

By: Senator(s) Michel, Simmons (13th), Horhn To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2534

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

94 (2) A direct wine shipper may not:

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

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

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

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

104 (a) Is otherwise entitled to receive a permit;

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



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

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

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

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

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

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

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



132 imprisonment in the county jail for not more than six (6) months,
133 or both. Each sale or shipment in violation of Sections 1 through
134 9 of this act shall constitute a separate offense.

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

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

141 27-71-5. (1) Upon each person approved for a permit under
142 the provisions of the Alcoholic Beverage Control Law and
143 amendments thereto, there is levied and imposed for each location
144 for the privilege of engaging and continuing in this state in the
145 business authorized by such permit, an annual privilege license
146 tax in the amount provided in the following schedule:

- 147 (a) Except as otherwise provided in this subsection
148 (1), manufacturer's permit, Class 1, distiller's and/or
149 rectifier's..... \$4,500.00
- 150 (b) Manufacturer's permit, Class 2, wine
151 Manufacturer..... \$1,800.00
- 152 (c) Manufacturer's permit, Class 3, native wine
153 manufacturer per ten thousand (10,000) gallons or part thereof
154 produced..... \$ 10.00
- 155 (d) Native wine retailer's permit..... \$ 50.00
- 156 (e) Package retailer's permit, each..... \$ 900.00



157	(f) On-premises retailer's permit, except for clubs and	
158	common carriers, each.....	\$ 450.00
159	(g) On-premises retailer's permit for wine of more than	
160	five percent (5%) alcohol by weight, but not more than twenty-one	
161	percent (21%) alcohol by weight, each.....	\$ 225.00
162	(h) On-premises retailer's permit for clubs.....	\$ 225.00
163	(i) On-premises retailer's permit for common carriers,	
164	per car, plane, or other vehicle.....	\$ 120.00
165	(j) Solicitor's permit, regardless of any other	
166	provision of law, solicitor's permits shall be issued only in the	
167	discretion of the department.....	\$ 100.00
168	(k) Filing fee for each application except for an	
169	employee identification card.....	\$ 25.00
170	(l) Temporary permit, Class 1, each.....	\$ 10.00
171	(m) Temporary permit, Class 2, each.....	\$ 50.00
172	(n) (i) Caterer's permit.....	\$ 600.00
173	(ii) Caterer's permit for holders of on-premises	
174	retailer's permit.....	\$ 150.00
175	(o) Research permit.....	\$ 100.00
176	(p) Temporary permit, Class 3 (wine only).....	\$ 10.00
177	(q) Special service permit.....	\$ 225.00
178	(r) Merchant permit.....	\$ 225.00
179	(s) Temporary alcoholic beverages charitable auction	
180	permit.....	\$ 10.00
181	(t) Event venue retailer's permit.....	\$ 225.00



182	(u) Temporary theatre permit, each.....	\$ 10.00
183	(v) Charter ship operator's permit.....	\$ 100.00
184	(w) Distillery retailer's permit.....	\$ 450.00
185	(x) <u>Direct wine shipper's permit.....</u>	<u>\$ 100.00</u>

186 If a person approved for a manufacturer's permit, Class 1,
187 distiller's permit produces a product with at least fifty-one
188 percent (51%) of the finished product by volume being obtained
189 from alcoholic fermentation of grapes, fruits, berries, honey
190 and/or vegetables grown and produced in Mississippi, and produces
191 all of the product by using not more than one (1) still having a
192 maximum capacity of one hundred fifty (150) liters, the annual
193 privilege license tax for such a permit shall be Ten Dollars
194 (\$10.00) per ten thousand (10,000) gallons or part thereof
195 produced. Bulk, concentrated or fortified ingredients used for
196 blending may be produced outside this state and used in producing
197 such a product.

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



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

208 All privilege taxes imposed by this section shall be paid in
209 advance of doing business. The additional privilege tax imposed
210 for an on-premises retailer's permit based upon purchases shall be
211 due and payable on demand.

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

219 (b) (i) In addition to the tax imposed in paragraph
220 (a) of this subsection, there is imposed and shall be collected by
221 the department from each permittee described in subsection (1)(f),
222 (g), (h), (m) and (t) of this section, an additional license tax
223 for the privilege of doing business within any municipality or
224 county in which the licensee is located in the amount of Two
225 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
226 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
227 (\$225.00) for each additional purchase of Five Thousand Dollars
228 (\$5,000.00), or fraction thereof.

229 (ii) In addition to the tax imposed in paragraph
230 (a) of this subsection, there is imposed and shall be collected by



231 the department from each permittee described in subsection (1)(n)
232 and (r) of this section, an additional license tax for the
233 privilege of doing business within any municipality or county in
234 which the licensee is located in the amount of Two Hundred Fifty
235 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
236 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
237 additional purchase of Five Thousand Dollars (\$5,000.00), or
238 fraction thereof.

239 (iii) Any person who has paid the additional
240 privilege license tax imposed by this paragraph, and whose permit
241 is renewed, may add any unused fraction of Five Thousand Dollars
242 (\$5,000.00) purchases to the first Five Thousand Dollars
243 (\$5,000.00) purchases authorized by the renewal permit, and no
244 additional license tax will be required until purchases exceed the
245 sum of the two (2) figures.

