

By: Representatives Powell, Aguirre,
Anderson (122nd), Felsher, McGee, McKnight,
Yates

To: State Affairs

HOUSE BILL NO. 1280

1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF A WINE OR
2 DISTILLER'S MANUFACTURER'S PERMIT IN THIS STATE, OR WHO IS
3 LICENSED OR PERMITTED OUTSIDE OF THE STATE TO ENGAGE IN THE
4 ACTIVITY OF MANUFACTURING, SUPPLYING OR IMPORTING WINE, DISTILLED
5 SPIRITS, OR WINE AND DISTILLED SPIRITS TO SELL AND SHIP WINE,
6 DISTILLED SPIRITS, OR WINE AND DISTILLED SPIRITS DIRECTLY TO
7 RESIDENTS IN THIS STATE, IF THE PERSON OBTAINS A DIRECT SHIPPER'S
8 PERMIT FROM THE DEPARTMENT OF REVENUE; TO PROVIDE FOR THE ISSUANCE
9 OF DIRECT SHIPPER'S PERMITS; TO REQUIRE THE HOLDER OF A DIRECT
10 SHIPPER'S PERMIT TO KEEP CERTAIN RECORDS; TO PROHIBIT THE HOLDER
11 OF A DIRECT SHIPPER'S PERMIT FROM SELLING OR SHIPPING LIGHT WINE,
12 LIGHT SPIRIT PRODUCTS OR BEER OR ANY ALCOHOLIC BEVERAGE OTHER THAN
13 WINE OR DISTILLED SPIRITS; TO LIMIT THE AMOUNT OF WINE AND
14 DISTILLED SPIRITS THAT A HOLDER OF A DIRECT SHIPPER'S PERMIT MAY
15 SELL OR SHIP TO AN INDIVIDUAL EACH YEAR; TO PROHIBIT THE HOLDER OF
16 A DIRECT SHIPPER'S PERMIT FROM SELLING OR SHIPPING WINE OR
17 DISTILLED SPIRITS THAT IS AVAILABLE THROUGH THE ALCOHOLIC BEVERAGE
18 CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; TO PROVIDE FOR THE
19 ANNUAL RENEWAL OF DIRECT SHIPPER'S PERMITS; TO PROVIDE THAT
20 PERSONS PURCHASING OR RECEIVING A DIRECT SHIPMENT OF WINE,
21 DISTILLED SPIRITS, OR WINE AND DISTILLED SPIRITS FROM A DIRECT
22 SHIPPER MUST BE AT LEAST TWENTY-ONE YEARS OF AGE; TO PROVIDE THAT
23 PERSONS RECEIVING A DIRECT SHIPMENT OF WINE, DISTILLED SPIRITS, OR
24 WINE AND DISTILLED SPIRITS FROM A DIRECT SHIPPER SHALL USE THE
25 WINE, DISTILLED SPIRITS, OR WINE AND DISTILLED SPIRITS FOR
26 PERSONAL USE ONLY AND MAY NOT RESELL IT; TO AUTHORIZE THE
27 COMMISSIONER OF REVENUE TO ADOPT ANY RULES OR REGULATIONS AS
28 NECESSARY TO CARRY OUT THIS ACT; TO PROVIDE PENALTIES FOR
29 VIOLATIONS OF THIS ACT; TO AMEND SECTIONS 27-71-5, 27-71-7,
30 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
31 PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A DIRECT SHIPPER'S
32 PERMIT; TO LEVY A TAX UPON THE SALES AND SHIPMENTS OF WINE,
33 DISTILLED SPIRITS, OR WINE AND DISTILLED SPIRITS MADE BY A DIRECT
34 SHIPPER; TO REQUIRE A CERTAIN AMOUNT OF THE TAXES LEVIED TO BE



35 DEPOSITED INTO THE MENTAL HEALTH PROGRAMS FUND; TO AMEND SECTIONS
36 67-1-41, 67-1-45, 67-1-53, 67-1-55, 67-1-57, 67-1-73, 97-31-47 AND
37 97-31-49, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE FOREGOING
38 PROVISIONS OF THIS ACT; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE
39 OF 1972, IN CONFORMITY TO THE FOREGOING PROVISIONS OF THIS ACT; TO
40 PROVIDE THAT A HOLDER OF A PACKAGE RETAILER'S PERMIT MAY SELL AT
41 RETAIL THROUGH THE INTERNET AND SHIP WINE, DISTILLED SPIRITS, OR
42 WINE AND DISTILLED SPIRITS IN ORIGINAL SEALED AND UNOPENED
43 PACKAGES TO RESIDENTS IN THIS STATE; TO PROVIDE THAT A HOLDER OF A
44 PACKAGE RETAILER'S PERMIT MAKING SALES OF WINE, DISTILLED SPIRITS,
45 OR WINE AND DISTILLED SPIRITS THROUGH THE INTERNET MAY NOT SELL OR
46 SHIP ANY ALCOHOLIC BEVERAGE OTHER THAN WINE, DISTILLED SPIRITS, OR
47 WINE AND DISTILLED SPIRITS OR SHIP TO AN ADDRESS IN A COUNTY THAT
48 HAS NOT VOTED IN FAVOR OF COMING OUT FROM UNDER THE DRY LAW; TO
49 AMEND SECTION 67-1-83, MISSISSIPPI CODE OF 1972, IN CONFORMITY
50 THERETO; TO BRING FORWARD SECTION 67-1-67, MISSISSIPPI CODE OF
51 1972, WHICH RELATES TO THE TRANSFER OF PERMITS UNDER THE LOCAL
52 OPTION ALCOHOLIC BEVERAGE CONTROL LAW, FOR THE PURPOSES OF
53 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

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

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

59 (b) "Direct shipper" means the holder of a direct
60 shipper's permit issued by the department under Sections 1 through
61 9 of this act.

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

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

67 **SECTION 2.** A person must hold a permit as a direct shipper
68 issued by the department before the person may engage in selling
69 and shipping wine, distilled spirits, or wine and distilled



70 spirits directly to a resident in this state. A direct wine
71 shipper may sell and ship wine, distilled spirits, or wine and
72 distilled spirits directly to residents in this state without
73 being required to transact the sale and shipment through the
74 Alcoholic Beverage Control Division of the department.

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

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

78 (b) A person licensed or permitted outside of this
79 state to engage in the activity of manufacturing, supplying or
80 importing wine distilled spirits, or wine and distilled spirits.

81 An applicant not engaged in the manufacturing of the wine,
82 distilled spirits, or wine and distilled spirits must be the brand
83 owner, or the authorized agent of the brand owner, of the product
84 or products.

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

86 (a) Submit to the department a completed application on
87 a form provided by the department, containing all information that
88 is required by the department;

89 (b) Provide to the department a copy of the applicant's
90 current license or permit to engage in the activity of
91 manufacturing, supplying or importing wine, distilled spirits, or
92 wine and distilled spirits issued in this or any other state; and

93 (c) Pay to the department the tax prescribed in Section
94 27-71-5.



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

100 (3) The permit shall authorize the direct shipper to engage
101 in the sale and shipment to a resident in this state of only wine,
102 distilled spirits, or wine and distilled spirits for which the
103 direct shipper has provided a license or permit to the department
104 pursuant to subsection (1)(b) of this section.

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

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

110 (b) Report to the department annually the total amount
111 of wine and distilled spirits, by type, sold and shipped into or
112 within the state the preceding calendar year;

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

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

118 (e) Be deemed to have consented to the jurisdiction of
119 the department or any other state agency and the state courts



120 concerning enforcement of Sections 1 through 9 of this act and any
121 related laws, rules or regulations.

122 (2) A direct shipper may not:

123 (a) Sell or ship any light wine, light spirit products
124 or beer that is regulated under Section 67-3-1 et seq. or any
125 alcoholic beverage other than wine or distilled spirits;

126 (b) Sell or ship wine or distilled spirits that are
127 available through the Alcoholic Beverage Control Division of the
128 department;

129 (c) Sell or ship more than twenty-four (24) nine-liter
130 cases of wine and eight (8) nine-liter cases of distilled spirits
131 annually to any one (1) individual; or

132 (d) Ship wine or distilled spirits to an address in a
133 county that has not voted in favor of coming out from under the
134 dry law.

135 **SECTION 6.** A direct shipper may annually renew his or her
136 permit, if the direct shipper:

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

138 (b) Provides to the department a copy of his or her
139 current license or permit to engage in the activity of
140 manufacturing, supplying or importing wine, distilled spirits, or
141 wine and distilled spirits issued in this or any other state; and

142 (c) Pays to the department a privilege license tax as
143 prescribed in Section 27-71-5.



144 **SECTION 7.** (1) To purchase and receive a direct shipment of
145 wine, distilled spirits, or wine and distilled spirits from a
146 direct shipper, a resident of this state must be at least
147 twenty-one (21) years of age, and a person who is at least
148 twenty-one (21) years of age must sign for any wine, distilled
149 spirits, or wine and distilled spirits shipped from a direct
150 shipper.

151 (2) A shipment of wine, distilled spirits, or wine and
152 distilled spirits may be ordered or purchased from a direct
153 shipper through a computer network.

154 (3) A person who receives a direct shipment of wine,
155 distilled spirits, or wine and distilled spirits from a direct
156 shipper shall use the wine for personal use only and may not
157 resell it.

158 **SECTION 8.** The department may adopt any rules or regulations
159 as necessary to carry out Sections 1 through 9 of this act. All
160 of the enforcement provisions of Section 67-1-1 et seq. that are
161 not in conflict with Sections 1 through 9 of this act may be used
162 by the department to enforce the provisions of Sections 1 through
163 9 of this act.

