

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1190: Alcoholic beverages; revise definition of "qualified resort area" under the Local Option Alcoholic Beverage Control Law.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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

39 **SECTION 1.** As used in Sections 1 through 12 of this act, the
40 following words shall have the meanings as defined in this section
41 unless the context otherwise requires:

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

43 (b) "Direct shipper" means the holder of a direct
44 shipper's permit issued by the department under Sections 1 through
45 12 of this act.

46 (c) "Common carrier" means a person that holds itself
47 out to the general public as engaged in the business of
48 transporting goods for a fee and is engaged in the business of
49 transporting and delivering alcoholic beverages from a direct
50 shipper's permittee directly to consumers in this state who are
51 twenty-one (21) years of age or older.



52 (d) "Fulfillment provider" means a person who acts on
53 behalf of a holder of a direct shipper's permit to ship wine to a
54 consumer and arranges for transport by an eligible common carrier
55 to the consumer.

56 (e) "Wine fulfillment provider permit" means a permit
57 issued by the department that authorizes a fulfillment provider to
58 ship wine to a consumer on behalf of a holder of a direct
59 shipper's permit.

60 (f) "Wine" means any product obtained from the
61 alcoholic fermentation of the juice of sound, ripe grapes, fruits
62 or berries, made in accordance with the revenue laws of the United
63 States, and containing more than five percent (5%) of alcohol by
64 weight.

65 In addition, the definitions in Section 67-1-5 shall be
66 applicable to the terms used in Sections 1 through 12 of this act
67 unless the context otherwise requires.

68 **SECTION 2.** A person must hold a permit as a direct shipper
69 issued by the department before the person may engage in selling
70 and shipping wine directly to a resident in this state. A direct
71 shipper may sell and ship wine directly to residents in this state
72 without being required to transact the sale and shipment through
73 the Alcoholic Beverage Control Division of the department. A
74 direct shipper may sell and ship wine to an address in the state
75 regardless of whether the address is in an area in which the sale



76 of alcoholic beverages is otherwise authorized or otherwise
77 prohibited by law.

78 **SECTION 3.** To qualify for a direct shipper's permit, an
79 applicant shall be a holder of a Class 2 manufacturer's permit
80 issued in accordance with Section 67-1-51, or a person licensed or
81 permitted outside of this state to engage in the activity of
82 manufacturing wine in any other state.

83 **SECTION 4.** (1) An applicant for a direct shipper's permit
84 shall:

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

88 (b) Provide to the department a copy of the applicant's
89 current license or permit to engage in the activity of
90 manufacturing wine in this or any other state; a copy of the
91 applicant's current federal basic wine manufacturing permit; and a
92 list of all products that the direct shipper intends to sell in
93 the state; and

94 (c) Pay to the department the tax prescribed in Section
95 27-71-5.

96 (2) After a person complies with the provisions of
97 subsection (1) of this section, the department may conduct any
98 investigation as it considers necessary regarding the issuance of
99 a permit, and the department shall issue a permit to the applicant
100 if the requirements of Sections 1 through 12 of this act are met.



101 (3) Only ship wine that is: (a) produced by the direct
102 shipper licensee, (b) produced by or for the direct shipper under
103 a written contract, existing at the time of shipment, with another
104 manufacturer of wine that holds a federal basic wine manufacturing
105 permit pursuant to the Federal Alcohol Administration Act, 27 USC
106 Section 201 et seq., and who is in the business of manufacturing
107 and bottling wine, or (c) exclusively produced and bottled for the
108 direct shipper by a manufacturer of wine that holds a federal
109 basic wine manufacturing permit pursuant to the Federal Alcohol
110 Administration Act, 27 USC Section 201 et seq., and who is in the
111 business of manufacturing and bottling wine.

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

113 (a) Only ship wine for which the direct shipper meets
114 either of the following criteria: (i) owns the Certificate of
115 Label Approval issued by the Alcohol and Tobacco Tax and Trade
116 Bureau or (ii) has the exclusive right to sell the wine in the
117 United States under a written contract, existing at the time of
118 shipment, with the manufacturer of wine that holds a federal basic
119 wine manufacturing permit pursuant to the Federal Alcohol
120 Administration Act, 27 USC Section 201 et seq., and is the owner
121 of the Certificate of Label Approval issued by the Alcohol and
122 Tobacco Tax and Trade Bureau;

123 (b) Ensure that all containers of wine sold and shipped
124 directly to a resident in this state are conspicuously labeled



125 with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21
126 YEARS OR OLDER REQUIRED FOR DELIVERY";

127 (c) Report to the department on an quarterly basis in a
128 manner prescribed by the department all of the following
129 information for each wine shipment into the state pursuant to
130 Sections 1 through 12 of this act:

131 (i) The name and address of the Mississippi
132 resident who placed the order;

133 (ii) For each completed shipment, evidence of
134 signature by an individual age twenty-one (21) years or older;

135 (iii) The name and license number of the common or
136 permit carrier engaged in the shipment;

137 (iv) For each shipment by a holder of a wine
138 fulfillment provider permit on behalf of the direct shipper, the
139 name and license number of the wine fulfillment provider permittee
140 engaged in the shipment;

141 (v) The date of shipment;

142 (vi) The carrier tracking number; and

143 (vii) The quantity of wine in the shipment;

144 (d) Maintain for at least three (3) years all records
145 that allow the department to ascertain the truthfulness of the
146 information filed under Sections 1 through 12 of this act;

147 (e) Allow the department to perform an audit of the
148 direct shipper's records upon request; and



149 (f) Be deemed to have consented to the jurisdiction of
150 the department or any other state agency and the state courts
151 concerning enforcement of Sections 1 through 12 of this act and
152 any related laws, rules or regulations.

153 Information reported to the department under paragraph (c) of
154 this subsection shall not be subject to disclosure under the
155 Mississippi Public Records Act of 1983.

156 (2) A direct shipper shall not:

157 (a) Sell or ship any light wine, light spirit products
158 or beer that is regulated under Section 67-3-1 et seq. or any
159 alcoholic beverage other than wine;

160 (b) Sell or ship wine that is contracted through
161 Mississippi distributors, brokers, and solicitors within the
162 state; however, this provision shall not apply to sales and
163 shipments of wine made after July 1, 2026. Wines which are very
164 limited in quantity and are commonly referred to by the broker as
165 highly allocated items noted as "Allocated Item - See Broker" on
166 the TAP Alcoholic Beverage Control Division of the Department of
167 Revenue website are eligible for sale at a package retailer and
168 also through direct shipment by a direct shipper;

169 (c) Sell or ship more than fifteen hundred (1,500)
170 nine-liter cases, or thirteen thousand five hundred (13,500)
171 liters, in total of wine in a calendar year to Mississippi
172 consumers;



173 (d) Sell or ship any wine to any residential household
174 address in Mississippi that has already received a total of nine
175 (9) nine-liter cases of wine in the calendar year. Prior to
176 shipping any wine, the direct shipper shall validate that the
177 consumer has not received their total case limit of wine for the
178 calendar year and is therefore eligible to receive a shipment of
179 wine;

180 (e) Sell or ship wine to any nonresidential address,
181 including lockers or post office boxes;

182 (f) Sell or ship wine to any address or property of a
183 public or private elementary, secondary, or post-secondary
184 educational school, including any dormitory, housing, or common
185 space located on the campus of any elementary, secondary, or
186 post-secondary educational school.

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

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

190 (b) Provides to the department a copy of his or her
191 current license or permit to engage in the activity of
192 manufacturing wine in this or any other state; and

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

195 **SECTION 7.** (1) To purchase and receive a direct shipment of
196 wine from a direct shipper, a resident of this state must be at
197 least twenty-one (21) years of age, and a person who is at least



198 twenty-one (21) years of age must sign for any wine shipped from a
199 direct shipper.

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

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

205 (4) A resident of this state shall not order, purchase, or
206 receive more than a total of nine (9) nine-liter cases of wine in
207 a calendar year to their residential household address. A holder
208 of a direct shipper's permit shall not ship any wine to any
209 household in this state that has already received direct shipments
210 of nine (9) nine-liter cases of wine in the calendar year.

211 **SECTION 8.** If any holder of a direct shipper's permit
212 violates any provision of Sections 1 through 12 of this act, the
213 department shall suspend or revoke the permit and impose civil
214 penalties as authorized under Section 67-1-1 et seq.

215 **SECTION 9.** (1) Any person who is not a common or permit
216 carrier and who does not hold a direct shipper, wholesaler,
217 retailer, manufacturer, or importer permit issued by the
218 department and who is not owned or controlled by a common or
219 permit carrier or a direct shipper, wholesaler, retailer,
220 manufacturer, or importer permittee of the department may obtain a
221 wine fulfillment provider permit from the department as provided
222 in this section. A holder of a wine fulfillment provider permit,



223 subject to compliance with all terms and provisions of Sections 1
224 through 12 of this act, may contract with a common or permit
225 carrier for the shipment of unopened containers of wine on behalf
226 of the holder of a direct shipper's permit directly to a
227 Mississippi resident who is at least twenty-one (21) years of age,
228 for personal use by the individual and not for resale.

229 (2) A person shall obtain a separate wine fulfillment
230 provider permit for each physical premises that is to be used as a
231 wine fulfillment provider before shipping wine to any Mississippi
232 resident from that premises, and shall pay an annual license fee
233 of Five Hundred Dollars (\$500.00), plus an additional One Hundred
234 Dollars (\$100.00) for each additional premises from which
235 shipments to Mississippi residents will be made.

236 (3) The holder of a wine fulfillment provider permit may
237 only provide logistics services of warehousing, packaging, order
238 fulfillment, and shipment of wine for a direct shipper permittee
239 for which the wine fulfillment provider permittee is the bailee of
240 the wine. Wine held in bailment by a wine fulfillment provider
241 permittee shall remain the property of the direct shipper
242 permittee until loaded on conveyance for direct shipment to a
243 Mississippi resident.

244 (4) A wine fulfillment provider permittee shall not ship
245 wine into or within the state from, or on behalf of, any of the
246 following:



247 (a) An unlicensed direct shipper of wine, either
248 in-state or out-of-state;

249 (b) A retailer licensed by the department;

250 (c) An out-of-state retailer; or

251 (d) A person that does not hold a direct shipper's
252 permit in the State of Mississippi.

253 (5) A wine fulfillment provider permit applicant shall
254 provide all of the following information to the department as part
255 of its application:

256 (a) The precise location or locations at which the
257 permittee will engage in logistics services for wine to be shipped
258 into the state; and

259 (b) Any other information required by the department.