246 (c) If the licensee is located within a municipality,
247 the department shall pay the amount of additional license tax
248 collected under this section to the municipality, and if outside a
249 municipality the department shall pay the additional license tax
250 to the county in which the licensee is located. Payments by the
251 department to the respective local government subdivisions shall
252 be made once each month for any collections during the preceding
253 month.

254 (3) When an application for any permit, other than for
255 renewal of a permit, has been rejected by the department, such



256 decision shall be final. Appeal may be made in the manner
257 provided by Section 67-1-39. Another application from an
258 applicant who has been denied a permit shall not be reconsidered
259 within a twelve-month period.

260 (4) The number of permits issued by the department shall not
261 be restricted or limited on a population basis; however, the
262 foregoing limitation shall not be construed to preclude the right
263 of the department to refuse to issue a permit because of the
264 undesirability of the proposed location.

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

273 (6) It shall be unlawful for any person to consume alcoholic
274 beverages on the premises of any hotel restaurant, restaurant,
275 club or the interior of any public place defined in Chapter 1,
276 Title 67, Mississippi Code of 1972, when the owner or manager
277 thereof displays in several conspicuous places inside the
278 establishment and at the entrances of establishment a sign
279 containing the following language: NO ALCOHOLIC BEVERAGES
280 ALLOWED.



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

283 27-71-7. (1) There is hereby levied and assessed an excise
284 tax upon each case of alcoholic beverages sold by the * * *
285 department to be collected from each retail licensee at the time
286 of sale in accordance with the following schedule:

- 287 (a) Distilled spirits.....\$2.50 per gallon
- 288 (b) Sparkling wine and champagne.....\$1.00 per gallon
- 289 (c) Other wines, including native
290 wines.....\$.35 per gallon

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

298 (b) Until June 30, 1987, the revenue derived from this
299 three percent (3%) markup shall be deposited by the division in
300 the State Treasury to the credit of the "Alcoholism Treatment and
301 Rehabilitation Fund," a special fund which is hereby created in
302 the State Treasury, and shall be used by the Division of Alcohol
303 and Drug Abuse of the State Department of Mental Health and public
304 or private centers or organizations solely for funding of
305 treatment and rehabilitation programs for alcoholics and alcohol



306 abusers which are sponsored by the division or public or private
307 centers or organizations in such amounts as the Legislature may
308 appropriate to the division for use by the division or public or
309 private centers or organizations for such programs. Any tax
310 revenue in the fund which is not encumbered at the end of the
311 fiscal year shall lapse to the General Fund. It is the intent of
312 the Legislature that the State Department of Mental Health shall
313 continue to seek funds from other sources and shall use the funds
314 appropriated for the purposes of this section and Section 27-71-29
315 to match all federal funds which may be available for alcoholism
316 treatment and rehabilitation.

317 From and after July 1, 1987, the revenue derived from this
318 three percent (3%) markup shall be deposited by the division in
319 the State Treasury to the credit of the "Mental Health Programs
320 Fund," a special fund which is hereby created in the State
321 Treasury and shall be used by the State Department of Mental
322 Health for the service programs of the department. Any revenue in
323 the "Alcoholism Treatment and Rehabilitation Fund" which is not
324 encumbered at the end of Fiscal Year 1987 shall be deposited to
325 the credit of the "Mental Health Programs Fund."

326 (3) There is levied and assessed upon the holder of a direct
327 wine shipper's permit, a tax in the amount of fifteen and one-half
328 percent (15.5%) of the sales price of each sale and shipment of
329 wine made to a resident in this state. The holder of a direct
330 wine shipper's permit shall file a monthly report with the



331 department along with a copy of the invoice for each sale and
332 shipment of wine and remit any taxes due; however, no report shall
333 be required for months in which no sales or shipments were made
334 into this state. The report, together with copies of the invoices
335 and the payment of all taxes, shall be filed with the department
336 not later than the twentieth day of the month following the month
337 in which the shipment was made. Permittees who fail to timely
338 file and pay taxes as required by this subsection shall pay a late
339 fee in the amount of Fifty Dollars (\$50.00), in addition to any
340 other penalty authorized by this article.

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

343 27-71-15. Except as otherwise provided in Section 67-9-1 for
344 the transportation of limited amounts of alcoholic beverages for
345 the use of an alcohol processing permittee, and in Sections 1
346 through 9 of this act for the sale and shipment of wine by the
347 holder of a direct wine shipper's permit, if transportation
348 requires passage through a county which has not authorized the
349 sale of alcoholic beverages, such transportation shall be by a
350 sealed vehicle. Such seal shall remain unbroken until the vehicle
351 shall reach the place of business operated by the permittee. The
352 operator of any vehicle transporting alcoholic beverages shall
353 have in his possession an invoice issued by the * * * department
354 at the time of the wholesale sale covering the merchandise
355 transported by the vehicle. The * * * department is authorized to



356 issue regulations controlling the transportation of alcoholic
357 beverages.