164 **SECTION 9.** (1) Any person who makes, participates in,
165 transports, imports or receives a sale or shipment of wine,
166 distilled spirits, or wine and distilled spirits in violation of
167 Sections 1 through 9 of this act is guilty of a misdemeanor and,
168 upon conviction thereof, shall be punished by a fine not exceeding



169 One Thousand Dollars (\$1,000.00) or imprisonment in the county
170 jail for not more than six (6) months, or both. Each sale or
171 shipment in violation of Sections 1 through 9 of this act shall
172 constitute a separate offense.

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

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

179 27-71-5. (1) Upon each person approved for a permit under
180 the provisions of the Alcoholic Beverage Control Law and
181 amendments thereto, there is levied and imposed for each location
182 for the privilege of engaging and continuing in this state in the
183 business authorized by such permit, an annual privilege license
184 tax in the amount provided in the following schedule:

185 (a) Except as otherwise provided in this subsection
186 (1), manufacturer's permit, Class 1, distiller's and/or
187 rectifier's:

188 (i) For a permittee with annual production of
189 five thousand (5,000) gallons or more.....\$4,500.00

190 (ii) For a permittee with annual production under
191 five thousand (5,000) gallons.....\$2,800.00

192 (b) Manufacturer's permit, Class 2, wine
193 manufacturer.....\$1,800.00



194 (c) Manufacturer's permit, Class 3, native wine
195 manufacturer per ten thousand (10,000) gallons or part thereof
196 produced.....\$ 10.00

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

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

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

202 (g) On-premises retailer's permit, except for clubs and
203 common carriers, each.....\$ 450.00

204 (h) On-premises retailer's permit for wine of more than
205 five percent (5%) alcohol by weight, but not more than twenty-one
206 percent (21%) alcohol by weight, each.....\$ 225.00

207 (i) On-premises retailer's permit for clubs...\$ 225.00

208 (j) On-premises retailer's permit for common carriers,
209 per car, plane, or other vehicle.....\$ 120.00

210 (k) Solicitor's permit, regardless of any other
211 provision of law, solicitor's permits shall be issued only in the
212 discretion of the department.....\$ 100.00

213 (l) Filing fee for each application except for an
214 employee identification card.....\$ 25.00

215 (m) Temporary permit, Class 1, each.....\$ 10.00

216 (n) Temporary permit, Class 2, each.....\$ 50.00

217 (o) (i) Caterer's permit.....\$ 600.00



| | | |
|-----|--|------------------|
| 218 | (ii) Caterer's permit for holders of on-premises | |
| 219 | retailer's permit..... | \$ 150.00 |
| 220 | (p) Research permit..... | \$ 100.00 |
| 221 | (q) Temporary permit, Class 3 (wine only)..... | \$ 10.00 |
| 222 | (r) Special service permit..... | \$ 225.00 |
| 223 | (s) Merchant permit..... | \$ 225.00 |
| 224 | (t) Temporary alcoholic beverages charitable auction | |
| 225 | permit..... | \$ 10.00 |
| 226 | (u) Event venue retailer's permit..... | \$ 225.00 |
| 227 | (v) Temporary theatre permit, each..... | \$ 10.00 |
| 228 | (w) Charter ship operator's permit..... | \$ 100.00 |
| 229 | (x) Distillery retailer's permit..... | \$ 450.00 |
| 230 | (y) Festival wine permit..... | \$ 10.00 |
| 231 | (z) Charter vessel operator's permit..... | \$ 100.00 |
| 232 | (aa) Native spirit retailer's permit..... | \$ 50.00 |
| 233 | (bb) Delivery service permit..... | \$ 500.00 |
| 234 | (cc) Food truck permit..... | \$ 100.00 |
| 235 | <u>(dd) Direct shipper's permit.....</u> | <u>\$ 100.00</u> |

236 In addition to the filing fee imposed by paragraph (1) of
237 this subsection, a fee to be determined by the Department of
238 Revenue may be charged to defray costs incurred to process
239 applications. The additional fees shall be paid into the State
240 Treasury to the credit of a special fund account, which is hereby
241 created, and expenditures therefrom shall be made only to defray
242 the costs incurred by the Department of Revenue in processing



243 alcoholic beverage applications. Any unencumbered balance
244 remaining in the special fund account on June 30 of any fiscal
245 year shall lapse into the State General Fund.

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

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

254 (2) (a) There is imposed and shall be collected from each
255 permittee, except a common carrier, solicitor, a temporary
256 permittee, holder of a direct shipper's permit or a delivery
257 service permittee, by the department, an additional license tax
258 equal to the amounts imposed under subsection (1) of this section
259 for the privilege of doing business within any municipality or
260 county in which the licensee is located.

261 (b) (i) In addition to the tax imposed in paragraph
262 (a) of this subsection, there is imposed and shall be collected by
263 the department from each permittee described in subsection (1)(g),
264 (h), (i), (n) and (u) of this section, an additional license tax
265 for the privilege of doing business within any municipality or
266 county in which the licensee is located in the amount of Two
267 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five



268 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
269 (\$225.00) for each additional purchase of Five Thousand Dollars
270 (\$5,000.00), or fraction thereof.

271 (ii) In addition to the tax imposed in paragraph
272 (a) of this subsection, there is imposed and shall be collected by
273 the department from each permittee described in subsection (1)(o)
274 and (s) of this section, an additional license tax for the
275 privilege of doing business within any municipality or county in
276 which the licensee is located in the amount of Two Hundred Fifty
277 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
278 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
279 additional purchase of Five Thousand Dollars (\$5,000.00), or
280 fraction thereof.

281 (iii) Any person who has paid the additional
282 privilege license tax imposed by this paragraph, and whose permit
283 is renewed, may add any unused fraction of Five Thousand Dollars
284 (\$5,000.00) purchases to the first Five Thousand Dollars
285 (\$5,000.00) purchases authorized by the renewal permit, and no
286 additional license tax will be required until purchases exceed the
287 sum of the two (2) figures.

288 (c) If the licensee is located within a municipality,
289 the department shall pay the amount of additional license tax
290 collected under this section to the municipality, and if outside a
291 municipality the department shall pay the additional license tax
292 to the county in which the licensee is located. Payments by the



293 department to the respective local government subdivisions shall
294 be made once each month for any collections during the preceding
295 month.

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

302 (4) The number of permits issued by the department shall not
303 be restricted or limited on a population basis; however, the
304 foregoing limitation shall not be construed to preclude the right
305 of the department to refuse to issue a permit because of the
306 undesirability of the proposed location.

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

315 (6) It shall be unlawful for any person to consume alcoholic
316 beverages on the premises of any hotel restaurant, restaurant,
317 club or the interior of any public place defined in Chapter 1,



318 Title 67, Mississippi Code of 1972, when the owner or manager
319 thereof displays in several conspicuous places inside the
320 establishment and at the entrances of establishment a sign
321 containing the following language: NO ALCOHOLIC BEVERAGES
322 ALLOWED.

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

325 27-71-7. (1) There is hereby levied and assessed an excise
326 tax upon each case of alcoholic beverages sold by the department
327 to be collected from each retail licensee at the time of sale in
328 accordance with the following schedule:

329 (a) Distilled spirits.....\$2.50 per
330 gallon

331 (b) Sparkling wine and champagne.....\$1.00 per
332 gallon

333 (c) Other wines, including native wines...\$.35 per
334 gallon

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



342 (b) Until June 30, 1987, the revenue derived from this
343 three percent (3%) markup shall be deposited by the division in
344 the State Treasury to the credit of the "Alcoholism Treatment and
345 Rehabilitation Fund," a special fund which is hereby created in
346 the State Treasury, and shall be used by the Division of Alcohol
347 and Drug Abuse of the State Department of Mental Health and public
348 or private centers or organizations solely for funding of
349 treatment and rehabilitation programs for alcoholics and alcohol
350 abusers which are sponsored by the division or public or private
351 centers or organizations in such amounts as the Legislature may
352 appropriate to the division for use by the division or public or
353 private centers or organizations for such programs. Any tax
354 revenue in the fund which is not encumbered at the end of the
355 fiscal year shall lapse to the General Fund. It is the intent of
356 the Legislature that the State Department of Mental Health shall
357 continue to seek funds from other sources and shall use the funds
358 appropriated for the purposes of this section and Section 27-71-29
359 to match all federal funds which may be available for alcoholism
360 treatment and rehabilitation.

361 From and after July 1, 1987, the revenue derived from this
362 three percent (3%) markup shall be deposited by the division in
363 the State Treasury to the credit of the "Mental Health Programs
364 Fund," a special fund which is hereby created in the State
365 Treasury and shall be used by the State Department of Mental
366 Health for the service programs of the department. Any revenue in



367 the "Alcoholism Treatment and Rehabilitation Fund" which is not
368 encumbered at the end of Fiscal Year 1987 shall be deposited to
369 the credit of the "Mental Health Programs Fund."

370 (3) There is levied and assessed upon the holder of a direct
371 shipper's permit, a tax in the amount of fifteen and one-half
372 percent (15-1/2%) of the sales price of each sale and shipment of
373 wine, distilled spirits, or wine and distilled spirits made to a
374 resident in this state. The holder of a direct shipper's permit
375 shall file a monthly report with the department along with a copy
376 of the invoice for each sale and shipment of wine, distilled
377 spirits, or wine and distilled spirits and remit any taxes due;
378 however, no report shall be required for months in which no sales
379 or shipments were made into this state. The report, together with
380 copies of the invoices and the payment of all taxes, shall be
381 filed with the department not later than the twentieth day of the
382 month following the month in which the shipment was made.
383 Permittees who fail to timely file and pay taxes as required by
384 this subsection shall pay a late fee in the amount of Fifty
385 Dollars (\$50.00), in addition to any other penalty authorized by
386 this article.