260 (6) A wine fulfillment provider permittee shall do all of
261 the following:

262 (a) Annually renew its wine fulfillment provider permit
263 in a manner as established by rule of the department and pay any
264 initial and annual license fees;

265 (b) Enter into a contract with a direct wine shipper
266 permittee designating the wine fulfillment provider permittee as
267 the agent of the direct wine shipper permittee for purposes of
268 Sections 1 through 12 of this act. A wine fulfillment provider
269 permittee may not avoid liability under this section by
270 subcontracting with a third party to perform its obligations
271 pursuant to this section;



272 (c) Maintain a compliance program documenting that all
273 wine shipped by each direct shipper permittee through the wine
274 fulfillment provider permittee satisfies the requirements set
275 forth in Sections 1 through 12 of this act and any other
276 requirements set forth by the department;

277 (d) Make all commercially reasonable efforts to verify
278 the validity of each direct shipper permit prior to making any
279 shipment on behalf of the direct shipper permittee;

280 (e) Ensure all containers of wine shipped by the wine
281 fulfillment provider permittee to a Mississippi resident are
282 conspicuously labeled with the following words: "CONTAINS
283 ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR
284 DELIVERY";

285 (f) Report to the department on an quarterly basis in a
286 manner prescribed by the department all of the following
287 information for each wine shipment into the state pursuant to this
288 section:

289 (i) The name, address, and license number of the
290 direct shipper permittee and the point of origin of shipment from
291 which the wine fulfillment provider permittee received the wine,
292 if different from the address of the direct shipper permittee;

293 (ii) The name and address of the Mississippi
294 resident who placed the order;

295 (iii) For each completed shipment, evidence of
296 signature by an individual age twenty-one (21) years or older;



297 (iv) The name and license number of the common or
298 permit carrier engaged in the shipment;

299 (v) The date of shipment;

300 (vi) The carrier tracking number; and

301 (vii) The quantity of wine in the shipment; and

302 (g) Maintain for a minimum of three (3) years from the
303 date of receipt from a direct shipper permittee or the date of
304 shipment to a Mississippi resident, as applicable, and permit the
305 department and any of its designees to inspect, verify, or perform
306 an audit of all of the information listed in paragraph (f) of this
307 subsection;

308 (h) Upon violation of Sections 1 through 12 of this act
309 or a rule of the department, be subject to a civil penalty imposed
310 by the department by administrative proceedings that apply to
311 alcoholic beverage licenses, as follows:

312 (i) For the first violation, a civil penalty not
313 to exceed Five Hundred Dollars (\$500.00);

314 (ii) For a second violation, a civil penalty not
315 to exceed Three Thousand Dollars (\$3,000.00);

316 (iii) A third or any subsequent violation may
317 result in suspension or revocation of ability to operate in this
318 state and/or a civil penalty not to exceed Six Thousand Dollars
319 (\$6,000.00); and



320 (i) Be deemed to have consented to the jurisdiction of
321 the department and the other state agencies and the state courts
322 concerning enforcement of Sections 1 through 12 of this act.

323 (7) Any fines or fees received by the department under this
324 section shall be used by the department in order to perform its
325 regulatory duties.

326 **SECTION 10.** (1) Shipments of wine into this state under
327 Sections 1 through 12 of this act shall be made by a duly licensed
328 carrier. A common carrier shall not deliver a shipment of wine to
329 a consumer unless the carrier has verified the validity of the
330 direct shipper's permit and fulfillment provider's permit prior to
331 accepting shipment. A carrier may consider a direct shipper's
332 permit to be valid for the remainder of the stated permit period
333 unless notified otherwise by the department. Any failure to
334 verify the validity of a direct shipper's permit may result in the
335 suspension of the common carrier's license to operate in the state
336 or the imposition of any other penalty as follows: (i) for the
337 first violation, a civil penalty not to exceed Five Hundred
338 Dollars (\$500.00); (ii) for a second violation, a civil penalty
339 not to exceed Three Thousand Dollars (\$3,000.00); (iii) a third or
340 any subsequent violation may result in suspension or revocation of
341 ability to operate in this state and/or a civil penalty not to
342 exceed Six Thousand Dollars (\$6,000.00).

343 (2) It shall be the duty of every common or contract
344 carrier, and of every firm or corporation that shall bring, carry



345 or transport wine from outside the state for delivery inside the
346 state to consumers to prepare and file reports with the
347 department, on a schedule as determined by the department, of
348 known wine shipments. Such reports shall contain: (a) the name
349 of the common or contract carrier, firm or corporation making the
350 report; (b) the period of time covered by said report; (c) the
351 name and business address of the person who directed the common
352 carrier to make the shipment; (d) the name and permit number of
353 the direct shipper; (e) the name and address of each consignee
354 receiving such wine; (f) the weight of the shipment delivered to
355 each consignee; (g) the common carrier's unique tracking number
356 for the package; and (h) the date of delivery. Reports received
357 by the department shall be made available by the department to the
358 public via the Mississippi Public Records Act process in the same
359 manner as other state alcohol filings.

360 (3) Upon the department's request, any records supporting
361 the report shall be made available to the department within a
362 reasonable time after the department makes a written request for
363 such records. Any records containing information relating to such
364 reports, including the signatures of the individual who physically
365 received the shipment, shall be kept and preserved for a period of
366 three (3) years, unless their destruction sooner is authorized, in
367 writing, by the department, and shall be open and available to
368 inspection by the department upon the department's written
369 request. Reports shall also be made available to any law



370 enforcement or regulatory body in the state in which the railroad
371 company, express company, common or contract carrier making the
372 report resides or does business.

373 (4) Any common or contract carrier that fails to make
374 reports, as provided by this section or any of the rules and
375 regulations of the department for the administration and
376 enforcement of this section is subject to penalties as follows:
377 (a) for the first violation, a civil penalty not to exceed Five
378 Hundred Dollars (\$500.00); (b) for a second violation, a civil
379 penalty not to exceed Three Thousand Dollars (\$3,000.00); (c) a
380 third or any subsequent violation may result in suspension or
381 revocation of ability to operate in this state and/or a civil
382 penalty not to exceed Six Thousand Dollars (\$6,000.00).

383 **SECTION 11.** The department may adopt any rules or
384 regulations as necessary to carry out Sections 1 through 12 of
385 this act. All of the enforcement provisions of Section 67-1-1 et
386 seq., that are not in conflict with Sections 1 through 12 of this
387 act may be used by the department to enforce the provisions of
388 Sections 1 through 12 of this act.

389 **SECTION 12.** Every two (2) years, the department shall
390 present a written report to the Governor and the Legislature that
391 shall be based on a study of the business of soliciting, selling,
392 and shipping wine from inside and outside of this state directly
393 to residents of this state pursuant to Sections 1 through 12 of



394 this act. As part of its report, the department shall provide the
395 following information for the preceding two (2) years:

396 (a) The amount of state excise tax and sales tax
397 revenues generated;

398 (b) The amount of licensing fees received;

399 (c) The number of cases of wine shipped from inside and
400 outside of this state directly to residents of this state,
401 respectively;

402 (d) The number of alcohol compliance operations
403 conducted;

404 (e) The number of new direct shipper permits issued;

405 (f) The number of direct shipper permits renewed;

406 (g) The number of direct shipper permits that lapsed or
407 expired without renewal; and

408 (h) The number of each of the following:

409 (i) Reported violations,

410 (ii) Cease and desist notices issued by the
411 department,

412 (iii) Civil fines issued to a permittee by the
413 department,

414 (iv) Suspensions and revocations of permits, and

415 (v) Notices and complaints of violations to law
416 enforcement officials, including, without limitation, the Attorney
417 General and U.S. Department of Treasury's Alcohol and Tobacco Tax
418 and Trade Bureau.



419 **SECTION 13.** If any provision of this act, or its application
420 to any person or circumstance, is determined by a court to be
421 invalid or unconstitutional, the remaining provisions shall be
422 construed in accordance with the intent of the Legislature to
423 further limit rather than expand commerce in alcoholic beverages
424 to protect the health, safety, and welfare of the state's
425 residents, and to enhance strict regulatory control over taxation,
426 distribution and sale of alcoholic beverages through the
427 three-tier regulatory system imposed by this article upon all
428 alcoholic beverages to curb relationships and practices calculated
429 to stimulate sales and impair the state's policy favoring trade
430 stability and the promotion of temperance.

431 **SECTION 14.** Section 27-71-5, Mississippi Code of 1972, as
432 amended by Senate Bill No. 2567, 2024 Regular Session, is amended
433 as follows:

434 27-71-5. (1) Upon each person approved for a permit under
435 the provisions of the Alcoholic Beverage Control Law and
436 amendments thereto, there is levied and imposed for each location
437 for the privilege of engaging and continuing in this state in the
438 business authorized by such permit, an annual privilege license
439 tax in the amount provided in the following schedule:

440 (a) Except as otherwise provided in this subsection
441 (1), manufacturer's permit, Class 1, distiller's and/or
442 rectifier's:

443 (i) For a permittee with annual production of



444 five thousand (5,000) gallons or more.....\$4,500.00
 445 (ii) For a permittee with annual production under
 446 five thousand (5,000) gallons.....\$2,800.00
 447 (b) Manufacturer's permit, Class 2, wine
 448 manufacturer.....\$1,800.00
 449 (c) Manufacturer's permit, Class 3, native wine
 450 manufacturer per ten thousand (10,000) gallons or part thereof
 451 produced.....\$ 10.00
 452 (d) Manufacturer's permit, Class 4, native spirit
 453 manufacturer per one thousand (1,000) gallons or part thereof
 454 produced.....\$ 300.00
 455 (e) Native wine retailer's permit.....\$ 50.00
 456 (f) Package retailer's permit, each.....\$ 900.00
 457 (g) On-premises retailer's permit, except for clubs and
 458 common carriers, each.....\$ 450.00
 459 (h) On-premises retailer's permit for wine of more than
 460 five percent (5%) alcohol by weight, but not more than twenty-one
 461 percent (21%) alcohol by weight, each.....\$ 225.00
 462 (i) On-premises retailer's permit for clubs...\$ 225.00
 463 (j) On-premises retailer's permit for common carriers,
 464 per car, plane, or other vehicle.....\$ 120.00
 465 (k) Solicitor's permit, regardless of any other
 466 provision of law, solicitor's permits shall be issued only in the
 467 discretion of the department.....\$ 100.00



468	(l)	Filing fee for each application except for an	
469		employee identification card.....	\$ 25.00
470	(m)	Temporary permit, Class 1, each.....	\$ 10.00
471	(n)	Temporary permit, Class 2, each.....	\$ 50.00
472	(o)	(i) Caterer's permit.....	\$ 600.00
473		(ii) Caterer's permit for holders of on-premises	
474		retailer's permit.....	\$ 150.00
475	(p)	Research permit.....	\$ 100.00
476	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
477	(r)	Special service permit.....	\$ 225.00
478	(s)	Merchant permit.....	\$ 225.00
479	(t)	Temporary alcoholic beverages charitable auction	
480		permit.....	\$ 10.00
481	(u)	Event venue retailer's permit.....	\$ 225.00
482	(v)	Temporary theatre permit, each.....	\$ 10.00
483	(w)	Charter ship operator's permit.....	\$ 100.00
484	(x)	Distillery retailer's permit.....	\$ 450.00
485	(y)	Festival wine permit.....	\$ 10.00
486	(z)	Charter vessel operator's permit.....	\$ 100.00
487	(aa)	Native spirit retailer's permit.....	\$ 50.00
488	(ab)	Delivery service permit.....	\$ 500.00
489	(ac)	Food truck permit.....	\$ 100.00
490	(ad)	On-premises tobacco permit.....	\$ 450.00
491	(ae)	<u>Direct shipper's permit.....</u>	<u>\$ 100.00</u>
492	(af)	<u>Wine fulfillment provider permit.....</u>	<u>\$ 500.00</u>



493 In addition to the filing fee imposed by paragraph (1) of
494 this subsection, a fee to be determined by the Department of
495 Revenue may be charged to defray costs incurred to process
496 applications. The additional fees shall be paid into the State
497 Treasury to the credit of a special fund account, which is hereby
498 created, and expenditures therefrom shall be made only to defray
499 the costs incurred by the Department of Revenue in processing
500 alcoholic beverage applications. Any unencumbered balance
501 remaining in the special fund account on June 30 of any fiscal
502 year shall lapse into the State General Fund.