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

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

366 27-71-29. (1) All taxes levied by this article shall be
367 paid to the * * * department in cash or by personal check,
368 cashier's check, bank exchange, post office money order or express
369 money order and shall be deposited by the * * * department in the
370 State Treasury on the same day collected, but no remittances other
371 than cash shall be a final discharge of liability for the tax
372 herein imposed and levied unless and until it has been paid in
373 cash to the * * * department.

374 (2) All taxes levied under Section 27-71-7(1) and received
375 by the * * * department under this article shall be paid into the
376 General Fund, and the three percent (3%) levied under Section
377 27-71-7(2) and received by the * * * department under this article
378 shall be paid into the special fund in the State Treasury
379 designated as the "Alcoholism Treatment and Rehabilitation Fund"
380 as required by law. Any funds derived from the sale of alcoholic



381 beverages in excess of inventory requirements shall be paid not
382 less often than annually into the General Fund.

383 (3) All taxes levied under Section 27-71-7(3) and received
384 by the department under this article shall be paid into the
385 General Fund, except for an amount equivalent to the three percent
386 (3%) levied under Section 27-71-7(2), which shall be paid into the
387 special fund in the State Treasury designated as the "Mental
388 Health Programs Fund" as required by law.

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

391 67-1-41. (1) The department is hereby created a wholesale
392 distributor and seller of alcoholic beverages, not including malt
393 liquors, within the State of Mississippi. It is granted the sole
394 right to import and sell intoxicating liquors at wholesale within
395 the state, and no person who is granted the right to sell,
396 distribute or receive intoxicating liquors at retail shall
397 purchase any intoxicating liquors from any source other than the
398 department except as authorized in subsections (4) and (9) of this
399 section and Sections 1 through 9 of this act. The department may
400 establish warehouses, purchase intoxicating liquors in such
401 quantities and from such sources as it may deem desirable and sell
402 the intoxicating liquors to authorized permittees within the state
403 including, at the discretion of the department, any retail
404 distributors operating within any military post or qualified
405 resort areas within the boundaries of the state, keeping a correct



406 and accurate record of all such transactions and exercising such
407 control over the distribution of alcoholic beverages as seem right
408 and proper in keeping with the provisions or purposes of this
409 chapter.

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

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

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

429 (5) The department may promulgate rules which authorize the
430 holder of a package retailer's permit to permit individual retail



431 purchasers of packages of alcoholic beverages to return, for
432 exchange, credit or refund, limited amounts of original sealed and
433 unopened packages of alcoholic beverages purchased by the
434 individual from the package retailer.

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

438 (7) The department may promulgate rules which authorize the
439 manufacturer of an alcoholic beverage or wine to import, transport
440 and furnish or give a sample of alcoholic beverages or wines to
441 the holders of package retailer's permits, on-premises retailer's
442 permits, native wine retailer's permits and temporary retailer's
443 permits who have not previously purchased the brand of that
444 manufacturer from the department. For each holder of the
445 designated permits, the manufacturer may furnish not more than
446 five hundred (500) milliliters of any brand of alcoholic beverage
447 and not more than three (3) liters of any brand of wine.

448 (8) The department may promulgate rules disallowing open
449 product sampling of alcoholic beverages or wines by the holders of
450 package retailer's permits and permitting open product sampling of
451 alcoholic beverages by the holders of on-premises retailer's
452 permits. Permitted sample products shall be plainly identified
453 "sample" and the actual sampling must occur in the presence of the
454 manufacturer's representatives during the legal operating hours of
455 on-premises retailers.



456 (9) The department may promulgate rules and regulations that
457 authorize the holder of a research permit to import and purchase
458 limited amounts of alcoholic beverages from importers, wineries
459 and distillers of alcoholic beverages or from the department. The
460 department shall develop and provide forms to be completed by the
461 research permittee verifying each transaction. The completed
462 forms shall be forwarded to the department within a period of time
463 prescribed by the department. The records and inventory of
464 alcoholic beverages shall be open to inspection at any time by the
465 Director of the Alcoholic Beverage Control Division or any duly
466 authorized agent.

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

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

472 67-1-45. No manufacturer, rectifier or distiller of
473 intoxicating liquor shall sell or attempt to sell any such
474 intoxicating liquor, except malt liquor, within the State of
475 Mississippi, except to the * * * department, or to the holder of a
476 research permit as provided in Section 67-1-41. A producer of
477 native wine may sell native wines to the * * * department or to
478 consumers at the location of the native winery or its immediate
479 vicinity. The holder of a direct wine shipper's permit may sell



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

482 Any violation of this section by any manufacturer, rectifier
483 or distiller shall be punished by a fine of not less than Five
484 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
485 (\$2,000.00), to which may be added imprisonment in the county jail
486 not to exceed six (6) months.

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

489 67-1-51. (1) Permits which may be issued by the department
490 shall be as follows:

491 (a) **Manufacturer's permit.** A manufacturer's permit
492 shall permit the manufacture, importation in bulk, bottling and
493 storage of alcoholic liquor and its distribution and sale to
494 manufacturers holding permits under this chapter in this state and
495 to persons outside the state who are authorized by law to purchase
496 the same, and to sell exclusively to the department.

