permit holder shall obtain all alcoholic beverages from
358 the holder(s) of a package retailer's permit located in the county
359 in which the temporary permit is issued. Wine remaining in stock
360 upon expiration of the temporary permit may be returned by the
361 Class 3 temporary permit holder to the package retailer for a
362 refund of the purchase price, with consent of the package
363 retailer, or may be kept by the Class 3 temporary permit holder
364 exclusively for personal use and consumption, subject to all laws
365 pertaining to the illegal sale and possession of alcoholic
366 beverages. The department, following review of the statement
367 provided by the applicant and the requirements of the applicable
368 statutes and regulations, may issue the permit. No retailer may



369 receive more than twelve (12) Class 3 temporary permits in a
370 calendar year. A Class 3 temporary permit shall not be issued to
371 a retail establishment that either holds a merchant permit issued
372 under paragraph (1) of this subsection, or holds a permit issued
373 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
374 the holder to engage in the business of a retailer of light wine
375 or beer.

376 (g) **Caterer's permit.** A caterer's permit shall permit
377 the purchase of alcoholic beverages by a person engaging in
378 business as a caterer and the resale of alcoholic beverages by
379 such person in conjunction with such catering business. No person
380 shall qualify as a caterer unless forty percent (40%) or more of
381 the revenue derived from such catering business shall be from the
382 serving of prepared food and not from the sale of alcoholic
383 beverages and unless such person has obtained a permit for such
384 business from the Department of Health. A caterer's permit shall
385 not authorize the sale of alcoholic beverages on the premises of
386 the person engaging in business as a caterer; however, the holder
387 of an on-premises retailer's permit may hold a caterer's permit.
388 When the holder of an on-premises retailer's permit or an
389 affiliated entity of the holder also holds a caterer's permit, the
390 caterer's permit shall not authorize the service of alcoholic
391 beverages on a consistent, recurring basis at a separate, fixed
392 location owned or operated by the caterer, on-premises retailer or
393 affiliated entity and an on-premises retailer's permit shall be



394 required for the separate location. All sales of alcoholic
395 beverages by holders of a caterer's permit shall be made at the
396 location being catered by the caterer, and, except as otherwise
397 provided in subsection (5) of this section, such sales may be made
398 only for consumption at the catered location. The location being
399 catered may be anywhere within a county or judicial district that
400 has voted to come out from under the dry laws or in which the
401 sale, distribution and possession of alcoholic beverages is
402 otherwise authorized by law. Such sales shall be made pursuant to
403 any other conditions and restrictions which apply to sales made by
404 on-premises retail permittees. The holder of a caterer's permit
405 or his employees shall remain at the catered location as long as
406 alcoholic beverages are being sold pursuant to the permit issued
407 under this paragraph (g), and the permittee shall have at the
408 location the identification card issued by the Alcoholic Beverage
409 Control Division of the department. No unsold alcoholic beverages
410 may be left at the catered location by the permittee upon the
411 conclusion of his business at that location. Appropriate law
412 enforcement officers and Alcoholic Beverage Control Division
413 personnel may enter a catered location on private property in
414 order to enforce laws governing the sale or serving of alcoholic
415 beverages.

416 (h) **Research permit.** A research permit shall authorize
417 the holder thereof to operate a research facility for the
418 professional research of alcoholic beverages. Such permit shall



419 authorize the holder of the permit to import and purchase limited
420 amounts of alcoholic beverages from the department or from
421 importers, wineries and distillers of alcoholic beverages for
422 professional research.

423 (i) **Alcohol processing permit.** An alcohol processing
424 permit shall authorize the holder thereof to purchase, transport
425 and possess alcoholic beverages for the exclusive use in cooking,
426 processing or manufacturing products which contain alcoholic
427 beverages as an integral ingredient. An alcohol processing permit
428 shall not authorize the sale of alcoholic beverages on the
429 premises of the person engaging in the business of cooking,
430 processing or manufacturing products which contain alcoholic
431 beverages. The amounts of alcoholic beverages allowed under an
432 alcohol processing permit shall be set by the department.

433 (j) **Hospitality cart permit.** A hospitality cart permit
434 shall authorize the sale of alcoholic beverages from a mobile cart
435 on a golf course that is the holder of an on-premises retailer's
436 permit. The alcoholic beverages sold from the cart must be
437 consumed within the boundaries of the golf course.

438 (k) **Special service permit.** A special service permit
439 shall authorize the holder to sell commercially sealed alcoholic
440 beverages to the operator of a commercial or private aircraft for
441 en route consumption only by passengers. A special service permit
442 shall be issued only to a fixed-base operator who contracts with



443 an airport facility to provide fueling and other associated
444 services to commercial and private aircraft.

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

453 (m) **Temporary alcoholic beverages charitable auction**
454 **permit.** A temporary permit, not to exceed five (5) days, may be
455 issued to a qualifying charitable nonprofit organization that is
456 exempt from taxation under Section 501(c)(3) or (4) of the
457 Internal Revenue Code of 1986. The permit shall authorize the
458 holder to sell alcoholic beverages for the limited purpose of
459 raising funds for the organization during a live or silent auction
460 that is conducted by the organization and that meets the following
461 requirements: (i) the auction is conducted in an area of the
462 state where the sale of alcoholic beverages is authorized; (ii) if
463 the auction is conducted on the premises of an on-premises
464 retailer's permit holder, then the alcoholic beverages to be
465 auctioned must be stored separately from the alcoholic beverages
466 sold, stored or served on the premises, must be removed from the
467 premises immediately following the auction, and may not be



468 consumed on the premises; (iii) the permit holder may not conduct
469 more than two (2) auctions during a calendar year; (iv) the permit
470 holder may not pay a commission or promotional fee to any person
471 to arrange or conduct the auction.