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

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

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



518 (b) (i) In addition to the tax imposed in paragraph
519 (a) of this subsection, there is imposed and shall be collected by
520 the department from each permittee described in subsection (1)(g),
521 (h), (i), (n) and (u) of this section, an additional license tax
522 for the privilege of doing business within any municipality or
523 county in which the licensee is located in the amount of Two
524 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
525 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
526 (\$225.00) for each additional purchase of Five Thousand Dollars
527 (\$5,000.00), or fraction thereof.

528 (ii) In addition to the tax imposed in paragraph
529 (a) of this subsection, there is imposed and shall be collected by
530 the department from each permittee described in subsection (1)(o)
531 and (s) of this section, an additional license tax for the
532 privilege of doing business within any municipality or county in
533 which the licensee is located in the amount of Two Hundred Fifty
534 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
535 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
536 additional purchase of Five Thousand Dollars (\$5,000.00), or
537 fraction thereof.

538 (iii) Any person who has paid the additional
539 privilege license tax imposed by this paragraph, and whose permit
540 is renewed, may add any unused fraction of Five Thousand Dollars
541 (\$5,000.00) purchases to the first Five Thousand Dollars
542 (\$5,000.00) purchases authorized by the renewal permit, and no



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

545 (c) If the licensee is located within a municipality,
546 the department shall pay the amount of additional license tax
547 collected under this section to the municipality, and if outside a
548 municipality the department shall pay the additional license tax
549 to the county in which the licensee is located. Payments by the
550 department to the respective local government subdivisions shall
551 be made once each month for any collections during the preceding
552 month.

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

559 (4) The number of permits issued by the department shall not
560 be restricted or limited on a population basis; however, the
561 foregoing limitation shall not be construed to preclude the right
562 of the department to refuse to issue a permit because of the
563 undesirability of the proposed location.

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



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

572 (6) It shall be unlawful for any person to consume alcoholic
573 beverages on the premises of any hotel restaurant, restaurant,
574 club or the interior of any public place defined in Chapter 1,
575 Title 67, Mississippi Code of 1972, when the owner or manager
576 thereof displays in several conspicuous places inside the
577 establishment and at the entrances of establishment a sign
578 containing the following language: NO ALCOHOLIC BEVERAGES
579 ALLOWED.

580 **SECTION 15.** Section 27-71-7, Mississippi Code of 1972, is
581 amended as follows:

582 27-71-7. (1) There is hereby levied and assessed an excise
583 tax upon each case of alcoholic beverages sold by the department
584 to be collected from each retail licensee at the time of sale in
585 accordance with the following schedule:

586 (a) Distilled spirits.....\$2.50 per
587 gallon

588 (b) Sparkling wine and champagne.....\$1.00 per
589 gallon

590 (c) Other wines, including native wines...\$.35 per
591 gallon



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

599 (b) Until June 30, 1987, the revenue derived from this
600 three percent (3%) markup shall be deposited by the division in
601 the State Treasury to the credit of the "Alcoholism Treatment and
602 Rehabilitation Fund," a special fund which is hereby created in
603 the State Treasury, and shall be used by the Division of Alcohol
604 and Drug Abuse of the State Department of Mental Health and public
605 or private centers or organizations solely for funding of
606 treatment and rehabilitation programs for alcoholics and alcohol
607 abusers which are sponsored by the division or public or private
608 centers or organizations in such amounts as the Legislature may
609 appropriate to the division for use by the division or public or
610 private centers or organizations for such programs. Any tax
611 revenue in the fund which is not encumbered at the end of the
612 fiscal year shall lapse to the General Fund. It is the intent of
613 the Legislature that the State Department of Mental Health shall
614 continue to seek funds from other sources and shall use the funds
615 appropriated for the purposes of this section and Section 27-71-29



616 to match all federal funds which may be available for alcoholism
617 treatment and rehabilitation.

618 From and after July 1, 1987, the revenue derived from this
619 three percent (3%) markup shall be deposited by the division in
620 the State Treasury to the credit of the "Mental Health Programs
621 Fund," a special fund which is hereby created in the State
622 Treasury and shall be used by the State Department of Mental
623 Health for the service programs of the department. Any revenue in
624 the "Alcoholism Treatment and Rehabilitation Fund" which is not
625 encumbered at the end of Fiscal Year 1987 shall be deposited to
626 the credit of the "Mental Health Programs Fund."

627 (3) There is levied and assessed upon the holder of a direct
628 shipper's permit, a tax in the amount of eighteen percent (18%) of
629 the sales price of each sale and shipment of wine made to a
630 resident in this state. The holder of a direct shipper's permit
631 shall file a monthly report with the department along with a copy
632 of the invoice for each sale and shipment of wine and remit any
633 taxes due; however, no report shall be required for months in
634 which no sales or shipments were made into this state. The
635 report, together with copies of the invoices and the payment of
636 all taxes, shall be filed with the department not later than the
637 twentieth day of the month following the month in which the
638 shipment was made. Permittees who fail to timely file and pay
639 taxes as required by this subsection shall pay a late fee in the
640 amount of Five Hundred Dollars (\$500.00), and the department shall



641 suspend the direct shipper's permit until all outstanding taxes
642 are paid in full, for a first offense. Upon a second offense, the
643 department shall revoke the direct shipper's permit.

644 **SECTION 16.** Section 27-71-15, Mississippi Code of 1972, is
645 amended as follows:

646 27-71-15. Except as otherwise provided in Section 67-9-1 for
647 the transportation of limited amounts of alcoholic beverages for
648 the use of an alcohol processing permittee, and in Sections 1
649 through 12 of this act for the sale and shipment of wine by the
650 holder of a direct shipper's permit, if transportation requires
651 passage through a county which has not authorized the sale of
652 alcoholic beverages, such transportation shall be by a sealed
653 vehicle. Such seal shall remain unbroken until the vehicle shall
654 reach the place of business operated by the permittee. The
655 operator of any vehicle transporting alcoholic beverages shall
656 have in his possession an invoice issued by the * * * department
657 at the time of the wholesale sale covering the merchandise
658 transported by the vehicle. The * * * department is authorized to
659 issue regulations controlling the transportation of alcoholic
660 beverages.

661 When the restrictions imposed by this section and by the
662 regulation of the * * * department have not been violated, the
663 person transporting alcoholic beverages through a county wherein
664 the sale of alcoholic beverages is prohibited shall not be guilty



665 of unlawful possession and such merchandise shall be immune from
666 seizure.

667 **SECTION 17.** Section 27-71-29, Mississippi Code of 1972, is
668 amended as follows:

669 27-71-29. (1) All taxes levied by this article shall be
670 paid to the Department of Revenue in cash or by personal check,
671 cashier's check, bank exchange, post office money order or express
672 money order and shall be deposited by the department in the State
673 Treasury on the same day collected, but no remittances other than
674 cash shall be a final discharge of liability for the tax herein
675 imposed and levied unless and until it has been paid in cash to
676 the department.

677 All taxes levied under Section 27-71-7(1) and received by the
678 department under this article shall be paid into the General Fund,
679 and the three percent (3%) levied under Section 27-71-7(2) and
680 received by the department under this article shall be paid into
681 the special fund in the State Treasury designated as the
682 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
683 Any funds derived from the sale of alcoholic beverages in excess
684 of inventory requirements shall be paid not less often than
685 annually into the General Fund, except for a portion of the
686 twenty-seven and one-half percent (27-1/2%) markup provided for in
687 Section 27-71-11, as specified in subsection (2) of this section,
688 and except for fees charged by the department for the defraying of
689 costs associated with shipping alcoholic beverages. The revenue



690 derived from these fees shall be deposited by the department into
691 a special fund, hereby created in the State Treasury, which is
692 designated the "ABC Shipping Fund." The monies in this special
693 fund shall be earmarked for use by the department for any
694 expenditure made to ship alcoholic beverages. Any net proceeds
695 remaining in the special fund on August 1 of any fiscal year shall
696 lapse into the General Fund. "Net proceeds" in this section means
697 the total of all fees collected by the department to defray the
698 costs of shipping less the actual costs of shipping.

699 (2) If the special bond sinking fund created in Section 7(3)
700 of Chapter 483, Laws of 2022 has a balance below the minimum
701 amount specified in the resolution providing for the issuance of
702 the bonds, or below one and one-half (1-1/2) times the amount
703 needed to pay the annual debt obligations related to the bonds
704 issued under Section 7 of Chapter 483, Laws of 2022, whichever is
705 the lesser amount, the Commissioner of Revenue shall transfer the
706 deficit amount to the bond sinking fund from revenue derived from
707 the twenty-seven and one-half percent (27-1/2%) markup provided
708 for in Section 27-71-11.

709 (3) All taxes levied under Section 27-71-7(3) and received
710 by the department under this article shall be paid into the
711 General Fund, except for an amount equivalent to the three percent
712 (3%) levied under Section 27-71-7(2), which shall be paid into the
713 special fund in the State Treasury designated as the "Mental
714 Health Programs Fund" as required by law.



715 **SECTION 18.** Section 67-1-41, Mississippi Code of 1972, is
716 amended as follows:

717 67-1-41. (1) The department is hereby created a wholesale
718 distributor and seller of alcoholic beverages, not including malt
719 liquors, within the State of Mississippi. It is granted the right
720 to import and sell alcoholic beverages at wholesale within the
721 state, and no person who is granted the right to sell, distribute
722 or receive alcoholic beverages at retail shall purchase any
723 alcoholic beverages from any source other than the department,
724 except as authorized in subsections (4), (9) and (12) of this
725 section and Sections 1 through 12 of this act. The department may
726 establish warehouses, and the department may purchase alcoholic
727 beverages in such quantities and from such sources as it may deem
728 desirable and sell the alcoholic beverages to authorized
729 permittees within the state including, at the discretion of the
730 department, any retail distributors operating within any military
731 post or qualified resort areas within the boundaries of the state,
732 keeping a correct and accurate record of all such transactions and
733 exercising such control over the distribution of alcoholic
734 beverages as seem right and proper in keeping with the provisions
735 or purposes of this article.

736 (2) No person for the purpose of sale shall manufacture,
737 distill, brew, sell, possess, export, transport, distribute,
738 warehouse, store, solicit, take orders for, bottle, rectify,
739 blend, treat, mix or process any alcoholic beverage except in



740 accordance with authority granted under this article, or as
741 otherwise provided by law for native wines or native spirits.