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

498 Class 1. Distiller's and/or rectifier's permit, which shall
499 authorize the holder thereof to operate a distillery for the
500 production of distilled spirits by distillation or redistillation
501 and/or to operate a rectifying plant for the purifying, refining,
502 mixing, blending, flavoring or reducing in proof of distilled
503 spirits and alcohol.



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

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

510 (b) **Package retailer's permit.** Except as otherwise
511 provided in this paragraph and Section 67-1-52, a package
512 retailer's permit shall authorize the holder thereof to operate a
513 store exclusively for the sale at retail in original sealed and
514 unopened packages of alcoholic beverages, including native wines,
515 not to be consumed on the premises where sold. Alcoholic
516 beverages shall not be sold by any retailer in any package or
517 container containing less than fifty (50) milliliters by liquid
518 measure. A package retailer's permit, with prior approval from
519 the department, shall authorize the holder thereof to sample new
520 products furnished by a manufacturer's representative or his
521 employees at the permitted place of business so long as the
522 sampling otherwise complies with this chapter and applicable
523 department regulations. Such samples may not be provided to
524 customers at the permitted place of business. In addition to the
525 sale at retail of packages of alcoholic beverages, the holder of a
526 package retailer's permit is authorized to sell at retail
527 corkscrews, wine glasses, soft drinks, ice, juices, mixers and
528 other beverages commonly used to mix with alcoholic beverages.



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

531 (c) **On-premises retailer's permit.** Except as otherwise
532 provided in subsection (5) of this section, an on-premises
533 retailer's permit shall authorize the sale of alcoholic beverages,
534 including native wines, for consumption on the licensed premises
535 only; however, a patron of the permit holder may remove one (1)
536 bottle of wine from the licensed premises if: (i) the patron
537 consumed a portion of the bottle of wine in the course of
538 consuming a meal purchased on the licensed premises; (ii) the
539 permit holder securely reseals the bottle; (iii) the bottle is
540 placed in a bag that is secured in a manner so that it will be
541 visibly apparent if the bag is opened; and (iv) a dated receipt
542 for the wine and the meal is available. Such a permit shall be
543 issued only to qualified hotels, restaurants and clubs, and to
544 common carriers with adequate facilities for serving passengers.
545 In resort areas, whether inside or outside of a municipality, the
546 department, in its discretion, may issue on-premises retailer's
547 permits to such establishments as it deems proper. An on-premises
548 retailer's permit when issued to a common carrier shall authorize
549 the sale and serving of alcoholic beverages aboard any licensed
550 vehicle while moving through any county of the state; however, the
551 sale of such alcoholic beverages shall not be permitted while such
552 vehicle is stopped in a county that has not legalized such sales.
553 If an on-premises retailer's permit is applied for by a common



554 carrier operating solely in the water, such common carrier must,
555 along with all other qualifications for a permit, (i) be certified
556 to carry at least one hundred fifty (150) passengers and/or
557 provide overnight accommodations for at least fifty (50)
558 passengers and (ii) operate primarily in the waters within the
559 State of Mississippi which lie adjacent to the State of
560 Mississippi south of the three (3) most southern counties in the
561 State of Mississippi and/or on the Mississippi River or navigable
562 waters within any county bordering on the Mississippi River.

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

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



579 manufacturer's permit, and shall authorize the holder thereof to
580 make retail sales of native wines to consumers for on-premises
581 consumption or to consumers in originally sealed and unopened
582 containers at an establishment located on the premises of or in
583 the immediate vicinity of a native winery.

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

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

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



604 expiration of the temporary permit may be returned by the
605 permittee to the package retailer for a refund of the purchase
606 price upon consent of the package retailer or may be kept by the
607 permittee exclusively for personal use and consumption, subject to
608 all laws pertaining to the illegal sale and possession of
609 alcoholic beverages. The department, following review of the
610 statement provided by the applicant and the requirements of the
611 applicable statutes and regulations, may issue the permit.

612 Class 2. A temporary permit, not to exceed seventy (70)
613 days, may be issued to prospective permittees seeking to transfer
614 a permit authorized in paragraph (c) of this subsection. A Class
615 2 permit may be issued only to applicants demonstrating to the
616 department, by a statement signed under the penalty of perjury,
617 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
618 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
619 67-1-59. The department, following a preliminary review of the
620 statement provided by the applicant and the requirements of the
621 applicable statutes and regulations, may issue the permit.

622 Class 2 temporary permittees must purchase their alcoholic
623 beverages directly from the department or, with approval of the
624 department, purchase the remaining stock of the previous
625 permittee. If the proposed applicant of a Class 1 or Class 2
626 temporary permit falsifies information contained in the
627 application or statement, the applicant shall never again be



628 eligible for a retail alcohol beverage permit and shall be subject
629 to prosecution for perjury.