387 (4) No markup or fee assessed or levied only upon sales or
388 shipments through the Alcohol Beverage Control Division of the
389 department shall be made upon any sale or shipment of wine,
390 distilled spirits, or wine and distilled spirits by a holder of a
391 direct shipper's permit to a resident in this state.



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

394 27-71-15. Except as otherwise provided in Section 67-9-1 for
395 the transportation of limited amounts of alcoholic beverages for
396 the use of an alcohol processing permittee, and in Sections 1
397 through 9 of this act for the sale and shipment of wine, distilled
398 spirits, or wine and distilled spirits by the holder of a direct
399 shipper's permit, if transportation requires passage through a
400 county which has not authorized the sale of alcoholic beverages,
401 such transportation shall be by a sealed vehicle. Such seal shall
402 remain unbroken until the vehicle shall reach the place of
403 business operated by the permittee. The operator of any vehicle
404 transporting alcoholic beverages shall have in his possession an
405 invoice issued by the * * * department at the time of the
406 wholesale sale covering the merchandise transported by the
407 vehicle. The * * * department is authorized to issue regulations
408 controlling the transportation of alcoholic beverages.

409 When the restrictions imposed by this section and by the
410 regulation of the * * * department have not been violated, the
411 person transporting alcoholic beverages through a county wherein
412 the sale of alcoholic beverages is prohibited shall not be guilty
413 of unlawful possession and such merchandise shall be immune from
414 seizure.

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



417 27-71-29. (1) All taxes levied by this article shall be
418 paid to the Department of Revenue in cash or by personal check,
419 cashier's check, bank exchange, post office money order or express
420 money order and shall be deposited by the department in the State
421 Treasury on the same day collected, but no remittances other than
422 cash shall be a final discharge of liability for the tax herein
423 imposed and levied unless and until it has been paid in cash to
424 the department.

425 All taxes levied under Section 27-71-7(1) and received by the
426 department under this article shall be paid into the General Fund,
427 and the three percent (3%) levied under Section 27-71-7(2) and
428 received by the department under this article shall be paid into
429 the special fund in the State Treasury designated as the
430 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
431 Any funds derived from the sale of alcoholic beverages in excess
432 of inventory requirements shall be paid not less often than
433 annually into the General Fund, except for a portion of the
434 twenty-seven and one-half percent (27-1/2%) markup provided for in
435 Section 27-71-11, as specified in subsection (2) of this section,
436 and except for fees charged by the department for the defraying of
437 costs associated with shipping alcoholic beverages. The revenue
438 derived from these fees shall be deposited by the department into
439 a special fund, hereby created in the State Treasury, which is
440 designated the "ABC Shipping Fund." The monies in this special
441 fund shall be earmarked for use by the department for any



442 expenditure made to ship alcoholic beverages. Any net proceeds
443 remaining in the special fund on August 1 of any fiscal year shall
444 lapse into the General Fund. "Net proceeds" in this section means
445 the total of all fees collected by the department to defray the
446 costs of shipping less the actual costs of shipping.

447 (2) If the special bond sinking fund created in Section 7(3)
448 of Chapter 483, Laws of 2022 has a balance below the minimum
449 amount specified in the resolution providing for the issuance of
450 the bonds, or below one and one-half (1-1/2) times the amount
451 needed to pay the annual debt obligations related to the bonds
452 issued under Section 7 of Chapter 483, Laws of 2022, whichever is
453 the lesser amount, the Commissioner of Revenue shall transfer the
454 deficit amount to the bond sinking fund from revenue derived from
455 the twenty-seven and one-half percent (27-1/2%) markup provided
456 for in Section 27-71-11.

457 (3) All taxes levied under Section 27-71-7(3) and received
458 by the department under this article shall be paid into the
459 General Fund, except for an amount equivalent to the three percent
460 (3%) levied under Section 27-71-7(2), which shall be paid into the
461 special fund in the State Treasury designated as the "Mental
462 Health Programs Fund" as required by law.

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

465 67-1-41. (1) The department is hereby created a wholesale
466 distributor and seller of alcoholic beverages, not including malt



467 liquors, within the State of Mississippi. It is granted the right
468 to import and sell alcoholic beverages at wholesale within the
469 state, and no person who is granted the right to sell, distribute
470 or receive alcoholic beverages at retail shall purchase any
471 alcoholic beverages from any source other than the department,
472 except as authorized in subsections (4), (9) and (12) of this
473 section and Sections 1 through 9 of this act. The department may
474 establish warehouses, and the department may purchase alcoholic
475 beverages in such quantities and from such sources as it may deem
476 desirable and sell the alcoholic beverages to authorized
477 permittees within the state including, at the discretion of the
478 department, any retail distributors operating within any military
479 post or qualified resort areas within the boundaries of the state,
480 keeping a correct and accurate record of all such transactions and
481 exercising such control over the distribution of alcoholic
482 beverages as seem right and proper in keeping with the provisions
483 or purposes of this article.

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

490 (3) No alcoholic beverage intended for sale or resale shall
491 be imported, shipped or brought into this state for delivery to



492 any person other than as provided in this article, or as otherwise
493 provided by law for native wines or native spirits.

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

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

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

512 (7) The department may promulgate rules which authorize the
513 manufacturer of an alcoholic beverage or wine to import, transport
514 and furnish or give a sample of alcoholic beverages or wines to
515 the holders of package retailer's permits, on-premises retailer's
516 permits, native wine or native spirit retailer's permits and



517 temporary retailer's permits who have not previously purchased the
518 brand of that manufacturer from the department. For each holder
519 of the designated permits, the manufacturer may furnish not more
520 than five hundred (500) milliliters of any brand of alcoholic
521 beverage and not more than three (3) liters of any brand of wine.

522 (8) The department may promulgate rules disallowing open
523 product sampling of alcoholic beverages or wines by the holders of
524 package retailer's permits and permitting open product sampling of
525 alcoholic beverages by the holders of on-premises retailer's
526 permits. Permitted sample products shall be plainly identified
527 "sample" and the actual sampling must occur in the presence of the
528 manufacturer's representatives during the legal operating hours of
529 on-premises retailers.

530 (9) The department may promulgate rules and regulations that
531 authorize the holder of a research permit to import and purchase
532 limited amounts of alcoholic beverages from importers, wineries
533 and distillers of alcoholic beverages or from the department. The
534 department shall develop and provide forms to be completed by the
535 research permittee verifying each transaction. The completed
536 forms shall be forwarded to the department within a period of time
537 prescribed by the department. The records and inventory of
538 alcoholic beverages shall be open to inspection at any time by the
539 Director of the Alcoholic Beverage Control Division or any duly
540 authorized agent.



541 (10) The department may promulgate rules facilitating a
542 retailer's on-site pickup of alcoholic beverages sold by the
543 department or as authorized by the department, including, but not
544 limited to, native wines and native spirits, so that those
545 alcoholic beverages may be delivered to the retailer at the
546 manufacturer's location instead of via shipment from the
547 department's warehouse.

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

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

554 (12) (a) An individual resident of this state who is at
555 least twenty-one (21) years of age may purchase wine from a winery
556 and have the purchase shipped into this state so long as it is
557 shipped to a package retailer permittee in Mississippi; however,
558 the permittee shall pay to the department all taxes, fees and
559 surcharges on the wine that are imposed upon the sale of wine
560 shipped by the department or its warehouse operator. No credit
561 shall be provided to the permittee for any taxes paid to another
562 state as a result of the transaction. Package retailers may
563 charge a service fee for receiving and handling shipments from
564 wineries on behalf of the purchasers. The department shall
565 develop and provide forms to be completed by the package retailer



566 permittees verifying the transaction. The completed forms shall
567 be forwarded to the department within a period of time prescribed
568 by the department.

569 (b) The purchaser of wine that is to be shipped to a
570 package retailer's store shall be required to get the prior
571 approval of the package retailer before any wine is shipped to the
572 package retailer. A purchaser is limited to no more than ten (10)
573 cases of wine per year to be shipped to a package retailer. A
574 package retailer shall notify a purchaser of wine within two (2)
575 days after receiving the shipment of wine. If the purchaser of
576 the wine does not pick up or take the wine from the package
577 retailer within thirty (30) days after being notified by the
578 package retailer, the package retailer may sell the wine as part
579 of his inventory.

580 (c) Shipments of wine into this state under this
581 section shall be made by a duly licensed carrier. It shall be the
582 duty of every common or contract carrier, and of every firm or
583 corporation that shall bring, carry or transport wine from outside
584 the state for delivery inside the state to package retailer
585 permittees on behalf of consumers, to prepare and file with the
586 department, on a schedule as determined by the department, of
587 known wine shipments containing the name of the common or contract
588 carrier, firm or corporation making the report, the period of time
589 covered by said report, the name and permit number of the winery,
590 the name and permit number of the package retailer permittee



591 receiving such wine, the weight of the package delivered to each
592 package retailer permittee, a unique tracking number, and the date
593 of delivery. Reports received by the department shall be made
594 available by the department to the public via the Mississippi
595 Public Records Act process in the same manner as other state
596 alcohol filings.

597 Upon the department's request, any records supporting the
598 report shall be made available to the department within a
599 reasonable time after the department makes a written request for
600 such records. Any records containing information relating to such
601 reports shall be kept and preserved for a period of two (2) years,
602 unless their destruction sooner is authorized, in writing, by the
603 department, and shall be open and available to inspection by the
604 department upon the department's written request. Reports shall
605 also be made available to any law enforcement or regulatory body
606 in the state in which the railroad company, express company,
607 common or contract carrier making the report resides or does
608 business.