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

746 (4) The department may promulgate rules and regulations
747 which authorize on-premises retailers to purchase limited amounts
748 of alcoholic beverages from package retailers and for package
749 retailers to purchase limited amounts of alcoholic beverages from
750 other package retailers. The department shall develop and provide
751 forms to be completed by the on-premises retailers and the package
752 retailers verifying the transaction. The completed forms shall be
753 forwarded to the department within a period of time prescribed by
754 the department.

755 (5) The department may promulgate rules which authorize the
756 holder of a package retailer's permit to permit individual retail
757 purchasers of packages of alcoholic beverages to return, for
758 exchange, credit or refund, limited amounts of original sealed and
759 unopened packages of alcoholic beverages purchased by the
760 individual from the package retailer.

761 (6) The department shall maintain all forms to be completed
762 by applicants necessary for licensure by the department at all
763 district offices of the department.



764 (7) The department may promulgate rules which authorize the
765 manufacturer of an alcoholic beverage or wine to import, transport
766 and furnish or give a sample of alcoholic beverages or wines to
767 the holders of package retailer's permits, on-premises retailer's
768 permits, native wine or native spirit retailer's permits and
769 temporary retailer's permits who have not previously purchased the
770 brand of that manufacturer from the department. For each holder
771 of the designated permits, the manufacturer may furnish not more
772 than five hundred (500) milliliters of any brand of alcoholic
773 beverage and not more than three (3) liters of any brand of wine.

774 (8) The department may promulgate rules disallowing open
775 product sampling of alcoholic beverages or wines by the holders of
776 package retailer's permits and permitting open product sampling of
777 alcoholic beverages by the holders of on-premises retailer's
778 permits. Permitted sample products shall be plainly identified
779 "sample" and the actual sampling must occur in the presence of the
780 manufacturer's representatives during the legal operating hours of
781 on-premises retailers.

782 (9) The department may promulgate rules and regulations that
783 authorize the holder of a research permit to import and purchase
784 limited amounts of alcoholic beverages from importers, wineries
785 and distillers of alcoholic beverages or from the department. The
786 department shall develop and provide forms to be completed by the
787 research permittee verifying each transaction. The completed
788 forms shall be forwarded to the department within a period of time



789 prescribed by the department. The records and inventory of
790 alcoholic beverages shall be open to inspection at any time by the
791 Director of the Alcoholic Beverage Control Division or any duly
792 authorized agent.

793 (10) The department may promulgate rules facilitating a
794 retailer's on-site pickup of alcoholic beverages sold by the
795 department or as authorized by the department, including, but not
796 limited to, native wines and native spirits, so that those
797 alcoholic beverages may be delivered to the retailer at the
798 manufacturer's location instead of via shipment from the
799 department's warehouse.

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

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

806 (12) (a) An individual resident of this state who is at
807 least twenty-one (21) years of age may purchase wine from a winery
808 and have the purchase shipped into this state so long as it is
809 shipped to a package retailer permittee in Mississippi; however,
810 the permittee shall pay to the department all taxes, fees and
811 surcharges on the wine that are imposed upon the sale of wine
812 shipped by the department or its warehouse operator. No credit
813 shall be provided to the permittee for any taxes paid to another



814 state as a result of the transaction. Package retailers may
815 charge a service fee for receiving and handling shipments from
816 wineries on behalf of the purchasers. The department shall
817 develop and provide forms to be completed by the package retailer
818 permittees verifying the transaction. The completed forms shall
819 be forwarded to the department within a period of time prescribed
820 by the department.

821 (b) The purchaser of wine that is to be shipped to a
822 package retailer's store shall be required to get the prior
823 approval of the package retailer before any wine is shipped to the
824 package retailer. A purchaser is limited to no more than ten (10)
825 cases of wine per year to be shipped to a package retailer. A
826 package retailer shall notify a purchaser of wine within two (2)
827 days after receiving the shipment of wine. If the purchaser of
828 the wine does not pick up or take the wine from the package
829 retailer within thirty (30) days after being notified by the
830 package retailer, the package retailer may sell the wine as part
831 of his inventory.

832 (c) Shipments of wine into this state under this
833 section shall be made by a duly licensed carrier. It shall be the
834 duty of every common or contract carrier, and of every firm or
835 corporation that shall bring, carry or transport wine from outside
836 the state for delivery inside the state to package retailer
837 permittees on behalf of consumers, to prepare and file with the
838 department, on a schedule as determined by the department, of



839 known wine shipments containing the name of the common or contract
840 carrier, firm or corporation making the report, the period of time
841 covered by said report, the name and permit number of the winery,
842 the name and permit number of the package retailer permittee
843 receiving such wine, the weight of the package delivered to each
844 package retailer permittee, a unique tracking number, and the date
845 of delivery. Reports received by the department shall be made
846 available by the department to the public via the Mississippi
847 Public Records Act process in the same manner as other state
848 alcohol filings.

849 Upon the department's request, any records supporting the
850 report shall be made available to the department within a
851 reasonable time after the department makes a written request for
852 such records. Any records containing information relating to such
853 reports shall be kept and preserved for a period of two (2) years,
854 unless their destruction sooner is authorized, in writing, by the
855 department, and shall be open and available to inspection by the
856 department upon the department's written request. Reports shall
857 also be made available to any law enforcement or regulatory body
858 in the state in which the railroad company, express company,
859 common or contract carrier making the report resides or does
860 business.

861 Any common or contract carrier that willfully fails to make
862 reports, as provided by this section or any of the rules and
863 regulations of the department for the administration and



864 enforcement of this section, is subject to a notification of
865 violation. In the case of a continuing failure to make reports,
866 the common or contract carrier is subject to possible license
867 suspension and revocation at the department's discretion.

868 (d) A winery that ships wine under this section shall
869 be deemed to have consented to the jurisdiction of the courts of
870 this state, of the department, of any other state agency regarding
871 the enforcement of this section, and of any related law, rules or
872 regulations.

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

879 (13) If any provision of this article, or its application to
880 any person or circumstance, is determined by a court to be invalid
881 or unconstitutional, the remaining provisions shall be construed
882 in accordance with the intent of the Legislature to further limit
883 rather than expand commerce in alcoholic beverages to protect the
884 health, safety, and welfare of the state's residents, and to
885 enhance strict regulatory control over taxation, distribution and
886 sale of alcoholic beverages through the three-tier regulatory
887 system imposed by this article upon all alcoholic beverages to
888 curb relationships and practices calculated to stimulate sales and



889 impair the state's policy favoring trade stability and the
890 promotion of temperance.

891 **SECTION 19.** Section 67-1-45, Mississippi Code of 1972, is
892 amended as follows:

893 67-1-45. No manufacturer, rectifier or distiller of
894 alcoholic beverages shall sell or attempt to sell any such
895 alcoholic beverages, except malt liquor, within the State of
896 Mississippi, except to the department, or as provided in Section
897 67-1-41, or pursuant to Section 67-1-51. A producer of native
898 wine or native spirit may sell native wines or native spirits,
899 respectively, to the department or to consumers at the location of
900 the native winery or native distillery or its immediate vicinity.
901 The holder of a direct shipper's permit may sell wines directly to
902 residents in this state as authorized by Sections 1 through 12 of
903 this act.

904 Any violation of this section by any manufacturer, rectifier
905 or distiller shall be punished by a fine of not less than Five
906 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars
907 (\$2,000.00), to which may be added imprisonment in the county jail
908 not to exceed six (6) months.

909 **SECTION 20.** Section 67-1-51, Mississippi Code of 1972, as
910 amended by House Bill 1525, 2024 Regular Session, and Senate Bill
911 No. 2567, 2024 Regular Session, is amended as follows:

912 67-1-51. (1) Permits which may be issued by the department
913 shall be as follows:



914 (a) **Manufacturer's permit.** A manufacturer's permit
915 shall permit the manufacture, importation in bulk, bottling and
916 storage of alcoholic liquor and its distribution and sale to
917 manufacturers holding permits under this article in this state and
918 to persons outside the state who are authorized by law to purchase
919 the same, and to sell as provided by this article.

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

921 Class 1. Distiller's and/or rectifier's permit, which shall
922 authorize the holder thereof to operate a distillery for the
923 production of distilled spirits by distillation or redistillation
924 and/or to operate a rectifying plant for the purifying, refining,
925 mixing, blending, flavoring or reducing in proof of distilled
926 spirits and alcohol.

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

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

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

936 (b) **Package retailer's permit.** Except as otherwise
937 provided in this paragraph and Section 67-1-52, a package
938 retailer's permit shall authorize the holder thereof to operate a



939 store exclusively for the sale at retail in original sealed and
940 unopened packages of alcoholic beverages, including native wines,
941 native spirits and edibles, not to be consumed on the premises
942 where sold. Alcoholic beverages shall not be sold by any retailer
943 in any package or container containing less than fifty (50)
944 milliliters by liquid measure. A package retailer's permit, with
945 prior approval from the department, shall authorize the holder
946 thereof to sample new product furnished by a manufacturer's
947 representative or his employees at the permitted place of business
948 so long as the sampling otherwise complies with this article and
949 applicable department regulations. Such samples may not be
950 provided to customers at the permitted place of business. In
951 addition to the sale at retail of packages of alcoholic beverages,
952 the holder of a package retailer's permit is authorized to sell at
953 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
954 other beverages commonly used to mix with alcoholic beverages, and
955 fruits and foods that have been submerged in alcohol and are
956 commonly referred to as edibles. Nonalcoholic beverages sold by
957 the holder of a package retailer's permit shall not be consumed on
958 the premises where sold.

959 (c) **On-premises retailer's permit.** Except as otherwise
960 provided in subsection (5) of this section, an on-premises
961 retailer's permit shall authorize the sale of alcoholic beverages,
962 including native wines and native spirits, for consumption on the
963 licensed premises only; however, a patron of the permit holder may



964 remove one (1) bottle of wine from the licensed premises if: (i)
965 the patron consumed a portion of the bottle of wine in the course
966 of consuming a meal purchased on the licensed premises; (ii) the
967 permit holder securely reseals the bottle; (iii) the bottle is
968 placed in a bag that is secured in a manner so that it will be
969 visibly apparent if the bag is opened; and (iv) a dated receipt
970 for the wine and the meal is available. Additionally, as part of
971 a carryout order, a permit holder may sell one (1) bottle of wine
972 to be removed from the licensed premises for every two (2) entrees
973 ordered. In addition, an on-premises retailer's permittee at a
974 permitted premises located on Jefferson Davis Avenue within
975 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
976 beverages by the glass to a patron in a vehicle using a
977 drive-through method of delivery if the permitted premises is
978 located in a leisure and recreation district established under
979 Section 67-1-101. Such a sale will be considered to be made on
980 the permitted premises. An on-premises retailer's permit shall be
981 issued only to qualified hotels, restaurants and clubs, small
982 craft breweries, microbreweries, and to common carriers with
983 adequate facilities for serving passengers. In resort areas,
984 however, whether inside or outside of a municipality, the
985 department, in its discretion, may issue on-premises retailer's
986 permits to any establishments located therein as it deems proper.
987 An on-premises retailer's permit when issued to a common carrier
988 shall authorize the sale and serving of alcoholic beverages aboard



989 any licensed vehicle while moving through any county of the state;
990 however, the sale of such alcoholic beverages shall not be
991 permitted while such vehicle is stopped in a county that has not
992 legalized such sales. If an on-premises retailer's permit is
993 applied for by a common carrier operating solely in the water,
994 such common carrier must, along with all other qualifications for
995 a permit, (i) be certified to carry at least one hundred fifty
996 (150) passengers and/or provide overnight accommodations for at
997 least fifty (50) passengers and (ii) operate primarily in the
998 waters within the State of Mississippi which lie adjacent to the
999 State of Mississippi south of the three (3) most southern counties
1000 in the State of Mississippi and/or on the Mississippi River or
1001 navigable waters within any county bordering on the Mississippi
1002 River.