630 Class 3. A temporary one-day permit may be issued to a
631 retail establishment authorizing the complimentary distribution of
632 wine, including native wine, to patrons of the retail
633 establishment at an open house or promotional event, for
634 consumption only on the premises described in the temporary
635 permit. A Class 3 permit may be issued only to an applicant
636 demonstrating to the department, by a statement signed under
637 penalty of perjury submitted ten (10) days before the proposed
638 date or such other time as the department may determine, that it
639 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
640 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
641 A Class 3 permit holder shall obtain all alcoholic beverages from
642 the holder(s) of a package retailer's permit located in the county
643 in which the temporary permit is issued. Wine remaining in stock
644 upon expiration of the temporary permit may be returned by the
645 Class 3 temporary permit holder to the package retailer for a
646 refund of the purchase price, with consent of the package
647 retailer, or may be kept by the Class 3 temporary permit holder
648 exclusively for personal use and consumption, subject to all laws
649 pertaining to the illegal sale and possession of alcoholic
650 beverages. The department, following review of the statement
651 provided by the applicant and the requirements of the applicable
652 statutes and regulations, may issue the permit. No retailer may



653 receive more than twelve (12) Class 3 temporary permits in a
654 calendar year. A Class 3 temporary permit shall not be issued to
655 a retail establishment that either holds a merchant permit issued
656 under paragraph (1) of this subsection, or holds a permit issued
657 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
658 the holder to engage in the business of a retailer of light wine
659 or beer.

660 (g) **Caterer's permit.** A caterer's permit shall permit
661 the purchase of alcoholic beverages by a person engaging in
662 business as a caterer and the resale of alcoholic beverages by
663 such person in conjunction with such catering business. No person
664 shall qualify as a caterer unless forty percent (40%) or more of
665 the revenue derived from such catering business shall be from the
666 serving of prepared food and not from the sale of alcoholic
667 beverages and unless such person has obtained a permit for such
668 business from the Department of Health. A caterer's permit shall
669 not authorize the sale of alcoholic beverages on the premises of
670 the person engaging in business as a caterer; however, the holder
671 of an on-premises retailer's permit may hold a caterer's permit.
672 When the holder of an on-premises retailer's permit or an
673 affiliated entity of the holder also holds a caterer's permit, the
674 caterer's permit shall not authorize the service of alcoholic
675 beverages on a consistent, recurring basis at a separate, fixed
676 location owned or operated by the caterer, on-premises retailer or
677 affiliated entity and an on-premises retailer's permit shall be



678 required for the separate location. All sales of alcoholic
679 beverages by holders of a caterer's permit shall be made at the
680 location being catered by the caterer, and, except as otherwise
681 provided in subsection (5) of this section, such sales may be made
682 only for consumption at the catered location. The location being
683 catered may be anywhere within a county or judicial district that
684 has voted to come out from under the dry laws or in which the
685 sale, distribution and possession of alcoholic beverages is
686 otherwise authorized by law. Such sales shall be made pursuant to
687 any other conditions and restrictions which apply to sales made by
688 on-premises retail permittees. The holder of a caterer's permit
689 or his employees shall remain at the catered location as long as
690 alcoholic beverages are being sold pursuant to the permit issued
691 under this paragraph (g), and the permittee shall have at the
692 location the identification card issued by the Alcoholic Beverage
693 Control Division of the department. No unsold alcoholic beverages
694 may be left at the catered location by the permittee upon the
695 conclusion of his business at that location. Appropriate law
696 enforcement officers and Alcoholic Beverage Control Division
697 personnel may enter a catered location on private property in
698 order to enforce laws governing the sale or serving of alcoholic
699 beverages.

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



703 authorize the holder of the permit to import and purchase limited
704 amounts of alcoholic beverages from the department or from
705 importers, wineries and distillers of alcoholic beverages for
706 professional research.

707 (i) **Alcohol processing permit.** An alcohol processing
708 permit shall authorize the holder thereof to purchase, transport
709 and possess alcoholic beverages for the exclusive use in cooking,
710 processing or manufacturing products which contain alcoholic
711 beverages as an integral ingredient. An alcohol processing permit
712 shall not authorize the sale of alcoholic beverages on the
713 premises of the person engaging in the business of cooking,
714 processing or manufacturing products which contain alcoholic
715 beverages. The amounts of alcoholic beverages allowed under an
716 alcohol processing permit shall be set by the department.

717 (j) **Hospitality cart permit.** A hospitality cart permit
718 shall authorize the sale of alcoholic beverages from a mobile cart
719 on a golf course that is the holder of an on-premises retailer's
720 permit. The alcoholic beverages sold from the cart must be
721 consumed within the boundaries of the golf course.

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



727 an airport facility to provide fueling and other associated
728 services to commercial and private aircraft.

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

737 (m) **Temporary alcoholic beverages charitable auction**
738 **permit.** A temporary permit, not to exceed five (5) days, may be
739 issued to a qualifying charitable nonprofit organization that is
740 exempt from taxation under Section 501(c)(3) or (4) of the
741 Internal Revenue Code of 1986. The permit shall authorize the
742 holder to sell alcoholic beverages for the limited purpose of
743 raising funds for the organization during a live or silent auction
744 that is conducted by the organization and that meets the following
745 requirements: (i) the auction is conducted in an area of the
746 state where the sale of alcoholic beverages is authorized; (ii) if
747 the auction is conducted on the premises of an on-premises
748 retailer's permit holder, then the alcoholic beverages to be
749 auctioned must be stored separately from the alcoholic beverages
750 sold, stored or served on the premises, must be removed from the
751 premises immediately following the auction, and may not be