609 Any common or contract carrier that willfully fails to make
610 reports, as provided by this section or any of the rules and
611 regulations of the department for the administration and
612 enforcement of this section, is subject to a notification of
613 violation. In the case of a continuing failure to make reports,
614 the common or contract carrier is subject to possible license
615 suspension and revocation at the department's discretion.



616 (d) A winery that ships wine under this section shall
617 be deemed to have consented to the jurisdiction of the courts of
618 this state, of the department, of any other state agency regarding
619 the enforcement of this section, and of any related law, rules or
620 regulations.

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

627 (13) If any provision of this article, or its application to
628 any person or circumstance, is determined by a court to be invalid
629 or unconstitutional, the remaining provisions shall be construed
630 in accordance with the intent of the Legislature to further limit
631 rather than expand commerce in alcoholic beverages to protect the
632 health, safety, and welfare of the state's residents, and to
633 enhance strict regulatory control over taxation, distribution and
634 sale of alcoholic beverages through the three-tier regulatory
635 system imposed by this article upon all alcoholic beverages to
636 curb relationships and practices calculated to stimulate sales and
637 impair the state's policy favoring trade stability and the
638 promotion of temperance.

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



641 67-1-45. No manufacturer, rectifier or distiller of
642 alcoholic beverages shall sell or attempt to sell any such
643 alcoholic beverages, except malt liquor, within the State of
644 Mississippi, except to the department, or as provided in Section
645 67-1-41, or pursuant to Section 67-1-51. A producer of native
646 wine or native spirit may sell native wines or native spirits,
647 respectively, to the department or to consumers at the location of
648 the native winery or native distillery or its immediate vicinity.
649 The holder of a direct shipper's permit may sell wines, distilled
650 spirits, or wines and distilled spirits directly to residents in
651 this state as authorized by Sections 1 through 9 of this act.

652 Any violation of this section by any manufacturer, rectifier
653 or distiller shall be punished by a fine of not less than Five
654 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
655 (\$2,000.00), to which may be added imprisonment in the county jail
656 not to exceed six (6) months.

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

659 67-1-51. (1) Permits which may be issued by the department
660 shall be as follows:

661 (a) **Manufacturer's permit.** A manufacturer's permit
662 shall permit the manufacture, importation in bulk, bottling and
663 storage of alcoholic liquor and its distribution and sale to
664 manufacturers holding permits under this article in this state and



665 to persons outside the state who are authorized by law to purchase
666 the same, and to sell as provided by this article.

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

668 Class 1. Distiller's and/or rectifier's permit, which shall
669 authorize the holder thereof to operate a distillery for the
670 production of distilled spirits by distillation or redistillation
671 and/or to operate a rectifying plant for the purifying, refining,
672 mixing, blending, flavoring or reducing in proof of distilled
673 spirits and alcohol.

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

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

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

683 (b) **Package retailer's permit.** Except as otherwise
684 provided in this paragraph and Section 67-1-52, a package
685 retailer's permit shall authorize the holder thereof to operate a
686 store exclusively for the sale at retail in original sealed and
687 unopened packages of alcoholic beverages, including native wines,
688 native spirits and edibles, not to be consumed on the premises
689 where sold. In addition, a holder of a package retailer's permit



690 may sell at retail through the Internet and ship wine, distilled
691 spirits, or wine and distilled spirits in original sealed and
692 unopened packages to residents in this state and which is not to
693 be consumed on the premises where sold. A holder of a package
694 retailer's permit making such sales of wine, distilled spirits, or
695 wine and distilled spirits shall (i) ensure that all containers of
696 wine, distilled spirits, or wine and distilled spirits sold and
697 shipped directly to a resident in this state are conspicuously
698 labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE
699 21 YEARS OR OLDER REQUIRED FOR DELIVERY" and (ii) report to the
700 department annually the total amount of wine and distilled spirits
701 sold and shipped within the state during the preceding calendar
702 year. A holder of a package retailer's permit who sells wine,
703 distilled spirits, or wine and distilled spirits through the
704 Internet may not sell or ship any alcoholic beverage other than
705 wine, distilled spirits, or wine and distilled spirits or ship
706 wine, distilled spirits, or wine and distilled spirits to an
707 address in a county that has not voted in favor of coming out from
708 under the dry law. Alcoholic beverages shall not be sold by any
709 retailer in any package or container containing less than fifty
710 (50) milliliters by liquid measure. A package retailer's permit,
711 with prior approval from the department, shall authorize the
712 holder thereof to sample new product furnished by a manufacturer's
713 representative or his employees at the permitted place of business
714 so long as the sampling otherwise complies with this article and



715 applicable department regulations. Such samples may not be
716 provided to customers at the permitted place of business. In
717 addition to the sale at retail of packages of alcoholic beverages,
718 the holder of a package retailer's permit is authorized to sell at
719 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
720 other beverages commonly used to mix with alcoholic beverages, and
721 fruits and foods that have been submerged in alcohol and are
722 commonly referred to as edibles. Nonalcoholic beverages sold by
723 the holder of a package retailer's permit shall not be consumed on
724 the premises where sold.

725 (c) **On-premises retailer's permit.** Except as otherwise
726 provided in subsection (5) of this section, an on-premises
727 retailer's permit shall authorize the sale of alcoholic beverages,
728 including native wines and native spirits, for consumption on the
729 licensed premises only; however, a patron of the permit holder may
730 remove one (1) bottle of wine from the licensed premises if: (i)
731 the patron consumed a portion of the bottle of wine in the course
732 of consuming a meal purchased on the licensed premises; (ii) the
733 permit holder securely reseals the bottle; (iii) the bottle is
734 placed in a bag that is secured in a manner so that it will be
735 visibly apparent if the bag is opened; and (iv) a dated receipt
736 for the wine and the meal is available. Additionally, as part of
737 a carryout order, a permit holder may sell one (1) bottle of wine
738 to be removed from the licensed premises for every two (2) entrees
739 ordered. In addition, an on-premises retailer's permittee at a



740 permitted premises located on Jefferson Davis Avenue within
741 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
742 beverages by the glass to a patron in a vehicle using a
743 drive-through method of delivery if the permitted premises is
744 located in a leisure and recreation district established under
745 Section 67-1-101. Such a sale will be considered to be made on
746 the permitted premises. An on-premises retailer's permit shall be
747 issued only to qualified hotels, restaurants and clubs, small
748 craft breweries, microbreweries, and to common carriers with
749 adequate facilities for serving passengers. In resort areas,
750 whether inside or outside of a municipality, the department, in
751 its discretion, may issue on-premises retailer's permits to such
752 establishments as it deems proper. An on-premises retailer's
753 permit when issued to a common carrier shall authorize the sale
754 and serving of alcoholic beverages aboard any licensed vehicle
755 while moving through any county of the state; however, the sale of
756 such alcoholic beverages shall not be permitted while such vehicle
757 is stopped in a county that has not legalized such sales. If an
758 on-premises retailer's permit is applied for by a common carrier
759 operating solely in the water, such common carrier must, along
760 with all other qualifications for a permit, (i) be certified to
761 carry at least one hundred fifty (150) passengers and/or provide
762 overnight accommodations for at least fifty (50) passengers and
763 (ii) operate primarily in the waters within the State of
764 Mississippi which lie adjacent to the State of Mississippi south



765 of the three (3) most southern counties in the State of
766 Mississippi and/or on the Mississippi River or navigable waters
767 within any county bordering on the Mississippi River.

768 (d) **Solicitor's permit.** A solicitor's permit shall
769 authorize the holder thereof to act as salesman for a manufacturer
770 or wholesaler holding a proper permit, to solicit on behalf of his
771 employer orders for alcoholic beverages, and to otherwise promote
772 his employer's products in a legitimate manner. Such a permit
773 shall authorize the representation of and employment by one (1)
774 principal only. However, the permittee may also, in the
775 discretion of the department, be issued additional permits to
776 represent other principals. No such permittee shall buy or sell
777 alcoholic beverages for his own account, and no such beverage
778 shall be brought into this state in pursuance of the exercise of
779 such permit otherwise than through a permit issued to a wholesaler
780 or manufacturer in the state.

781 (e) **Native wine retailer's permit.** Except as otherwise
782 provided in subsection (5) of this section, a native wine
783 retailer's permit shall be issued only to a holder of a Class 3
784 manufacturer's permit, and shall authorize the holder thereof to
785 make retail sales of native wines to consumers for on-premises
786 consumption or to consumers in originally sealed and unopened
787 containers at an establishment located on the premises of or in
788 the immediate vicinity of a native winery. When selling to
789 consumers for on-premises consumption, a holder of a native wine



790 retailer's permit may add to the native wine alcoholic beverages
791 not produced on the premises, so long as the total volume of
792 foreign beverage components does not exceed twenty percent (20%)
793 of the mixed beverage. Hours of sale shall be the same as those
794 authorized for on-premises permittees in the city or county in
795 which the native wine retailer is located.

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

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

803 Class 1. A temporary one-day permit may be issued to bona
804 fide nonprofit civic or charitable organizations authorizing the
805 sale of alcoholic beverages, including native wine and native
806 spirit, for consumption on the premises described in the temporary
807 permit only. Class 1 permits may be issued only to applicants
808 demonstrating to the department, by a statement signed under
809 penalty of perjury submitted ten (10) days prior to the proposed
810 date or such other time as the department may determine, that they
811 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
812 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
813 Class 1 permittees shall obtain all alcoholic beverages from
814 package retailers located in the county in which the temporary



815 permit is issued. Alcoholic beverages remaining in stock upon
816 expiration of the temporary permit may be returned by the
817 permittee to the package retailer for a refund of the purchase
818 price upon consent of the package retailer or may be kept by the
819 permittee exclusively for personal use and consumption, subject to
820 all laws pertaining to the illegal sale and possession of
821 alcoholic beverages. The department, following review of the
822 statement provided by the applicant and the requirements of the
823 applicable statutes and regulations, may issue the permit.