1003 (d) **Solicitor's permit.** A solicitor's permit shall
1004 authorize the holder thereof to act as salesman for a manufacturer
1005 or wholesaler holding a proper permit, to solicit on behalf of his
1006 employer orders for alcoholic beverages, and to otherwise promote
1007 his employer's products in a legitimate manner. Such a permit
1008 shall authorize the representation of and employment by one (1)
1009 principal only. However, the permittee may also, in the
1010 discretion of the department, be issued additional permits to
1011 represent other principals. No such permittee shall buy or sell
1012 alcoholic beverages for his own account, and no such beverage
1013 shall be brought into this state in pursuance of the exercise of



1014 such permit otherwise than through a permit issued to a wholesaler
1015 or manufacturer in the state.

1016 (e) **Native wine retailer's permit.** Except as otherwise
1017 provided in subsection (5) of this section, a native wine
1018 retailer's permit shall be issued only to a holder of a Class 3
1019 manufacturer's permit, and shall authorize the holder thereof to
1020 make retail sales of native wines to consumers for on-premises
1021 consumption or to consumers in originally sealed and unopened
1022 containers at an establishment located on the premises of or in
1023 the immediate vicinity of a native winery. When selling to
1024 consumers for on-premises consumption, a holder of a native wine
1025 retailer's permit may add to the native wine alcoholic beverages
1026 not produced on the premises, so long as the total volume of
1027 foreign beverage components does not exceed twenty percent (20%)
1028 of the mixed beverage. Hours of sale shall be the same as those
1029 authorized for on-premises permittees in the city or county in
1030 which the native wine retailer is located.

1031 (f) **Temporary retailer's permit.** Except as otherwise
1032 provided in subsection (5) of this section, a temporary retailer's
1033 permit shall permit the purchase and resale of alcoholic
1034 beverages, including native wines and native spirits, during legal
1035 hours on the premises described in the temporary permit only.

1036 Temporary retailer's permits shall be of the following
1037 classes:



1038 Class 1. A temporary one-day permit may be issued to bona
1039 fide nonprofit civic or charitable organizations authorizing the
1040 sale of alcoholic beverages, including native wine and native
1041 spirit, for consumption on the premises described in the temporary
1042 permit only. Class 1 permits may be issued only to applicants
1043 demonstrating to the department, by a statement signed under
1044 penalty of perjury submitted ten (10) days prior to the proposed
1045 date or such other time as the department may determine, that they
1046 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1047 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1048 Class 1 permittees shall obtain all alcoholic beverages from
1049 package retailers located in the county in which the temporary
1050 permit is issued. Alcoholic beverages remaining in stock upon
1051 expiration of the temporary permit may be returned by the
1052 permittee to the package retailer for a refund of the purchase
1053 price upon consent of the package retailer or may be kept by the
1054 permittee exclusively for personal use and consumption, subject to
1055 all laws pertaining to the illegal sale and possession of
1056 alcoholic beverages. The department, following review of the
1057 statement provided by the applicant and the requirements of the
1058 applicable statutes and regulations, may issue the permit.

1059 Class 2. A temporary permit, not to exceed seventy (70)
1060 days, may be issued to prospective permittees seeking to transfer
1061 a permit authorized in paragraph (c) of this subsection. A Class
1062 2 permit may be issued only to applicants demonstrating to the



1063 department, by a statement signed under the penalty of perjury,
1064 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1065 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1066 67-1-59. The department, following a preliminary review of the
1067 statement provided by the applicant and the requirements of the
1068 applicable statutes and regulations, may issue the permit.

1069 Class 2 temporary permittees must purchase their alcoholic
1070 beverages directly from the department or, with approval of the
1071 department, purchase the remaining stock of the previous
1072 permittee. If the proposed applicant of a Class 1 or Class 2
1073 temporary permit falsifies information contained in the
1074 application or statement, the applicant shall never again be
1075 eligible for a retail alcohol beverage permit and shall be subject
1076 to prosecution for perjury.

1077 Class 3. A temporary one-day permit may be issued to a
1078 retail establishment authorizing the complimentary distribution of
1079 wine, including native wine, to patrons of the retail
1080 establishment at an open house or promotional event, for
1081 consumption only on the premises described in the temporary
1082 permit. A Class 3 permit may be issued only to an applicant
1083 demonstrating to the department, by a statement signed under
1084 penalty of perjury submitted ten (10) days before the proposed
1085 date or such other time as the department may determine, that it
1086 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1087 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.



1088 A Class 3 permit holder shall obtain all alcoholic beverages from
1089 the holder(s) of a package retailer's permit located in the county
1090 in which the temporary permit is issued. Wine remaining in stock
1091 upon expiration of the temporary permit may be returned by the
1092 Class 3 temporary permit holder to the package retailer for a
1093 refund of the purchase price, with consent of the package
1094 retailer, or may be kept by the Class 3 temporary permit holder
1095 exclusively for personal use and consumption, subject to all laws
1096 pertaining to the illegal sale and possession of alcoholic
1097 beverages. The department, following review of the statement
1098 provided by the applicant and the requirements of the applicable
1099 statutes and regulations, may issue the permit. No retailer may
1100 receive more than twelve (12) Class 3 temporary permits in a
1101 calendar year. A Class 3 temporary permit shall not be issued to
1102 a retail establishment that either holds a merchant permit issued
1103 under paragraph (1) of this subsection, or holds a permit issued
1104 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
1105 the holder to engage in the business of a retailer of light wine
1106 or beer.

1107 (g) **Caterer's permit.** A caterer's permit shall permit
1108 the purchase of alcoholic beverages by a person engaging in
1109 business as a caterer and the resale of alcoholic beverages by
1110 such person in conjunction with such catering business. No person
1111 shall qualify as a caterer unless forty percent (40%) or more of
1112 the revenue derived from such catering business shall be from the



1113 serving of prepared food and not from the sale of alcoholic
1114 beverages and unless such person has obtained a permit for such
1115 business from the Department of Health. A caterer's permit shall
1116 not authorize the sale of alcoholic beverages on the premises of
1117 the person engaging in business as a caterer; however, the holder
1118 of an on-premises retailer's permit may hold a caterer's permit.
1119 When the holder of an on-premises retailer's permit or an
1120 affiliated entity of the holder also holds a caterer's permit, the
1121 caterer's permit shall not authorize the service of alcoholic
1122 beverages on a consistent, recurring basis at a separate, fixed
1123 location owned or operated by the caterer, on-premises retailer or
1124 affiliated entity and an on-premises retailer's permit shall be
1125 required for the separate location. All sales of alcoholic
1126 beverages by holders of a caterer's permit shall be made at the
1127 location being catered by the caterer, and, except as otherwise
1128 provided in subsection (5) of this section, such sales may be made
1129 only for consumption at the catered location. The location being
1130 catered may be anywhere within a county or judicial district that
1131 has voted to come out from under the dry laws or in which the sale
1132 and distribution of alcoholic beverages is otherwise authorized by
1133 law. Such sales shall be made pursuant to any other conditions
1134 and restrictions which apply to sales made by on-premises retail
1135 permittees. The holder of a caterer's permit or his employees
1136 shall remain at the catered location as long as alcoholic
1137 beverages are being sold pursuant to the permit issued under this



1138 paragraph (g), and the permittee shall have at the location the
1139 identification card issued by the Alcoholic Beverage Control
1140 Division of the department. No unsold alcoholic beverages may be
1141 left at the catered location by the permittee upon the conclusion
1142 of his business at that location. Appropriate law enforcement
1143 officers and Alcoholic Beverage Control Division personnel may
1144 enter a catered location on private property in order to enforce
1145 laws governing the sale or serving of alcoholic beverages.

1146 (h) **Research permit.** A research permit shall authorize
1147 the holder thereof to operate a research facility for the
1148 professional research of alcoholic beverages. Such permit shall
1149 authorize the holder of the permit to import and purchase limited
1150 amounts of alcoholic beverages from the department or from
1151 importers, wineries and distillers of alcoholic beverages for
1152 professional research.

1153 (i) **Alcohol processing permit.** An alcohol processing
1154 permit shall authorize the holder thereof to purchase, transport
1155 and possess alcoholic beverages for the exclusive use in cooking,
1156 processing or manufacturing products which contain alcoholic
1157 beverages as an integral ingredient. An alcohol processing permit
1158 shall not authorize the sale of alcoholic beverages on the
1159 premises of the person engaging in the business of cooking,
1160 processing or manufacturing products which contain alcoholic
1161 beverages. The amounts of alcoholic beverages allowed under an
1162 alcohol processing permit shall be set by the department.



1163 (j) **Hospitality cart permit.** A hospitality cart permit
1164 shall authorize the sale of alcoholic beverages from a mobile cart
1165 on a golf course that is the holder of an on-premises retailer's
1166 permit. The alcoholic beverages sold from the cart must be
1167 consumed within the boundaries of the golf course.

1168 (k) **Special service permit.** A special service permit
1169 shall authorize the holder to sell commercially sealed alcoholic
1170 beverages to the operator of a commercial or private aircraft for
1171 en route consumption only by passengers. A special service permit
1172 shall be issued only to a fixed-base operator who contracts with
1173 an airport facility to provide fueling and other associated
1174 services to commercial and private aircraft.

1175 (l) **Merchant permit.** Except as otherwise provided in
1176 subsection (5) of this section, a merchant permit shall be issued
1177 only to the owner of a spa facility, an art studio or gallery, or
1178 a cooking school, and shall authorize the holder to serve
1179 complimentary by the glass wine only, including native wine, at
1180 the holder's spa facility, art studio or gallery, or cooking
1181 school. A merchant permit holder shall obtain all wine from the
1182 holder of a package retailer's permit.

1183 (m) **Temporary alcoholic beverages charitable auction**
1184 **permit.** A temporary permit, not to exceed five (5) days, may be
1185 issued to a qualifying charitable nonprofit organization that is
1186 exempt from taxation under Section 501(c)(3) or (4) of the
1187 Internal Revenue Code of 1986. The permit shall authorize the



1188 holder to sell alcoholic beverages for the limited purpose of
1189 raising funds for the organization during a live or silent auction
1190 that is conducted by the organization and that meets the following
1191 requirements: (i) the auction is conducted in an area of the
1192 state where the sale of alcoholic beverages is authorized; (ii) if
1193 the auction is conducted on the premises of an on-premises
1194 retailer's permit holder, then the alcoholic beverages to be
1195 auctioned must be stored separately from the alcoholic beverages
1196 sold, stored or served on the premises, must be removed from the
1197 premises immediately following the auction, and may not be
1198 consumed on the premises; (iii) the permit holder may not conduct
1199 more than two (2) auctions during a calendar year; (iv) the permit
1200 holder may not pay a commission or promotional fee to any person
1201 to arrange or conduct the auction.