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



492 (o) **Temporary theatre permit.** A temporary theatre
493 permit, not to exceed five (5) days, may be issued to a charitable
494 nonprofit organization that is exempt from taxation under Section
495 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
496 a theatre facility that features plays and other theatrical
497 performances and productions. Except as otherwise provided in
498 subsection (5) of this section, the permit shall authorize the
499 holder to sell alcoholic beverages, including native wines, to
500 patrons of the theatre during performances and productions at the
501 theatre facility for consumption during such performances and
502 productions on the premises of the facility described in the
503 permit. A temporary theatre permit holder shall obtain all
504 alcoholic beverages from package retailers located in the county
505 in which the permit is issued. Alcoholic beverages remaining in
506 stock upon expiration of the temporary theatre permit may be
507 returned by the permittee to the package retailer for a refund of
508 the purchase price upon consent of the package retailer or may be
509 kept by the permittee exclusively for personal use and
510 consumption, subject to all laws pertaining to the illegal sale
511 and possession of alcoholic beverages.

512 (p) **Charter ship operator's permit.** Subject to the
513 provisions of this paragraph (p), a charter ship operator's permit
514 shall authorize the holder thereof and its employees to serve,
515 monitor, store and otherwise control the serving and availability
516 of alcoholic beverages to customers of the permit holder during



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

535 (q) **Distillery retailer's permit.** The holder of a
536 Class 1 manufacturer's permit may obtain a distillery retailer's
537 permit. A distillery retailer's permit shall authorize the holder
538 thereof to sell at retail alcoholic beverages by the sealed and
539 unopened bottle from a retail location at the distillery for
540 off-premises consumption. The holder may only sell product
541 manufactured by the manufacturer at the distillery described in



542 the permit. The holder shall not sell at retail more than ten
543 percent (10%) of the alcoholic beverages produced annually at its
544 distillery. The holder shall not make retail sales of more than
545 two and twenty-five one-hundredths (2.25) liters, in the
546 aggregate, of the alcoholic beverages produced at its distillery
547 to any one (1) individual for consumption off the premises of the
548 distillery within a twenty-four-hour period. The hours of sale
549 shall be the same as those hours for package retailers under this
550 chapter. The holder of a distillery retailer's permit is not
551 required to purchase the alcoholic beverages authorized to be sold
552 by this paragraph from the department's liquor distribution
553 warehouse; however, if the holder does not purchase the alcoholic
554 beverages from the department's liquor distribution warehouse, the
555 holder shall pay to the department all taxes, fees and surcharges
556 on the alcoholic beverages that are imposed upon the sale of
557 alcoholic beverages shipped by the Alcoholic Beverage Control
558 Division of the Department of Revenue. In addition to alcoholic
559 beverages, the holder of a distillery retailer's permit may sell
560 at retail promotional products from the same retail location,
561 including shirts, hats, glasses, and other promotional products
562 customarily sold by alcoholic beverage manufacturers.

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



566 (3) Except as otherwise provided in this subsection, no
567 authority shall be granted to any person to manufacture, sell or
568 store for sale any intoxicating liquor as specified in this
569 chapter within four hundred (400) feet of any church, school,
570 kindergarten or funeral home. However, within an area zoned
571 commercial or business, such minimum distance shall be not less
572 than one hundred (100) feet.

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

583 The distance restrictions imposed in this subsection shall
584 not apply to the sale or storage of alcoholic beverages at a bed
585 and breakfast inn listed in the National Register of Historic
586 Places or to the sale or storage of alcoholic beverages in a
587 historic district that is listed in the National Register of
588 Historic Places, is a qualified resort area and is located in a
589 municipality having a population greater than one hundred thousand
590 (100,000) according to the latest federal decennial census.



591 (4) No person, either individually or as a member of a firm,
592 partnership, limited liability company or association, or as a
593 stockholder, officer or director in a corporation, shall own or
594 control any interest in more than one (1) package retailer's
595 permit, nor shall such person's spouse, if living in the same
596 household of such person, any relative of such person, if living
597 in the same household of such person, or any other person living
598 in the same household with such person own any interest in any
599 other package retailer's permit.

600 (5) (a) In addition to any other authority granted under
601 this section, the holder of a permit issued under subsection
602 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
603 sell or otherwise provide alcoholic beverages and/or wine to a
604 patron of the permit holder in the manner authorized in the permit
605 and the patron may remove an open glass, cup or other container of
606 the alcoholic beverage and/or wine from the licensed premises and
607 may possess and consume the alcoholic beverage or wine outside of
608 the licensed premises if: (i) the licensed premises is located
609 within a leisure and recreation district created under Section
610 67-1-101 and (ii) the patron remains within the boundaries of the
611 leisure and recreation district while in possession of the
612 alcoholic beverage or wine.

613 (b) Nothing in this subsection shall be construed to
614 allow a person to bring any alcoholic beverages into a permitted



615 premises except to the extent otherwise authorized by this
616 chapter.

617 **SECTION 5.** This act shall take effect and be in force from
618 and after January 1, 2021.