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

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



776 (o) **Temporary theatre permit.** A temporary theatre
777 permit, not to exceed five (5) days, may be issued to a charitable
778 nonprofit organization that is exempt from taxation under Section
779 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
780 a theatre facility that features plays and other theatrical
781 performances and productions. Except as otherwise provided in
782 subsection (5) of this section, the permit shall authorize the
783 holder to sell alcoholic beverages, including native wines, to
784 patrons of the theatre during performances and productions at the
785 theatre facility for consumption during such performances and
786 productions on the premises of the facility described in the
787 permit. A temporary theatre permit holder shall obtain all
788 alcoholic beverages from package retailers located in the county
789 in which the permit is issued. Alcoholic beverages remaining in
790 stock upon expiration of the temporary theatre permit may be
791 returned by the permittee to the package retailer for a refund of
792 the purchase price upon consent of the package retailer or may be
793 kept by the permittee exclusively for personal use and
794 consumption, subject to all laws pertaining to the illegal sale
795 and possession of alcoholic beverages.

796 (p) **Charter ship operator's permit.** Subject to the
797 provisions of this paragraph (p), a charter ship operator's permit
798 shall authorize the holder thereof and its employees to serve,
799 monitor, store and otherwise control the serving and availability
800 of alcoholic beverages to customers of the permit holder during



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

819 (q) **Distillery retailer's permit.** The holder of a
820 Class 1 manufacturer's permit may obtain a distillery retailer's
821 permit. A distillery retailer's permit shall authorize the holder
822 thereof to sell at retail alcoholic beverages by the sealed and
823 unopened bottle from a retail location at the distillery for
824 off-premises consumption. The holder may only sell products
825 manufactured by the manufacturer at the distillery described in



826 the permit. The holder shall not sell at retail more than ten
827 percent (10%) of the alcoholic beverages produced annually at its
828 distillery. The holder shall not make retail sales of more than
829 two and twenty-five one-hundredths (2.25) liters, in the
830 aggregate, of the alcoholic beverages produced at its distillery
831 to any one (1) individual for consumption off the premises of the
832 distillery within a twenty-four-hour period. The hours of sale
833 shall be the same as those hours for package retailers under this
834 chapter. The holder of a distillery retailer's permit is not
835 required to purchase the alcoholic beverages authorized to be sold
836 by this paragraph from the department's liquor distribution
837 warehouse; however, if the holder does not purchase the alcoholic
838 beverages from the department's liquor distribution warehouse, the
839 holder shall pay to the department all taxes, fees and surcharges
840 on the alcoholic beverages that are imposed upon the sale of
841 alcoholic beverages shipped by the Alcoholic Beverage Control
842 Division of the Department of Revenue. In addition to alcoholic
843 beverages, the holder of a distillery retailer's permit may sell
844 at retail promotional products from the same retail location,
845 including shirts, hats, glasses, and other promotional products
846 customarily sold by alcoholic beverage manufacturers.

847 (r) Direct wine shipper's permit. A direct wine
848 shipper's permit shall authorize the holder to sell and ship a
849 limited amount of wine directly to residents in this state in
850 accordance with the provisions of Sections 1 through 9 of this



851 act, without being required to transact the sale and shipment of
852 those wines through the Alcoholic Beverage Control Division of the
853 department.

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

857 (3) Except as otherwise provided in this subsection, no
858 authority shall be granted to any person to manufacture, sell or
859 store for sale any intoxicating liquor as specified in this
860 chapter within four hundred (400) feet of any church, school,
861 kindergarten or funeral home. However, within an area zoned
862 commercial or business, such minimum distance shall be not less
863 than one hundred (100) feet.

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

874 The distance restrictions imposed in this subsection shall
875 not apply to the sale or storage of alcoholic beverages at a bed



876 and breakfast inn listed in the National Register of Historic
877 Places or to the sale or storage of alcoholic beverages in a
878 historic district that is listed in the National Register of
879 Historic Places, is a qualified resort area and is located in a
880 municipality having a population greater than one hundred thousand
881 (100,000) according to the latest federal decennial census.

882 (4) No person, either individually or as a member of a firm,
883 partnership, limited liability company or association, or as a
884 stockholder, officer or director in a corporation, shall own or
885 control any interest in more than one (1) package retailer's
886 permit, nor shall such person's spouse, if living in the same
887 household of such person, any relative of such person, if living
888 in the same household of such person, or any other person living
889 in the same household with such person own any interest in any
890 other package retailer's permit.

891 (5) (a) In addition to any other authority granted under
892 this section, the holder of a permit issued under subsection
893 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
894 sell or otherwise provide alcoholic beverages and/or wine to a
895 patron of the permit holder in the manner authorized in the permit
896 and the patron may remove an open glass, cup or other container of
897 the alcoholic beverage and/or wine from the licensed premises and
898 may possess and consume the alcoholic beverage or wine outside of
899 the licensed premises if: (i) the licensed premises is located
900 within a leisure and recreation district created under Section



901 67-1-101 and (ii) the patron remains within the boundaries of the
902 leisure and recreation district while in possession of the
903 alcoholic beverage or wine.