1202 (n) **Event venue retailer's permit.** An event venue
1203 retailer's permit shall authorize the holder thereof to purchase
1204 and resell alcoholic beverages, including native wines and native
1205 spirits, for consumption on the premises during legal hours during
1206 events held on the licensed premises if food is being served at
1207 the event by a caterer who is not affiliated with or related to
1208 the permittee. The caterer must serve at least three (3) entrees.
1209 The permit may only be issued for venues that can accommodate two
1210 hundred (200) persons or more. The number of persons a venue may
1211 accommodate shall be determined by the local fire department and
1212 such determination shall be provided in writing and submitted



1213 along with all other documents required to be provided for an
1214 on-premises retailer's permit. The permittee must derive the
1215 majority of its revenue from event-related fees, including, but
1216 not limited to, admission fees or ticket sales for live
1217 entertainment in the building. "Event-related fees" do not
1218 include alcohol, beer or light wine sales or any fee which may be
1219 construed to cover the cost of alcohol, beer or light wine. This
1220 determination shall be made on a per event basis. An event may
1221 not last longer than two (2) consecutive days per week.

1222 (o) **Temporary theatre permit.** A temporary theatre
1223 permit, not to exceed five (5) days, may be issued to a charitable
1224 nonprofit organization that is exempt from taxation under Section
1225 501(c) (3) or (4) of the Internal Revenue Code and owns or operates
1226 a theatre facility that features plays and other theatrical
1227 performances and productions. Except as otherwise provided in
1228 subsection (5) of this section, the permit shall authorize the
1229 holder to sell alcoholic beverages, including native wines and
1230 native spirits, to patrons of the theatre during performances and
1231 productions at the theatre facility for consumption during such
1232 performances and productions on the premises of the facility
1233 described in the permit. A temporary theatre permit holder shall
1234 obtain all alcoholic beverages from package retailers located in
1235 the county in which the permit is issued. Alcoholic beverages
1236 remaining in stock upon expiration of the temporary theatre permit
1237 may be returned by the permittee to the package retailer for a



1238 refund of the purchase price upon consent of the package retailer
1239 or may be kept by the permittee exclusively for personal use and
1240 consumption, subject to all laws pertaining to the illegal sale
1241 and possession of alcoholic beverages.

1242 (p) **Charter ship operator's permit.** Subject to the
1243 provisions of this paragraph (p), a charter ship operator's permit
1244 shall authorize the holder thereof and its employees to serve,
1245 monitor, store and otherwise control the serving and availability
1246 of alcoholic beverages to customers of the permit holder during
1247 private charters under contract provided by the permit holder. A
1248 charter ship operator's permit shall authorize such action by the
1249 permit holder and its employees only as to alcoholic beverages
1250 brought onto the permit holder's ship by customers of the permit
1251 holder as part of such a private charter. All such alcoholic
1252 beverages must be removed from the charter ship at the conclusion
1253 of each private charter. A charter ship operator's permit shall
1254 not authorize the permit holder to sell, charge for or otherwise
1255 supply alcoholic beverages to customers, except as authorized in
1256 this paragraph (p). For the purposes of this paragraph (p),
1257 "charter ship operator" means a common carrier that (i) is
1258 certified to carry at least one hundred fifty (150) passengers
1259 and/or provide overnight accommodations for at least fifty (50)
1260 passengers, (ii) operates only in the waters within the State of
1261 Mississippi, which lie adjacent to the State of Mississippi south
1262 of the three (3) most southern counties in the State of



1263 Mississippi, and (iii) provides charters under contract for tours
1264 and trips in such waters.

1265 (q) **Distillery retailer's permit.** The holder of a
1266 Class 1 manufacturer's permit may obtain a distillery retailer's
1267 permit. A distillery retailer's permit shall authorize the holder
1268 thereof to sell at retail alcoholic beverages to consumers for
1269 on-premises consumption, or to consumers by the sealed and
1270 unopened bottle from a retail location at the distillery for
1271 off-premises consumption. The holder may only sell product
1272 manufactured by the manufacturer at the distillery described in
1273 the permit. However, when selling to consumers for on-premises
1274 consumption, a holder of a distillery retailer's permit may add
1275 other beverages, alcoholic or not, so long as the total volume of
1276 other beverage components containing alcohol does not exceed
1277 twenty percent (20%). Hours of sale shall be the same as those
1278 authorized for on-premises permittees in the city or county in
1279 which the distillery retailer is located.

1280 The holder shall not sell at retail more than ten percent
1281 (10%) of the alcoholic beverages produced annually at its
1282 distillery. The holder shall not make retail sales of more than
1283 two and twenty-five one-hundredths (2.25) liters, in the
1284 aggregate, of the alcoholic beverages produced at its distillery
1285 to any one (1) individual for consumption off the premises of the
1286 distillery within a twenty-four-hour period. The hours of sale
1287 shall be the same as those hours for package retailers under this



1288 article. The holder of a distillery retailer's permit is not
1289 required to purchase the alcoholic beverages authorized to be sold
1290 by this paragraph from the department's liquor distribution
1291 warehouse; however, if the holder does not purchase the alcoholic
1292 beverages from the department's liquor distribution warehouse, the
1293 holder shall pay to the department all taxes, fees and surcharges
1294 on the alcoholic beverages that are imposed upon the sale of
1295 alcoholic beverages shipped by the department or its warehouse
1296 operator. In addition to alcoholic beverages, the holder of a
1297 distillery retailer's permit may sell at retail promotional
1298 products from the same retail location, including shirts, hats,
1299 glasses, and other promotional products customarily sold by
1300 alcoholic beverage manufacturers.

1301 (r) **Festival Wine Permit.** Any wine manufacturer or
1302 native wine producer permitted by Mississippi or any other state
1303 is eligible to obtain a Festival Wine Permit. This permit
1304 authorizes the entity to transport product manufactured by it to
1305 festivals held within the State of Mississippi and sell sealed,
1306 unopened bottles to festival participants. The holder of this
1307 permit may provide samples at no charge to participants.

1308 "Festival" means any event at which three (3) or more vendors are
1309 present at a location for the sale or distribution of goods. The
1310 holder of a Festival Wine Permit is not required to purchase the
1311 alcoholic beverages authorized to be sold by this paragraph from
1312 the department's liquor distribution warehouse. However, if the



1313 holder does not purchase the alcoholic beverages from the
1314 department's liquor distribution warehouse, the holder of this
1315 permit shall pay to the department all taxes, fees and surcharges
1316 on the alcoholic beverages sold at such festivals that are imposed
1317 upon the sale of alcoholic beverages shipped by the Alcoholic
1318 Beverage Control Division of the Department of Revenue.
1319 Additionally, the entity shall file all applicable reports and
1320 returns as prescribed by the department. This permit is issued
1321 per festival and provides authority to sell for two (2)
1322 consecutive days during the hours authorized for on-premises
1323 permittees' sales in that county or city. The holder of the
1324 permit shall be required to maintain all requirements set by Local
1325 Option Law for the service and sale of alcoholic beverages. This
1326 permit may be issued to entities participating in festivals at
1327 which a Class 1 temporary permit is in effect.

1328 This paragraph (r) shall stand repealed from and after July
1329 1, 2026.

1330 (s) **Charter vessel operator's permit.** Subject to the
1331 provisions of this paragraph (s), a charter vessel operator's
1332 permit shall authorize the holder thereof and its employees to
1333 sell and serve alcoholic beverages to passengers of the permit
1334 holder during public tours, historical tours, ecological tours and
1335 sunset cruises provided by the permit holder. The permit shall
1336 authorize the holder to only sell alcoholic beverages, including
1337 native wines, to passengers of the charter vessel operator during



1338 public tours, historical tours, ecological tours and sunset
1339 cruises provided by the permit holder aboard the charter vessel
1340 operator for consumption during such tours and cruises on the
1341 premises of the charter vessel operator described in the permit.
1342 For the purposes of this paragraph (s), "charter vessel operator"
1343 means a common carrier that (i) is certified to carry at least
1344 forty-nine (49) passengers, (ii) operates only in the waters
1345 within the State of Mississippi, which lie south of Interstate 10
1346 in the three (3) most southern counties in the State of
1347 Mississippi, and lie adjacent to the State of Mississippi south of
1348 the three (3) most southern counties in the State of Mississippi,
1349 extending not further than one (1) mile south of such counties,
1350 and (iii) provides vessel services for tours and cruises in such
1351 waters as provided in this paragraph(s).

1352 (t) **Native spirit retailer's permit.** Except as
1353 otherwise provided in subsection (5) of this section, a native
1354 spirit retailer's permit shall be issued only to a holder of a
1355 Class 4 manufacturer's permit, and shall authorize the holder
1356 thereof to make retail sales of native spirits to consumers for
1357 on-premises consumption or to consumers in originally sealed and
1358 unopened containers at an establishment located on the premises of
1359 or in the immediate vicinity of a native distillery. When selling
1360 to consumers for on-premises consumption, a holder of a native
1361 spirit retailer's permit may add to the native spirit alcoholic
1362 beverages not produced on the premises, so long as the total



1363 volume of foreign beverage components does not exceed twenty
1364 percent (20%) of the mixed beverage. Hours of sale shall be the
1365 same as those authorized for on-premises permittees in the city or
1366 county in which the native spirit retailer is located.

1367 (u) **Delivery service permit.** Any individual, limited
1368 liability company, corporation or partnership registered to do
1369 business in this state is eligible to obtain a delivery service
1370 permit. Subject to the provisions of Section 67-1-51.1, this
1371 permit authorizes the permittee, or its employee or an independent
1372 contractor acting on its behalf, to deliver alcoholic beverages,
1373 beer, light wine and light spirit product from a licensed retailer
1374 to a person in this state who is at least twenty-one (21) years of
1375 age for the individual's use and not for resale. This permit does
1376 not authorize the delivery of alcoholic beverages, beer, light
1377 wine or light spirit product to the premises of a location with a
1378 permit for the manufacture, distribution or retail sale of
1379 alcoholic beverages, beer, light wine or light spirit product.
1380 The holder of a package retailer's permit or an on-premises
1381 retailer's permit under Section 67-1-51 or of a beer, light wine
1382 and light spirit product permit under Section 67-3-19 is
1383 authorized to apply for a delivery service permit as a privilege
1384 separate from its existing retail permit.

1385 (v) **Food truck permit.** A food truck permit shall
1386 authorize the holder of an on-premises retailer's permit to use a
1387 food truck to sell alcoholic beverages off its premises to guests



1388 who must consume the beverages in open containers. For the
1389 purposes of this paragraph (v), "food truck" means a fully encased
1390 food service establishment on a motor vehicle or on a trailer that
1391 a motor vehicle pulls to transport, and from which a vendor,
1392 standing within the frame of the establishment, prepares, cooks,
1393 sells and serves food for immediate human consumption. The term
1394 "food truck" does not include a food cart that is not motorized.
1395 Food trucks shall maintain such distance requirements from
1396 schools, churches, kindergartens and funeral homes as are required
1397 for on-premises retailer's permittees under this article, and all
1398 sales must be made within a valid leisure and recreation district
1399 established under Section 67-1-101. Food trucks cannot sell or
1400 serve alcoholic beverages unless also offering food prepared and
1401 cooked within the food truck, and permittees must maintain a
1402 twenty-five percent (25%) food sale revenue requirement based on
1403 the food sold from the food truck alone. The hours allowed for
1404 sale shall be the same as those for on-premises retailer's
1405 permittees in the location. This permit will not be required for
1406 the holder of a caterer's permit issued under this article to
1407 cater an event as allowed by law. Permittees must provide notice
1408 of not less than forty-eight (48) hours to the department of each
1409 location at which alcoholic beverages will be sold.