824 Class 2. A temporary permit, not to exceed seventy (70)
825 days, may be issued to prospective permittees seeking to transfer
826 a permit authorized in paragraph (c) of this subsection. A Class
827 2 permit may be issued only to applicants demonstrating to the
828 department, by a statement signed under the penalty of perjury,
829 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
830 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
831 67-1-59. The department, following a preliminary review of the
832 statement provided by the applicant and the requirements of the
833 applicable statutes and regulations, may issue the permit.

834 Class 2 temporary permittees must purchase their alcoholic
835 beverages directly from the department or, with approval of the
836 department, purchase the remaining stock of the previous
837 permittee. If the proposed applicant of a Class 1 or Class 2
838 temporary permit falsifies information contained in the
839 application or statement, the applicant shall never again be



840 eligible for a retail alcohol beverage permit and shall be subject
841 to prosecution for perjury.

842 Class 3. A temporary one-day permit may be issued to a
843 retail establishment authorizing the complimentary distribution of
844 wine, including native wine, to patrons of the retail
845 establishment at an open house or promotional event, for
846 consumption only on the premises described in the temporary
847 permit. A Class 3 permit may be issued only to an applicant
848 demonstrating to the department, by a statement signed under
849 penalty of perjury submitted ten (10) days before the proposed
850 date or such other time as the department may determine, that it
851 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
852 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
853 A Class 3 permit holder shall obtain all alcoholic beverages from
854 the holder(s) of a package retailer's permit located in the county
855 in which the temporary permit is issued. Wine remaining in stock
856 upon expiration of the temporary permit may be returned by the
857 Class 3 temporary permit holder to the package retailer for a
858 refund of the purchase price, with consent of the package
859 retailer, or may be kept by the Class 3 temporary permit holder
860 exclusively for personal use and consumption, subject to all laws
861 pertaining to the illegal sale and possession of alcoholic
862 beverages. The department, following review of the statement
863 provided by the applicant and the requirements of the applicable
864 statutes and regulations, may issue the permit. No retailer may



865 receive more than twelve (12) Class 3 temporary permits in a
866 calendar year. A Class 3 temporary permit shall not be issued to
867 a retail establishment that either holds a merchant permit issued
868 under paragraph (1) of this subsection, or holds a permit issued
869 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
870 the holder to engage in the business of a retailer of light wine
871 or beer.

872 (g) **Caterer's permit.** A caterer's permit shall permit
873 the purchase of alcoholic beverages by a person engaging in
874 business as a caterer and the resale of alcoholic beverages by
875 such person in conjunction with such catering business. No person
876 shall qualify as a caterer unless forty percent (40%) or more of
877 the revenue derived from such catering business shall be from the
878 serving of prepared food and not from the sale of alcoholic
879 beverages and unless such person has obtained a permit for such
880 business from the Department of Health. A caterer's permit shall
881 not authorize the sale of alcoholic beverages on the premises of
882 the person engaging in business as a caterer; however, the holder
883 of an on-premises retailer's permit may hold a caterer's permit.
884 When the holder of an on-premises retailer's permit or an
885 affiliated entity of the holder also holds a caterer's permit, the
886 caterer's permit shall not authorize the service of alcoholic
887 beverages on a consistent, recurring basis at a separate, fixed
888 location owned or operated by the caterer, on-premises retailer or
889 affiliated entity and an on-premises retailer's permit shall be



890 required for the separate location. All sales of alcoholic
891 beverages by holders of a caterer's permit shall be made at the
892 location being catered by the caterer, and, except as otherwise
893 provided in subsection (5) of this section, such sales may be made
894 only for consumption at the catered location. The location being
895 catered may be anywhere within a county or judicial district that
896 has voted to come out from under the dry laws or in which the sale
897 and distribution of alcoholic beverages is otherwise authorized by
898 law. Such sales shall be made pursuant to any other conditions
899 and restrictions which apply to sales made by on-premises retail
900 permittees. The holder of a caterer's permit or his employees
901 shall remain at the catered location as long as alcoholic
902 beverages are being sold pursuant to the permit issued under this
903 paragraph (g), and the permittee shall have at the location the
904 identification card issued by the Alcoholic Beverage Control
905 Division of the department. No unsold alcoholic beverages may be
906 left at the catered location by the permittee upon the conclusion
907 of his business at that location. Appropriate law enforcement
908 officers and Alcoholic Beverage Control Division personnel may
909 enter a catered location on private property in order to enforce
910 laws governing the sale or serving of alcoholic beverages.

911 (h) **Research permit.** A research permit shall authorize
912 the holder thereof to operate a research facility for the
913 professional research of alcoholic beverages. Such permit shall
914 authorize the holder of the permit to import and purchase limited



915 amounts of alcoholic beverages from the department or from
916 importers, wineries and distillers of alcoholic beverages for
917 professional research.

918 (i) **Alcohol processing permit.** An alcohol processing
919 permit shall authorize the holder thereof to purchase, transport
920 and possess alcoholic beverages for the exclusive use in cooking,
921 processing or manufacturing products which contain alcoholic
922 beverages as an integral ingredient. An alcohol processing permit
923 shall not authorize the sale of alcoholic beverages on the
924 premises of the person engaging in the business of cooking,
925 processing or manufacturing products which contain alcoholic
926 beverages. The amounts of alcoholic beverages allowed under an
927 alcohol processing permit shall be set by the department.

928 (j) **Hospitality cart permit.** A hospitality cart permit
929 shall authorize the sale of alcoholic beverages from a mobile cart
930 on a golf course that is the holder of an on-premises retailer's
931 permit. The alcoholic beverages sold from the cart must be
932 consumed within the boundaries of the golf course.

933 (k) **Special service permit.** A special service permit
934 shall authorize the holder to sell commercially sealed alcoholic
935 beverages to the operator of a commercial or private aircraft for
936 en route consumption only by passengers. A special service permit
937 shall be issued only to a fixed-base operator who contracts with
938 an airport facility to provide fueling and other associated
939 services to commercial and private aircraft.



940 (1) **Merchant permit.** Except as otherwise provided in
941 subsection (5) of this section, a merchant permit shall be issued
942 only to the owner of a spa facility, an art studio or gallery, or
943 a cooking school, and shall authorize the holder to serve
944 complimentary by the glass wine only, including native wine, at
945 the holder's spa facility, art studio or gallery, or cooking
946 school. A merchant permit holder shall obtain all wine from the
947 holder of a package retailer's permit.

948 (m) **Temporary alcoholic beverages charitable auction**
949 **permit.** A temporary permit, not to exceed five (5) days, may be
950 issued to a qualifying charitable nonprofit organization that is
951 exempt from taxation under Section 501(c)(3) or (4) of the
952 Internal Revenue Code of 1986. The permit shall authorize the
953 holder to sell alcoholic beverages for the limited purpose of
954 raising funds for the organization during a live or silent auction
955 that is conducted by the organization and that meets the following
956 requirements: (i) the auction is conducted in an area of the
957 state where the sale of alcoholic beverages is authorized; (ii) if
958 the auction is conducted on the premises of an on-premises
959 retailer's permit holder, then the alcoholic beverages to be
960 auctioned must be stored separately from the alcoholic beverages
961 sold, stored or served on the premises, must be removed from the
962 premises immediately following the auction, and may not be
963 consumed on the premises; (iii) the permit holder may not conduct
964 more than two (2) auctions during a calendar year; (iv) the permit



965 holder may not pay a commission or promotional fee to any person
966 to arrange or conduct the auction.

967 (n) **Event venue retailer's permit.** An event venue
968 retailer's permit shall authorize the holder thereof to purchase
969 and resell alcoholic beverages, including native wines and native
970 spirits, for consumption on the premises during legal hours during
971 events held on the licensed premises if food is being served at
972 the event by a caterer who is not affiliated with or related to
973 the permittee. The caterer must serve at least three (3) entrees.
974 The permit may only be issued for venues that can accommodate two
975 hundred (200) persons or more. The number of persons a venue may
976 accommodate shall be determined by the local fire department and
977 such determination shall be provided in writing and submitted
978 along with all other documents required to be provided for an
979 on-premises retailer's permit. The permittee must derive the
980 majority of its revenue from event-related fees, including, but
981 not limited to, admission fees or ticket sales for live
982 entertainment in the building. "Event-related fees" do not
983 include alcohol, beer or light wine sales or any fee which may be
984 construed to cover the cost of alcohol, beer or light wine. This
985 determination shall be made on a per event basis. An event may
986 not last longer than two (2) consecutive days per week.

987 (o) **Temporary theatre permit.** A temporary theatre
988 permit, not to exceed five (5) days, may be issued to a charitable
989 nonprofit organization that is exempt from taxation under Section



990 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
991 a theatre facility that features plays and other theatrical
992 performances and productions. Except as otherwise provided in
993 subsection (5) of this section, the permit shall authorize the
994 holder to sell alcoholic beverages, including native wines and
995 native spirits, to patrons of the theatre during performances and
996 productions at the theatre facility for consumption during such
997 performances and productions on the premises of the facility
998 described in the permit. A temporary theatre permit holder shall
999 obtain all alcoholic beverages from package retailers located in
1000 the county in which the permit is issued. Alcoholic beverages
1001 remaining in stock upon expiration of the temporary theatre permit
1002 may be returned by the permittee to the package retailer for a
1003 refund of the purchase price upon consent of the package retailer
1004 or may be kept by the permittee exclusively for personal use and
1005 consumption, subject to all laws pertaining to the illegal sale
1006 and possession of alcoholic beverages.