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

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

910 67-1-53. (1) Application for permits shall be in such form
911 and shall contain such information as shall be required by the
912 regulations of the * * * department; however, no regulation of
913 the * * * department shall require personal financial information
914 from any officer of a corporation applying for an on-premises
915 retailer's permit to sell alcoholic beverages unless such officer
916 owns ten percent (10%) or more of the stock of such corporation.

917 (2) Every applicant for each type of permit authorized by
918 Section 67-1-51 shall give notice of such application by
919 publication for two (2) consecutive issues in a newspaper of
920 general circulation published in the city or town in which
921 applicant's place of business is located. However, in instances
922 where no newspaper is published in the city or town, then the
923 notice shall be published in a newspaper of general circulation
924 published in the county where the applicant's business is located.
925 If no newspaper is published in the county, the notice shall be



926 published in a qualified newspaper which is published in the
927 closest neighboring county and circulated in the county of
928 applicant's residence. The notice shall be printed in ten-point
929 black face type and shall set forth the type of permit to be
930 applied for, the exact location of the place of business, the name
931 of the owner or owners thereof, and if operating under an assumed
932 name, the trade name together with the names of all owners, and if
933 a corporation, the names and titles of all officers. The cost of
934 such notice shall be borne by the applicant. The provisions of
935 this subsection (2) shall not apply to applicants for a direct
936 wine shipper's permit under Sections 1 through 9 of this act.

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

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

942 67-1-55. No permit of any type shall be issued by the * * *
943 department until the applicant has first filed with the * * *
944 department a sworn statement disclosing all persons who are
945 financially involved in the operation of the business for which
946 the permit is sought. If an applicant is an individual, he will
947 swear that he owns one hundred percent (100%) of the business for
948 which he is seeking a permit. If the applicant is a partnership,
949 all partners and their addresses shall be disclosed and the extent
950 of their interest in the partnership shall be disclosed. If the



951 applicant is a corporation, the total stock in the corporation
952 shall be disclosed and each shareholder and his address and the
953 amount of stock in the corporation owned by him shall be
954 disclosed. If the applicant is a limited liability company, each
955 member and their addresses shall be disclosed and the extent of
956 their interest in the limited liability company shall be
957 disclosed. If the applicant is a trust, the trustee and all
958 beneficiaries and their addresses shall be disclosed. If the
959 applicant is a combination of any of the above, all information
960 required to be disclosed above shall be required.

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

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

966 Any person who willfully fails to fully disclose the
967 information required by this section, or who gives false
968 information, shall be guilty of a misdemeanor and, upon conviction
969 thereof, shall be fined a sum not to exceed Five Hundred Dollars
970 (\$500.00) or imprisoned for not more than one (1) year, or both,
971 and the person or applicant shall never again be eligible for any
972 permit pertaining to alcoholic beverages.

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



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

978 67-1-57. Before a permit is issued the department shall
979 satisfy itself:

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

990 (b) That, except in the case of an application for a
991 solicitor's permit, the applicant is the true and actual owner of
992 the business for which the permit is desired, and that he intends
993 to carry on the business authorized for himself and not as the
994 agent of any other person, and that he intends to superintend in
995 person the management of the business or that he will designate a
996 manager to manage the business for him. Except for managers
997 employed by the holder of a direct wine shipper's permit, all
998 managers must be approved by the department prior to completing
999 any managerial tasks on behalf of the permittee and must possess
1000 all of the qualifications required of a permittee; however, a



1001 felony conviction, other than a crime of violence, does not
1002 automatically disqualify a person from being approved as a manager
1003 if the person was released from incarceration at least three (3)
1004 years prior to application for approval as a manager. A felony
1005 conviction, other than a crime of violence, may be considered by
1006 the department in determining whether all other qualifications are
1007 met.

1008 (c) That the applicant for a package retailer's permit,
1009 if an individual, is a resident of the State of Mississippi. If
1010 the applicant is a partnership, each member of the partnership
1011 must be a resident of the state. If the applicant is a limited
1012 liability company, each member of the limited liability company
1013 must be a resident of the state. If the applicant is a
1014 corporation, the designated manager of the corporation must be a
1015 resident of the state.

1016 (d) That the place for which the permit is to be issued
1017 is an appropriate one considering the character of the premises
1018 and the surrounding neighborhood.

1019 (e) That the place for which the permit is to be issued
1020 is within the corporate limits of an incorporated municipality or
1021 qualified resort area or club which comes within the provisions of
1022 this chapter.

1023 (f) That the applicant is not indebted to the state for
1024 any taxes, fees or payment of penalties imposed by any law of the



1025 State of Mississippi or by any rule or regulation of the * * *
1026 department.

1027 (g) That the applicant is not in the habit of using
1028 alcoholic beverages to excess and is not physically or mentally
1029 incapacitated, and that the applicant has the ability to read and
1030 write the English language.

1031 (h) That the * * * department does not believe and has
1032 no reason to believe that the applicant will sell or knowingly
1033 permit any agent, servant or employee to unlawfully sell liquor in
1034 a dry area or in any other manner contrary to law.

1035 (i) That the applicant is not residentially domiciled
1036 with any person whose permit or license has been cancelled for
1037 cause within the twelve (12) months next preceding the date of the
1038 present application for a permit.