1410 (w) **On-premises tobacco permit.** An on-premises tobacco
1411 permit shall authorize the permittee to sell alcoholic beverages
1412 for consumption on the licensed premises. In addition to all



1413 other requirements to obtain an alcoholic beverage permit, the
1414 permittee must obtain and maintain a tobacco permit issued by the
1415 State of Mississippi, and have a capital investment of not less
1416 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
1417 for which the permit is issued. In addition to alcoholic
1418 beverages, the permittee is authorized to sell only cigars,
1419 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
1420 Additionally, seventy-five percent (75%) of the permittee's annual
1421 gross revenue must be derived from the sale of cigars, cheroots,
1422 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
1423 be required, but food may be sold on the premises. The issuance
1424 of this permit does not remove any obligation a permittee may have
1425 to follow local ordinances or actions prohibiting the use of
1426 tobacco products.

1427 (x) **Direct shipper's permit.** A direct shipper's permit
1428 shall authorize the holder to sell and ship wine directly to
1429 residents in this state in accordance with the provisions of
1430 Sections 1 through 12 of this act, without being required to
1431 transact the sale and shipment of those wines through the
1432 Alcoholic Beverage Control Division of the department.

1433 (y) **Wine Fulfillment Provider Permit.** A wine
1434 fulfillment provider permit shall authorize the holder to only
1435 provide logistics services of warehousing, packaging, order
1436 fulfillment, and shipment of wine for a direct shipper permittee
1437 for which the wine fulfillment provider permittee is the bailee of



1438 the wine under Sections 1 through 12 of this act. Wine held in
1439 bailment by a wine fulfillment provider permittee shall remain the
1440 property of the direct shipper permittee until loaded on
1441 conveyance for direct shipment to a Mississippi resident.

1442 (2) Except as otherwise provided in subsection (4) of this
1443 section, retail permittees may hold more than one (1) retail
1444 permit, at the discretion of the department.

1445 (3) (a) Except as otherwise provided in this subsection, no
1446 authority shall be granted to any person to manufacture, sell or
1447 store for sale any intoxicating liquor as specified in this
1448 article within four hundred (400) feet of any church, school
1449 (excluding any community college, junior college, college or
1450 university), kindergarten or funeral home. However, within an
1451 area zoned commercial or business, such minimum distance shall be
1452 not less than one hundred (100) feet.

1453 (b) A church or funeral home may waive the distance
1454 restrictions imposed in this subsection in favor of allowing
1455 issuance by the department of a permit, pursuant to subsection (1)
1456 of this section, to authorize activity relating to the
1457 manufacturing, sale or storage of alcoholic beverages which would
1458 otherwise be prohibited under the minimum distance criterion.
1459 Such waiver shall be in written form from the owner, the governing
1460 body, or the appropriate officer of the church or funeral home
1461 having the authority to execute such a waiver, and the waiver



1462 shall be filed with and verified by the department before becoming
1463 effective.

1464 (c) The distance restrictions imposed in this
1465 subsection shall not apply to the sale or storage of alcoholic
1466 beverages at a bed and breakfast inn listed in the National
1467 Register of Historic Places or to the sale or storage of alcoholic
1468 beverages in a historic district that is listed in the National
1469 Register of Historic Places, is a qualified resort area and is
1470 located in a municipality having a population greater than one
1471 hundred thousand (100,000) according to the latest federal
1472 decennial census.

1473 (d) The distance restrictions imposed in this
1474 subsection shall not apply to the sale or storage of alcoholic
1475 beverages at a qualified resort area as defined in Section
1476 67-1-5(o)(iii)32.

1477 (e) The distance restrictions imposed in this
1478 subsection shall not apply to the sale or storage of alcoholic
1479 beverages at a licensed premises in a building formerly owned by a
1480 municipality and formerly leased by the municipality to a
1481 municipal school district and used by the municipal school
1482 district as a district bus shop facility.

1483 (f) The distance restrictions imposed in this
1484 subsection shall not apply to the sale or storage of alcoholic
1485 beverages at a licensed premises in a building consisting of at
1486 least five thousand (5,000) square feet and located approximately



1487 six hundred (600) feet from the intersection of Mississippi
1488 Highway 15 and Mississippi Highway 4.

1489 (g) The distance restrictions imposed in this
1490 subsection shall not apply to the sale or storage of alcoholic
1491 beverages at a licensed premises in a building located at or near
1492 the intersection of Ward and Tate Streets and adjacent properties
1493 in the City of Senatobia, Mississippi.

1494 (h) The distance restrictions imposed in this
1495 subsection shall not apply to the sale or storage of alcoholic
1496 beverages at a theatre facility that features plays and other
1497 theatrical performances and productions and (i) is capable of
1498 seating more than seven hundred fifty (750) people, (ii) is owned
1499 by a municipality which has a population greater than ten thousand
1500 (10,000) according to the latest federal decennial census, (iii)
1501 was constructed prior to 1930, (iv) is on the National Register of
1502 Historic Places, and (v) is located in a historic district.

1503 (i) The distance restrictions imposed in this
1504 subsection shall not apply to the sale or storage of alcoholic
1505 beverages at a licensed premises in a building located
1506 approximately one and six-tenths (1.6) miles north of the
1507 intersection of Mississippi Highway 15 and Mississippi Highway 4
1508 on the west side of Mississippi Highway 15.

1509 (4) No person, either individually or as a member of a firm,
1510 partnership, limited liability company or association, or as a
1511 stockholder, officer or director in a corporation, shall own or



1512 control any interest in more than one (1) package retailer's
1513 permit, nor shall such person's spouse, if living in the same
1514 household of such person, any relative of such person, if living
1515 in the same household of such person, or any other person living
1516 in the same household with such person own any interest in any
1517 other package retailer's permit.

1518 (5) (a) In addition to any other authority granted under
1519 this section, the holder of a permit issued under subsection
1520 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may
1521 sell or otherwise provide alcoholic beverages and/or wine to a
1522 patron of the permit holder in the manner authorized in the permit
1523 and the patron may remove an open glass, cup or other container of
1524 the alcoholic beverage and/or wine from the licensed premises and
1525 may possess and consume the alcoholic beverage or wine outside of
1526 the licensed premises if: (i) the licensed premises is located
1527 within a leisure and recreation district created under Section
1528 67-1-101 and (ii) the patron remains within the boundaries of the
1529 leisure and recreation district while in possession of the
1530 alcoholic beverage or wine.

1531 (b) Nothing in this subsection shall be construed to
1532 allow a person to bring any alcoholic beverages into a permitted
1533 premises except to the extent otherwise authorized by this
1534 article.

1535 **SECTION 21.** Section 67-1-53, Mississippi Code of 1972, is
1536 amended as follows:



1537 67-1-53. (1) Application for permits shall be in such form
1538 and shall contain such information as shall be required by the
1539 regulations of the * * * department; however, no regulation of
1540 the * * * department shall require personal financial information
1541 from any officer of a corporation applying for an on-premises
1542 retailer's permit to sell alcoholic beverages unless such officer
1543 owns ten percent (10%) or more of the stock of such corporation.

1544 (2) Every applicant for each type of permit authorized by
1545 Section 67-1-51 shall give notice of such application by
1546 publication for two (2) consecutive issues in a newspaper of
1547 general circulation published in the city or town in which
1548 applicant's place of business is located. However, in instances
1549 where no newspaper is published in the city or town, then the
1550 notice shall be published in a newspaper of general circulation
1551 published in the county where the applicant's business is located.
1552 If no newspaper is published in the county, the notice shall be
1553 published in a qualified newspaper which is published in the
1554 closest neighboring county and circulated in the county of
1555 applicant's residence. The notice shall be printed in ten-point
1556 black face type and shall set forth the type of permit to be
1557 applied for, the exact location of the place of business, the name
1558 of the owner or owners thereof, and if operating under an assumed
1559 name, the trade name together with the names of all owners, and if
1560 a corporation, the names and titles of all officers. The cost of
1561 such notice shall be borne by the applicant.



1562 (3) Each application or filing made under this section shall
1563 include the social security number(s) of the applicant in
1564 accordance with Section 93-11-64, Mississippi Code of 1972.

1565 **SECTION 22.** Section 67-1-55, Mississippi Code of 1972, is
1566 amended as follows:

1567 67-1-55. No permit of any type shall be issued by the * * *
1568 department until the applicant has first filed with the * * *
1569 department a sworn statement disclosing all persons who are
1570 financially involved in the operation of the business for which
1571 the permit is sought. If an applicant is an individual, he will
1572 swear that he owns one hundred percent (100%) of the business for
1573 which he is seeking a permit. If the applicant is a partnership,
1574 all partners and their addresses shall be disclosed and the extent
1575 of their interest in the partnership shall be disclosed. If the
1576 applicant is a corporation, the total stock in the corporation
1577 shall be disclosed and each shareholder and his address and the
1578 amount of stock in the corporation owned by him shall be
1579 disclosed. If the applicant is a limited liability company, each
1580 member and their addresses shall be disclosed and the extent of
1581 their interest in the limited liability company shall be
1582 disclosed. If the applicant is a trust, the trustee and all
1583 beneficiaries and their addresses shall be disclosed. If the
1584 applicant is a combination of any of the above, all information
1585 required to be disclosed above shall be required.



1586 All the disclosures shall be in writing and kept on file at
1587 the * * * department and shall be available to the public.

1588 Every applicant must, when applying for a renewal of his
1589 permit, disclose any change in the ownership of the business or
1590 any change in the beneficiaries of the income from the business.

1591 Any person who willfully fails to fully disclose the
1592 information required by this section, or who gives false
1593 information, shall be guilty of a misdemeanor and, upon conviction
1594 thereof, shall be fined a sum not to exceed Five Hundred Dollars
1595 (\$500.00) or imprisoned for not more than one (1) year, or both,
1596 and the person or applicant shall never again be eligible for any
1597 permit pertaining to alcoholic beverages.

1598 **SECTION 23.** Section 67-1-57, Mississippi Code of 1972, is
1599 amended as follows:

1600 67-1-57. Before a permit is issued the department shall
1601 satisfy itself:

1602 (a) That the applicant, if an individual, or if a
1603 partnership, each of the members of the partnership, or if a
1604 corporation, each of its principal officers and directors, or if a
1605 limited liability company, each member of the limited liability
1606 company, is of good moral character and, in addition, enjoys a
1607 reputation of being a peaceable, law-abiding citizen of the
1608 community in which he resides, and is generally fit for the trust
1609 to be reposed in him, is not less than twenty-one (21) years of



1610 age, and has not been convicted of a felony in any state or
1611 federal court.