1007 (p) **Charter ship operator's permit.** Subject to the
1008 provisions of this paragraph (p), a charter ship operator's permit
1009 shall authorize the holder thereof and its employees to serve,
1010 monitor, store and otherwise control the serving and availability
1011 of alcoholic beverages to customers of the permit holder during
1012 private charters under contract provided by the permit holder. A
1013 charter ship operator's permit shall authorize such action by the
1014 permit holder and its employees only as to alcoholic beverages



1015 brought onto the permit holder's ship by customers of the permit
1016 holder as part of such a private charter. All such alcoholic
1017 beverages must be removed from the charter ship at the conclusion
1018 of each private charter. A charter ship operator's permit shall
1019 not authorize the permit holder to sell, charge for or otherwise
1020 supply alcoholic beverages to customers, except as authorized in
1021 this paragraph (p). For the purposes of this paragraph (p),
1022 "charter ship operator" means a common carrier that (i) is
1023 certified to carry at least one hundred fifty (150) passengers
1024 and/or provide overnight accommodations for at least fifty (50)
1025 passengers, (ii) operates only in the waters within the State of
1026 Mississippi, which lie adjacent to the State of Mississippi south
1027 of the three (3) most southern counties in the State of
1028 Mississippi, and (iii) provides charters under contract for tours
1029 and trips in such waters.

1030 (q) **Distillery retailer's permit.** The holder of a
1031 Class 1 manufacturer's permit may obtain a distillery retailer's
1032 permit. A distillery retailer's permit shall authorize the holder
1033 thereof to sell at retail alcoholic beverages to consumers for
1034 on-premises consumption, or to consumers by the sealed and
1035 unopened bottle from a retail location at the distillery for
1036 off-premises consumption. The holder may only sell product
1037 manufactured by the manufacturer at the distillery described in
1038 the permit. However, when selling to consumers for on-premises
1039 consumption, a holder of a distillery retailer's permit may add



1040 other beverages, alcoholic or not, so long as the total volume of
1041 other beverage components containing alcohol does not exceed
1042 twenty percent (20%). Hours of sale shall be the same as those
1043 authorized for on-premises permittees in the city or county in
1044 which the distillery retailer is located.

1045 The holder shall not sell at retail more than ten percent
1046 (10%) of the alcoholic beverages produced annually at its
1047 distillery. The holder shall not make retail sales of more than
1048 two and twenty-five one-hundredths (2.25) liters, in the
1049 aggregate, of the alcoholic beverages produced at its distillery
1050 to any one (1) individual for consumption off the premises of the
1051 distillery within a twenty-four-hour period. The hours of sale
1052 shall be the same as those hours for package retailers under this
1053 article. The holder of a distillery retailer's permit is not
1054 required to purchase the alcoholic beverages authorized to be sold
1055 by this paragraph from the department's liquor distribution
1056 warehouse; however, if the holder does not purchase the alcoholic
1057 beverages from the department's liquor distribution warehouse, the
1058 holder shall pay to the department all taxes, fees and surcharges
1059 on the alcoholic beverages that are imposed upon the sale of
1060 alcoholic beverages shipped by the department or its warehouse
1061 operator. In addition to alcoholic beverages, the holder of a
1062 distillery retailer's permit may sell at retail promotional
1063 products from the same retail location, including shirts, hats,



1064 glasses, and other promotional products customarily sold by
1065 alcoholic beverage manufacturers.

1066 (r) **Festival Wine Permit.** Any wine manufacturer or
1067 native wine producer permitted by Mississippi or any other state
1068 is eligible to obtain a Festival Wine Permit. This permit
1069 authorizes the entity to transport product manufactured by it to
1070 festivals held within the State of Mississippi and sell sealed,
1071 unopened bottles to festival participants. The holder of this
1072 permit may provide samples at no charge to participants.
1073 "Festival" means any event at which three (3) or more vendors are
1074 present at a location for the sale or distribution of goods. The
1075 holder of a Festival Wine Permit is not required to purchase the
1076 alcoholic beverages authorized to be sold by this paragraph from
1077 the department's liquor distribution warehouse. However, if the
1078 holder does not purchase the alcoholic beverages from the
1079 department's liquor distribution warehouse, the holder of this
1080 permit shall pay to the department all taxes, fees and surcharges
1081 on the alcoholic beverages sold at such festivals that are imposed
1082 upon the sale of alcoholic beverages shipped by the Alcoholic
1083 Beverage Control Division of the Department of Revenue.
1084 Additionally, the entity shall file all applicable reports and
1085 returns as prescribed by the department. This permit is issued
1086 per festival and provides authority to sell for two (2)
1087 consecutive days during the hours authorized for on-premises
1088 permittees' sales in that county or city. The holder of the



1089 permit shall be required to maintain all requirements set by Local
1090 Option Law for the service and sale of alcoholic beverages. This
1091 permit may be issued to entities participating in festivals at
1092 which a Class 1 temporary permit is in effect.

1093 This paragraph (r) shall stand repealed from and after July
1094 1, 2026.

1095 (s) **Charter vessel operator's permit.** Subject to the
1096 provisions of this paragraph (s), a charter vessel operator's
1097 permit shall authorize the holder thereof and its employees to
1098 sell and serve alcoholic beverages to passengers of the permit
1099 holder during public tours, historical tours, ecological tours and
1100 sunset cruises provided by the permit holder. The permit shall
1101 authorize the holder to only sell alcoholic beverages, including
1102 native wines, to passengers of the charter vessel operator during
1103 public tours, historical tours, ecological tours and sunset
1104 cruises provided by the permit holder aboard the charter vessel
1105 operator for consumption during such tours and cruises on the
1106 premises of the charter vessel operator described in the permit.
1107 For the purposes of this paragraph (s), "charter vessel operator"
1108 means a common carrier that (i) is certified to carry at least
1109 forty-nine (49) passengers, (ii) operates only in the waters
1110 within the State of Mississippi, which lie south of Interstate 10
1111 in the three (3) most southern counties in the State of
1112 Mississippi, and lie adjacent to the State of Mississippi south of
1113 the three (3) most southern counties in the State of Mississippi,



1114 extending not further than one (1) mile south of such counties,
1115 and (iii) provides vessel services for tours and cruises in such
1116 waters as provided in this paragraph(s).

1117 (t) **Native spirit retailer's permit.** Except as
1118 otherwise provided in subsection (5) of this section, a native
1119 spirit retailer's permit shall be issued only to a holder of a
1120 Class 4 manufacturer's permit, and shall authorize the holder
1121 thereof to make retail sales of native spirits to consumers for
1122 on-premises consumption or to consumers in originally sealed and
1123 unopened containers at an establishment located on the premises of
1124 or in the immediate vicinity of a native distillery. When selling
1125 to consumers for on-premises consumption, a holder of a native
1126 spirit retailer's permit may add to the native spirit alcoholic
1127 beverages not produced on the premises, so long as the total
1128 volume of foreign beverage components does not exceed twenty
1129 percent (20%) of the mixed beverage. Hours of sale shall be the
1130 same as those authorized for on-premises permittees in the city or
1131 county in which the native spirit retailer is located.

1132 (u) **Delivery service permit.** Any individual, limited
1133 liability company, corporation or partnership registered to do
1134 business in this state is eligible to obtain a delivery service
1135 permit. Subject to the provisions of Section 67-1-51.1, this
1136 permit authorizes the permittee, or its employee or an independent
1137 contractor acting on its behalf, to deliver alcoholic beverages,
1138 beer, light wine and light spirit product from a licensed retailer



1139 to a person in this state who is at least twenty-one (21) years of
1140 age for the individual's use and not for resale. This permit does
1141 not authorize the delivery of alcoholic beverages, beer, light
1142 wine or light spirit product to the premises of a location with a
1143 permit for the manufacture, distribution or retail sale of
1144 alcoholic beverages, beer, light wine or light spirit product.
1145 The holder of a package retailer's permit or an on-premises
1146 retailer's permit under Section 67-1-51 or of a beer, light wine
1147 and light spirit product permit under Section 67-3-19 is
1148 authorized to apply for a delivery service permit as a privilege
1149 separate from its existing retail permit.

1150 (v) **Food truck permit.** A food truck permit shall
1151 authorize the holder of an on-premises retailer's permit to use a
1152 food truck to sell alcoholic beverages off its premises to guests
1153 who must consume the beverages in open containers. For the
1154 purposes of this paragraph (v), "food truck" means a fully encased
1155 food service establishment on a motor vehicle or on a trailer that
1156 a motor vehicle pulls to transport, and from which a vendor,
1157 standing within the frame of the establishment, prepares, cooks,
1158 sells and serves food for immediate human consumption. The term
1159 "food truck" does not include a food cart that is not motorized.
1160 Food trucks shall maintain such distance requirements from
1161 schools, churches, kindergartens and funeral homes as are required
1162 for on-premises retailer's permittees under this article, and all
1163 sales must be made within a valid leisure and recreation district



1164 established under Section 67-1-101. Food trucks cannot sell or
1165 serve alcoholic beverages unless also offering food prepared and
1166 cooked within the food truck, and permittees must maintain a
1167 twenty-five percent (25%) food sale revenue requirement based on
1168 the food sold from the food truck alone. The hours allowed for
1169 sale shall be the same as those for on-premises retailer's
1170 permittees in the location. This permit will not be required for
1171 the holder of a caterer's permit issued under this article to
1172 cater an event as allowed by law. Permittees must provide notice
1173 of not less than forty-eight (48) hours to the department of each
1174 location at which alcoholic beverages will be sold.