1039 (j) That the * * * department has not, in the exercise
1040 of its discretion which is reserved and preserved to it, refused
1041 to grant permits under the restrictions of this section, as well
1042 as under any other pertinent provision of this chapter.

1043 (k) That there are not sufficient legal reasons to deny
1044 a permit on the ground that the premises for which the permit is
1045 sought has previously been operated, used or frequented for any
1046 purpose or in any manner that is lewd, immoral or offensive to
1047 public decency. In the granting or withholding of any permit to
1048 sell alcoholic beverages at retail, the * * * department in
1049 forming its conclusions may give consideration to any



1050 recommendations made in writing by the district or county attorney
1051 or county, circuit or chancery judge of the county, or the sheriff
1052 of the county, or the mayor or chief of police of an incorporated
1053 city or town wherein the applicant proposes to conduct his
1054 business and to any recommendations made by representatives of the
1055 commission.

1056 (1) That the applicant and the applicant's key
1057 employees, as determined by the * * * department, do not have a
1058 disqualifying criminal record. In order to obtain a criminal
1059 record history check, the applicant shall submit to the commission
1060 a set of fingerprints from any local law enforcement agency for
1061 each person for whom the records check is required. The * * *
1062 department shall forward the fingerprints to the Mississippi
1063 Department of Public Safety. If no disqualifying record is
1064 identified at the state level, the Department of Public Safety
1065 shall forward the fingerprints to the Federal Bureau of
1066 Investigation for a national criminal history record check. Costs
1067 for processing the set or sets of fingerprints shall be borne by
1068 the applicant. The department may waive the fingerprint
1069 requirement in the case of an applicant for a direct wine
1070 shipper's permit. The * * * department shall not deny employment
1071 to an employee of the applicant prior to the identification of a
1072 disqualifying record or other disqualifying information.

1073 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is
1074 amended as follows:



1075 67-1-73. (1) Except as otherwise provided in subsection (3)
1076 of this section, every manufacturer, including native wine
1077 producers, within or without the state, and every other shipper of
1078 alcoholic beverages who sells any alcoholic beverage, including
1079 native wine, within the state, shall, at the time of making such
1080 sale, file with the * * * department a copy of the invoice of such
1081 sale showing in detail the kind of alcoholic beverage sold, the
1082 quantities of each, the size of the container and the weight of
1083 the contents, the alcoholic content, and the name and address of
1084 the person to whom sold.

1085 (2) Except as otherwise provided in subsection (3) of this
1086 section, every person transporting alcoholic beverages, including
1087 native wine, within this state to a point within this state,
1088 whether such transportation originates within or without this
1089 state, shall, within five (5) days after delivery of such
1090 shipment, furnish the * * * department a copy of the bill of
1091 lading or receipt, showing the name or consignor or consignee,
1092 date, place received, destination, and quantity of alcoholic
1093 beverages delivered. Upon failure to comply with the provisions
1094 of this section, such person shall be deemed guilty of a
1095 misdemeanor and, upon conviction, thereof shall be fined in the
1096 sum of Fifty Dollars (\$50.00) for each offense.

1097 (3) Information regarding the sales, shipment, delivery and
1098 transportation of wine in this state by the holder of a direct



1099 wine shipper's permit under Sections 1 through 9 of this act shall
1100 be in such form and content as prescribed by the department.

1101 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is
1102 amended as follows:

1103 97-31-47. It shall be unlawful for any transportation
1104 company, or any agent, employee, or officer of such company, or
1105 any other person, or corporation to transport into or deliver in
1106 this state in any manner or by any means any spirituous, vinous,
1107 malt, or other intoxicating liquors or drinks, or for any such
1108 person, company, or corporation to transport any spirituous, malt,
1109 vinous, or intoxicating liquors or drinks from one place within
1110 this state to another place within the state, or from one (1)
1111 point within this state to any point without the state, except in
1112 cases where this chapter * * *, Section 67-9-1, or Sections 1
1113 through 9 of this act authorizes the transportation.

1114 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is
1115 amended as follows:

1116 97-31-49. Except as otherwise provided in Sections 1 through
1117 9 of this act, it shall be unlawful for any person, firm or
1118 corporation in this state, in person, by letter, circular, or
1119 other printed or written matter, or in any other manner, to
1120 solicit or take order in this state for any liquors, bitters or
1121 drinks prohibited by the laws of this state to be sold, bartered,
1122 or otherwise disposed of. The inhibition of this section shall
1123 apply to such liquors, bitters and drinks, whether the parties



1124 intend that the same shall be shipped into this state from outside
1125 of the state, or from one (1) point in this state to another point
1126 in this state. If such order be in writing, parol evidence
1127 thereof is admissible without producing or accounting for the
1128 absence of the original; and the taking or soliciting of such
1129 orders is within the inhibition of this section, although the
1130 orders are subject to approval by some other person, and no part
1131 of the price is paid, nor any part of the goods is delivered when
1132 the order is taken.

1133 **SECTION 23.** This act shall take effect and be in force from
1134 and after July 1, 2020, and shall stand repealed on June 30, 2020.