1175 (w) **Direct shipper's permit.** A direct shipper's
1176 permit shall authorize the holder to sell and ship a limited
1177 amount of wine, distilled spirits, or wine and distilled spirits
1178 directly to residents in this state in accordance with the
1179 provisions of Sections 1 through 9 of this act, without being
1180 required to transact the sale and shipment of those wines,
1181 distilled spirits, or wine and distilled spirits through the
1182 Alcoholic Beverage Control Division of the department.

1183 (2) Except as otherwise provided in subsection (4) of this
1184 section, retail permittees may hold more than one (1) retail
1185 permit, at the discretion of the department.

1186 (3) (a) Except as otherwise provided in this subsection, no
1187 authority shall be granted to any person to manufacture, sell or
1188 store for sale any intoxicating liquor as specified in this



1189 article within four hundred (400) feet of any church, school,
1190 kindergarten or funeral home. However, within an area zoned
1191 commercial or business, such minimum distance shall be not less
1192 than one hundred (100) feet.

1193 (b) A church or funeral home may waive the distance
1194 restrictions imposed in this subsection in favor of allowing
1195 issuance by the department of a permit, pursuant to subsection (1)
1196 of this section, to authorize activity relating to the
1197 manufacturing, sale or storage of alcoholic beverages which would
1198 otherwise be prohibited under the minimum distance criterion.
1199 Such waiver shall be in written form from the owner, the governing
1200 body, or the appropriate officer of the church or funeral home
1201 having the authority to execute such a waiver, and the waiver
1202 shall be filed with and verified by the department before becoming
1203 effective.

1204 (c) The distance restrictions imposed in this
1205 subsection shall not apply to the sale or storage of alcoholic
1206 beverages at a bed and breakfast inn listed in the National
1207 Register of Historic Places or to the sale or storage of alcoholic
1208 beverages in a historic district that is listed in the National
1209 Register of Historic Places, is a qualified resort area and is
1210 located in a municipality having a population greater than one
1211 hundred thousand (100,000) according to the latest federal
1212 decennial census.



1213 (d) The distance restrictions imposed in this
1214 subsection shall not apply to the sale or storage of alcoholic
1215 beverages at a qualified resort area as defined in Section
1216 67-1-5(o)(iii)32.

1217 (e) The distance restrictions imposed in this
1218 subsection shall not apply to the sale or storage of alcoholic
1219 beverages at a licensed premises in a building formerly owned by a
1220 municipality and formerly leased by the municipality to a
1221 municipal school district and used by the municipal school
1222 district as a district bus shop facility.

1223 (f) The distance restrictions imposed in this
1224 subsection shall not apply to the sale or storage of alcoholic
1225 beverages at a licensed premises in a building consisting of at
1226 least five thousand (5,000) square feet and located approximately
1227 six hundred (600) feet from the intersection of Mississippi
1228 Highway 15 and Mississippi Highway 4.

1229 (g) The distance restrictions imposed in this
1230 subsection shall not apply to the sale or storage of alcoholic
1231 beverages at a licensed premises in a building located at or near
1232 the intersection of Ward and Tate Streets and adjacent properties
1233 in the City of Senatobia, Mississippi.

1234 (h) The distance restrictions imposed in this
1235 subsection shall not apply to the sale or storage of alcoholic
1236 beverages at a theatre facility that features plays and other
1237 theatrical performances and productions and (i) is capable of



1238 seating more than seven hundred fifty (750) people, (ii) is owned
1239 by a municipality which has a population greater than ten thousand
1240 (10,000) according to the latest federal decennial census, (iii)
1241 was constructed prior to 1930, (iv) is on the National Register of
1242 Historic Places, and (v) is located in a historic district.

1243 (i) The distance restrictions imposed in this
1244 subsection shall not apply to the sale or storage of alcoholic
1245 beverages at a licensed premises in a building located
1246 approximately one and six-tenths (1.6) miles north of the
1247 intersection of Mississippi Highway 15 and Mississippi Highway 4
1248 on the west side of Mississippi Highway 15.

1249 (4) No person, either individually or as a member of a firm,
1250 partnership, limited liability company or association, or as a
1251 stockholder, officer or director in a corporation, shall own or
1252 control any interest in more than one (1) package retailer's
1253 permit, nor shall such person's spouse, if living in the same
1254 household of such person, any relative of such person, if living
1255 in the same household of such person, or any other person living
1256 in the same household with such person own any interest in any
1257 other package retailer's permit.

1258 (5) (a) In addition to any other authority granted under
1259 this section, the holder of a permit issued under subsection
1260 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1261 sell or otherwise provide alcoholic beverages and/or wine to a
1262 patron of the permit holder in the manner authorized in the permit



1263 and the patron may remove an open glass, cup or other container of
1264 the alcoholic beverage and/or wine from the licensed premises and
1265 may possess and consume the alcoholic beverage or wine outside of
1266 the licensed premises if: (i) the licensed premises is located
1267 within a leisure and recreation district created under Section
1268 67-1-101 and (ii) the patron remains within the boundaries of the
1269 leisure and recreation district while in possession of the
1270 alcoholic beverage or wine.

1271 (b) Nothing in this subsection shall be construed to
1272 allow a person to bring any alcoholic beverages into a permitted
1273 premises except to the extent otherwise authorized by this
1274 article.

1275 **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is
1276 amended as follows:

1277 67-1-53. (1) Application for permits shall be in such form
1278 and shall contain such information as shall be required by the
1279 regulations of the * * * department; however, no regulation of
1280 the * * * department shall require personal financial information
1281 from any officer of a corporation applying for an on-premises
1282 retailer's permit to sell alcoholic beverages unless such officer
1283 owns ten percent (10%) or more of the stock of such corporation.

1284 (2) Every applicant for each type of permit authorized by
1285 Section 67-1-51 shall give notice of such application by
1286 publication for two (2) consecutive issues in a newspaper of
1287 general circulation published in the city or town in which



1288 applicant's place of business is located. However, in instances
1289 where no newspaper is published in the city or town, then the
1290 notice shall be published in a newspaper of general circulation
1291 published in the county where the applicant's business is located.
1292 If no newspaper is published in the county, the notice shall be
1293 published in a qualified newspaper which is published in the
1294 closest neighboring county and circulated in the county of
1295 applicant's residence. The notice shall be printed in ten-point
1296 black face type and shall set forth the type of permit to be
1297 applied for, the exact location of the place of business, the name
1298 of the owner or owners thereof, and if operating under an assumed
1299 name, the trade name together with the names of all owners, and if
1300 a corporation, the names and titles of all officers. The cost of
1301 such notice shall be borne by the applicant. The provisions of
1302 this subsection (2) shall not apply to applicants for a direct
1303 shipper's permit under Sections 1 through 9 of this act.

1304 (3) Each application or filing made under this section shall
1305 include the social security number(s) of the applicant in
1306 accordance with Section 93-11-64, Mississippi Code of 1972.

1307 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is
1308 amended as follows:

1309 67-1-55. No permit of any type shall be issued by the * * *
1310 department until the applicant has first filed with the * * *
1311 department a sworn statement disclosing all persons who are
1312 financially involved in the operation of the business for which



1313 the permit is sought. If an applicant is an individual, he will
1314 swear that he owns one hundred percent (100%) of the business for
1315 which he is seeking a permit. If the applicant is a partnership,
1316 all partners and their addresses shall be disclosed and the extent
1317 of their interest in the partnership shall be disclosed. If the
1318 applicant is a corporation, the total stock in the corporation
1319 shall be disclosed and each shareholder and his address and the
1320 amount of stock in the corporation owned by him shall be
1321 disclosed. If the applicant is a limited liability company, each
1322 member and their addresses shall be disclosed and the extent of
1323 their interest in the limited liability company shall be
1324 disclosed. If the applicant is a trust, the trustee and all
1325 beneficiaries and their addresses shall be disclosed. If the
1326 applicant is a combination of any of the above, all information
1327 required to be disclosed above shall be required.

1328 All the disclosures shall be in writing and kept on file at
1329 the * * * department and shall be available to the public.

1330 Every applicant must, when applying for a renewal of his
1331 permit, disclose any change in the ownership of the business or
1332 any change in the beneficiaries of the income from the business.

1333 Any person who willfully fails to fully disclose the
1334 information required by this section, or who gives false
1335 information, shall be guilty of a misdemeanor and, upon conviction
1336 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1337 (\$500.00) or imprisoned for not more than one (1) year, or both,



1338 and the person or applicant shall never again be eligible for any
1339 permit pertaining to alcoholic beverages.

1340 The provisions of this section shall not apply to applicants
1341 for a direct shipper's permit under Sections 1 through 9 of this
1342 act.

1343 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is
1344 amended as follows:

1345 67-1-57. Before a permit is issued the department shall
1346 satisfy itself:

1347 (a) That the applicant, if an individual, or if a
1348 partnership, each of the members of the partnership, or if a
1349 corporation, each of its principal officers and directors, or if a
1350 limited liability company, each member of the limited liability
1351 company, is of good moral character and, in addition, enjoys a
1352 reputation of being a peaceable, law-abiding citizen of the
1353 community in which he resides, and is generally fit for the trust
1354 to be reposed in him, is not less than twenty-one (21) years of
1355 age, and has not been convicted of a felony in any state or
1356 federal court.

1357 (b) That, except in the case of an application for a
1358 solicitor's permit, the applicant is the true and actual owner of
1359 the business for which the permit is desired, and that he intends
1360 to carry on the business authorized for himself and not as the
1361 agent of any other person, and that he intends to superintend in
1362 person the management of the business or that he will designate a



1363 manager to manage the business for him. Except for managers
1364 employed by the holder of a direct shipper's permit, all managers
1365 must be approved by the department prior to completing any
1366 managerial tasks on behalf of the permittee and must possess all
1367 of the qualifications required of a permittee; however, a felony
1368 conviction, other than a crime of violence, does not automatically
1369 disqualify a person from being approved as a manager if the person
1370 was released from incarceration at least three (3) years prior to
1371 application for approval as a manager. A felony conviction, other
1372 than a crime of violence, may be considered by the department in
1373 determining whether all other qualifications are met.

1374 (c) That the applicant for a package retailer's permit,
1375 if an individual, is a resident of the State of Mississippi. If
1376 the applicant is a partnership, each member of the partnership
1377 must be a resident of the state. If the applicant is a limited
1378 liability company, each member of the limited liability company
1379 must be a resident of the state. If the applicant is a
1380 corporation, the designated manager of the corporation must be a
1381 resident of the state.

1382 (d) That the place for which the permit is to be issued
1383 is an appropriate one considering the character of the premises
1384 and the surrounding neighborhood.

1385 (e) That the place for which the permit is to be issued
1386 is within the corporate limits of an incorporated municipality or



1387 qualified resort area or club which comes within the provisions of
1388 this article.

1389 (f) That the applicant is not indebted to the state for
1390 any taxes, fees or payment of penalties imposed by any law of the
1391 State of Mississippi or by any rule or regulation of the * * *
1392 department.

1393 (g) That the applicant is not in the habit of using
1394 alcoholic beverages to excess and is not physically or mentally
1395 incapacitated, and that the applicant has the ability to read and
1396 write the English language.

1397 (h) That the * * * department does not believe and has
1398 no reason to believe that the applicant will sell or knowingly
1399 permit any agent, servant or employee to unlawfully sell liquor in
1400 a dry area or in any other manner contrary to law.

1401 (i) That the applicant is not residentially domiciled
1402 with any person whose permit or license has been cancelled for
1403 cause within the twelve (12) months next preceding the date of the
1404 present application for a permit.

1405 (j) That the * * * department has not, in the exercise
1406 of its discretion which is reserved and preserved to it, refused
1407 to grant permits under the restrictions of this section, as well
1408 as under any other pertinent provision of this article.

1409 (k) That there are not sufficient legal reasons to deny
1410 a permit on the ground that the premises for which the permit is
1411 sought has previously been operated, used or frequented for any



1412 purpose or in any manner that is lewd, immoral or offensive to
1413 public decency. In the granting or withholding of any permit to
1414 sell alcoholic beverages at retail, the * * * department in
1415 forming its conclusions may give consideration to any
1416 recommendations made in writing by the district or county attorney
1417 or county, circuit or chancery judge of the county, or the sheriff
1418 of the county, or the mayor or chief of police of an incorporated
1419 city or town wherein the applicant proposes to conduct his
1420 business and to any recommendations made by representatives of
1421 the * * * department.

1422 (1) That the applicant and the applicant's key
1423 employees, as determined by the * * * department, do not have a
1424 disqualifying criminal record. In order to obtain a criminal
1425 record history check, the applicant shall submit to the commission
1426 a set of fingerprints from any local law enforcement agency for
1427 each person for whom the records check is required. The * * *
1428 department shall forward the fingerprints to the Mississippi
1429 Department of Public Safety. If no disqualifying record is
1430 identified at the state level, the Department of Public Safety
1431 shall forward the fingerprints to the Federal Bureau of
1432 Investigation for a national criminal history record check. Costs
1433 for processing the set or sets of fingerprints shall be borne by
1434 the applicant. The department may waive the fingerprint
1435 requirement in the case of an applicant for a direct shipper's
1436 permit. The * * * department shall not deny employment to an



1437 employee of the applicant prior to the identification of a
1438 disqualifying record or other disqualifying information.

1439 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is
1440 amended as follows:

1441 67-1-73. (1) Except as otherwise provided in subsection (3)
1442 of this section, every manufacturer, including native wine or
1443 native spirit producers, within or without the state, and every
1444 other shipper of alcoholic beverages who sells any alcoholic
1445 beverage, including native wine or native spirit, within the
1446 state, shall, at the time of making such sale, file with the
1447 department a copy of the invoice of such sale showing in detail
1448 the kind of alcoholic beverage sold, the quantities of each, the
1449 size of the container and the weight of the contents, the
1450 alcoholic content, and the name and address of the person to whom
1451 sold.

1452 (2) Except as otherwise provided in subsection (3) of this
1453 section, every person transporting alcoholic beverages, including
1454 native wine or native spirit, within this state to a point within
1455 this state, whether such transportation originates within or
1456 without this state, shall, within five (5) days after delivery of
1457 such shipment, furnish the department a copy of the bill of lading
1458 or receipt, showing the name or consignor or consignee, date,
1459 place received, destination, and quantity of alcoholic beverages
1460 delivered. Upon failure to comply with the provisions of this
1461 section, such person shall be deemed guilty of a misdemeanor and,



1462 upon conviction thereof, shall be fined in the sum of Fifty
1463 Dollars (\$50.00) for each offense.

1464 (3) Information regarding the sales, shipment, delivery and
1465 transportation of wine, distilled spirits, or wine and distilled
1466 spirits in this state by the holder of a direct shipper's permit
1467 under Sections 1 through 9 of this act shall be in such form and
1468 content as prescribed by the department.

1469 **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is
1470 amended as follows:

1471 97-31-47. It shall be unlawful for any transportation
1472 company, or any agent, employee, or officer of such company, or
1473 any other person, or corporation to transport into or deliver in
1474 this state in any manner or by any means any spirituous, vinous,
1475 malt, or other intoxicating liquors or drinks, or for any such
1476 person, company, or corporation to transport any spirituous, malt,
1477 vinous, or intoxicating liquors or drinks from one place within
1478 this state to another place within the state, or from one (1)
1479 point within this state to any point without the state, except in
1480 cases where this chapter * * *, Section 67-9-1, or Sections 1
1481 through 9 of this act authorizes the transportation.

1482 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is
1483 amended as follows:

1484 97-31-49. Except as otherwise provided in Sections 1 through
1485 9 of this act, it shall be unlawful for any person, firm or
1486 corporation in this state, in person, by letter, circular, or



1487 other printed or written matter, or in any other manner, to
1488 solicit or take order in this state for any liquors, bitters or
1489 drinks prohibited by the laws of this state to be sold, bartered,
1490 or otherwise disposed of. The inhibition of this section shall
1491 apply to such liquors, bitters and drinks, whether the parties
1492 intend that the same shall be shipped into this state from outside
1493 of the state, or from one (1) point in this state to another point
1494 in this state. If such order be in writing, parol evidence
1495 thereof is admissible without producing or accounting for the
1496 absence of the original; and the taking or soliciting of such
1497 orders is within the inhibition of this section, although the
1498 orders are subject to approval by some other person, and no part
1499 of the price is paid, nor any part of the goods is delivered when
1500 the order is taken.

1501 **SECTION 23.** Section 67-1-83, Mississippi Code of 1972, is
1502 amended as follows:

1503 67-1-83. (1) It shall be unlawful for any permittee or any
1504 employee or agent thereof to sell or furnish any alcoholic
1505 beverage to any person who is visibly intoxicated, or to any
1506 person who is known to habitually drink alcoholic beverages to
1507 excess, or to any person who is known to be an habitual user of
1508 narcotics or other habit-forming drugs. Except as otherwise
1509 provided in Section 67-1-51(1)(b), it shall also be unlawful for
1510 the holder of any package retailer's permit to sell any alcoholic
1511 beverages except by delivery in person to the purchaser at the



1512 place of business of the permittee, unless the holder of a package
1513 retailer's permit also holds a delivery service permit or uses a
1514 delivery service permittee to effect delivery.

1515 (2) It shall be unlawful for any permittee or any employee
1516 or agent thereof to sell or furnish any alcoholic beverage to any
1517 person to whom the department has, after investigation, decided to
1518 prohibit the sale of those beverages because of an appeal to the
1519 department so to do by the husband, wife, father, mother, brother,
1520 sister, child, or employer of the person. The interdiction in
1521 those cases shall last until removed by the department, but no
1522 person shall be held to have violated this subsection unless he
1523 has been informed by the department, by registered letter, that it
1524 is forbidden to sell to that individual or unless that fact is
1525 otherwise known to the permittee or its employee or agent.

1526 (3) It shall be unlawful for any holder of a package
1527 retailer's permit, or any employee or agent thereof, engaged
1528 solely in the business of package retail sales under this article
1529 to sell or furnish any alcoholic beverage before 10:00 a.m. and
1530 after 10:00 p.m. or to sell alcoholic beverages on Sunday and
1531 Christmas Day.

1532 (4) Any person who violates any of the provisions of this
1533 section shall be guilty of a misdemeanor and, upon conviction,
1534 shall be punished by a fine of not more than Five Hundred Dollars
1535 (\$500.00) or by imprisonment in the county jail for a term of not
1536 more than six (6) months, or by both that fine and imprisonment,



1537 in the discretion of the court. In addition to any other
1538 penalties prescribed by law, the commission may immediately revoke
1539 the permit of any permittee who violates the provisions of this
1540 section.

1541 **SECTION 24.** Section 67-1-67, Mississippi Code of 1972, is
1542 brought forward as follows:

1543 67-1-67. No permit shall be transferred by the permittee to
1544 any other person or any other place except with the written
1545 consent of the commission upon a regular application therefor in
1546 writing and upon consideration thereof as provided in this article
1547 for an original application for a permit. The commission shall
1548 not approve the transfer of the permit of any person against whom
1549 there is pending in the courts or before the commission any charge
1550 of keeping a disorderly house, or of violating this article or the
1551 laws against gambling in this state or against whom there is
1552 pending any proceedings for the revocation, suspension or
1553 cancellation of the permit.

1554 **SECTION 25.** This act shall take effect and be in force from
1555 and after July 1, 2024.