1612 (b) That, except in the case of an application for a
1613 solicitor's permit, the applicant is the true and actual owner of
1614 the business for which the permit is desired, and that he intends
1615 to carry on the business authorized for himself and not as the
1616 agent of any other person, and that he intends to superintend in
1617 person the management of the business or that he will designate a
1618 manager to manage the business for him. Except for managers
1619 employed by the holder of a direct shipper's permit, all managers
1620 must be approved by the department prior to completing any
1621 managerial tasks on behalf of the permittee and must possess all
1622 of the qualifications required of a permittee; however, a felony
1623 conviction, other than a crime of violence, does not automatically
1624 disqualify a person from being approved as a manager if the person
1625 was released from incarceration at least three (3) years prior to
1626 application for approval as a manager. A felony conviction, other
1627 than a crime of violence, may be considered by the department in
1628 determining whether all other qualifications are met.

1629 (c) That the applicant for a package retailer's permit,
1630 if an individual, is a resident of the State of Mississippi. If
1631 the applicant is a partnership, each member of the partnership
1632 must be a resident of the state. If the applicant is a limited
1633 liability company, each member of the limited liability company
1634 must be a resident of the state. If the applicant is a



1635 corporation, the designated manager of the corporation must be a
1636 resident of the state.

1637 (d) That the place for which the permit is to be issued
1638 is an appropriate one considering the character of the premises
1639 and the surrounding neighborhood.

1640 (e) That the place for which the permit is to be issued
1641 is within the corporate limits of an incorporated municipality or
1642 qualified resort area or club which comes within the provisions of
1643 this article.

1644 (f) That the applicant is not indebted to the state for
1645 any taxes, fees or payment of penalties imposed by any law of the
1646 State of Mississippi or by any rule or regulation of the * * *
1647 department.

1648 (g) That the applicant is not in the habit of using
1649 alcoholic beverages to excess and is not physically or mentally
1650 incapacitated, and that the applicant has the ability to read and
1651 write the English language.

1652 (h) That the * * * department does not believe and has
1653 no reason to believe that the applicant will sell or knowingly
1654 permit any agent, servant or employee to unlawfully sell liquor in
1655 a dry area or in any other manner contrary to law.

1656 (i) That the applicant is not residentially domiciled
1657 with any person whose permit or license has been cancelled for
1658 cause within the twelve (12) months next preceding the date of the
1659 present application for a permit.



1660 (j) That the * * * department has not, in the exercise
1661 of its discretion which is reserved and preserved to it, refused
1662 to grant permits under the restrictions of this section, as well
1663 as under any other pertinent provision of this article.

1664 (k) That there are not sufficient legal reasons to deny
1665 a permit on the ground that the premises for which the permit is
1666 sought has previously been operated, used or frequented for any
1667 purpose or in any manner that is lewd, immoral or offensive to
1668 public decency. In the granting or withholding of any permit to
1669 sell alcoholic beverages at retail, the * * * department in
1670 forming its conclusions may give consideration to any
1671 recommendations made in writing by the district or county attorney
1672 or county, circuit or chancery judge of the county, or the sheriff
1673 of the county, or the mayor or chief of police of an incorporated
1674 city or town wherein the applicant proposes to conduct his
1675 business and to any recommendations made by representatives of
1676 the * * * department.

1677 (l) That the applicant and the applicant's key
1678 employees, as determined by the * * * department, do not have a
1679 disqualifying criminal record. In order to obtain a criminal
1680 record history check, the applicant shall submit to the commission
1681 a set of fingerprints from any local law enforcement agency for
1682 each person for whom the records check is required. The * * *
1683 department shall forward the fingerprints to the Mississippi
1684 Department of Public Safety. If no disqualifying record is



1685 identified at the state level, the Department of Public Safety
1686 shall forward the fingerprints to the Federal Bureau of
1687 Investigation for a national criminal history record check. Costs
1688 for processing the set or sets of fingerprints shall be borne by
1689 the applicant. The department may waive the fingerprint
1690 requirement in the case of an applicant for a direct shipper's
1691 permit. The * * * department shall not deny employment to an
1692 employee of the applicant prior to the identification of a
1693 disqualifying record or other disqualifying information.

1694 **SECTION 24.** Section 67-1-73, Mississippi Code of 1972, is
1695 amended as follows:

1696 67-1-73. (1) Except as otherwise provided in subsection (3)
1697 of this section, every manufacturer, including native wine or
1698 native spirit producers, within or without the state, and every
1699 other shipper of alcoholic beverages who sells any alcoholic
1700 beverage, including native wine or native spirit, within the
1701 state, shall, at the time of making such sale, file with the
1702 department a copy of the invoice of such sale showing in detail
1703 the kind of alcoholic beverage sold, the quantities of each, the
1704 size of the container and the weight of the contents, the
1705 alcoholic content, and the name and address of the person to whom
1706 sold.

1707 (2) Except as otherwise provided in subsection (3) of this
1708 section, every person transporting alcoholic beverages, including
1709 native wine or native spirit, within this state to a point within



1710 this state, whether such transportation originates within or
1711 without this state, shall, within five (5) days after delivery of
1712 such shipment, furnish the department a copy of the bill of lading
1713 or receipt, showing the name or consignor or consignee, date,
1714 place received, destination, and quantity of alcoholic beverages
1715 delivered. Upon failure to comply with the provisions of this
1716 section, such person shall be deemed guilty of a misdemeanor and,
1717 upon conviction thereof, shall be fined in the sum of Fifty
1718 Dollars (\$50.00) for each offense.

1719 (3) Information regarding the sales, shipment, delivery and
1720 transportation of wine in this state by the holder of a direct
1721 shipper's permit under Sections 1 through 12 of this act shall be
1722 in such form and content as prescribed by the department.

1723 **SECTION 25.** Section 97-31-47, Mississippi Code of 1972, is
1724 amended as follows:

1725 97-31-47. It shall be unlawful for any transportation
1726 company, or any agent, employee, or officer of such company, or
1727 any other person, or corporation to transport into or deliver in
1728 this state in any manner or by any means any spirituous, vinous,
1729 malt, or other intoxicating liquors or drinks, or for any such
1730 person, company, or corporation to transport any spirituous, malt,
1731 vinous, or intoxicating liquors or drinks from one place within
1732 this state to another place within the state, or from one (1)
1733 point within this state to any point without the state, except in



1734 cases where this chapter * * *, Section 67-9-1, or Sections 1
1735 through 12 of this act authorizes the transportation.

1736 **SECTION 26.** Section 97-31-49, Mississippi Code of 1972, is
1737 amended as follows:

1738 97-31-49. Except as otherwise provided in Sections 1 through
1739 12 of this act, it shall be unlawful for any person, firm or
1740 corporation in this state, in person, by letter, circular, or
1741 other printed or written matter, or in any other manner, to
1742 solicit or take order in this state for any liquors, bitters or
1743 drinks prohibited by the laws of this state to be sold, bartered,
1744 or otherwise disposed of. The inhibition of this section shall
1745 apply to such liquors, bitters and drinks, whether the parties
1746 intend that the same shall be shipped into this state from outside
1747 of the state, or from one (1) point in this state to another point
1748 in this state. If such order be in writing, parol evidence
1749 thereof is admissible without producing or accounting for the
1750 absence of the original; and the taking or soliciting of such
1751 orders is within the inhibition of this section, although the
1752 orders are subject to approval by some other person, and no part
1753 of the price is paid, nor any part of the goods is delivered when
1754 the order is taken.

1755 **SECTION 27.** This act shall take effect and be in force from
1756 and after July 1, 2024.

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



1 AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF A CLASS 2
2 MANUFACTURER'S PERMIT UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE
3 CONTROL LAW, OR WHO IS LICENSED OR PERMITTED OUTSIDE OF THE STATE
4 TO ENGAGE IN THE ACTIVITY OF MANUFACTURING WINE TO SELL AND SHIP
5 WINE DIRECTLY TO RESIDENTS IN THIS STATE, IF THE PERSON OBTAINS A
6 DIRECT SHIPPER'S PERMIT FROM THE DEPARTMENT OF REVENUE; TO PROVIDE
7 FOR THE ISSUANCE OF DIRECT SHIPPER'S PERMITS AND THE ISSUANCE OF
8 WINE FULFILLMENT PROVIDER PERMITS; TO REQUIRE THE HOLDER OF A
9 DIRECT SHIPPER'S PERMIT TO KEEP CERTAIN RECORDS; TO REQUIRE THE
10 HOLDER OF A WINE FULFILLMENT PROVIDER PERMIT TO KEEP CERTAIN
11 RECORDS; TO PROHIBIT THE HOLDER OF A DIRECT SHIPPER'S PERMIT FROM
12 SELLING OR SHIPPING LIGHT WINE, LIGHT SPIRIT PRODUCTS OR BEER OR
13 ANY ALCOHOLIC BEVERAGE OTHER THAN WINE; TO LIMIT THE AMOUNT OF
14 WINE THAT A HOLDER OF A DIRECT SHIPPER'S PERMIT MAY SELL OR SHIP
15 TO AN INDIVIDUAL EACH YEAR; TO PROVIDE FOR THE ANNUAL RENEWAL OF
16 DIRECT SHIPPER'S PERMITS; TO PROVIDE THAT PERSONS PURCHASING OR
17 RECEIVING A DIRECT SHIPMENT OF WINE FROM A DIRECT SHIPPER MUST BE
18 AT LEAST TWENTY-ONE YEARS OF AGE; TO PROVIDE THAT PERSONS
19 RECEIVING A DIRECT SHIPMENT OF WINE FROM A DIRECT SHIPPER SHALL
20 USE THE WINE FOR PERSONAL USE ONLY AND MAY NOT RESELL IT; TO
21 IMPOSE CERTAIN REQUIREMENTS RELATING THE SHIPMENT OF WINE INTO
22 THIS STATE; TO AUTHORIZE THE COMMISSIONER OF REVENUE TO ADOPT ANY
23 RULES OR REGULATIONS AS NECESSARY TO CARRY OUT THIS ACT; TO
24 PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTIONS
25 27-71-5, AS AMENDED BY SENATE BILL NO. 2567, 2024 REGULAR SESSION,
26 27-71-7, 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972, TO
27 PROVIDE THE PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A DIRECT
28 SHIPPER'S PERMIT AND FOR THE PRIVILEGE TAX REQUIRED FOR THE
29 ISSUANCE OF A WINE FULFILLMENT PROVIDER PERMIT; TO LEVY A TAX UPON
30 THE SALES AND SHIPMENTS OF WINE MADE BY A DIRECT SHIPPER; TO
31 REQUIRE A CERTAIN AMOUNT OF THE TAXES LEVIED TO BE DEPOSITED INTO
32 THE MENTAL HEALTH PROGRAMS FUND; TO AMEND SECTIONS 67-1-41,
33 67-1-45, 67-1-51, AS AMENDED BY HOUSE BILL NO. 1525, 2024 REGULAR
34 SESSION, AND SENATE BILL NO. 2567, 2024 REGULAR SESSION, 67-1-53,
35 67-1-55, 67-1-57, 67-1-73, 97-31-47 AND 97-31-49, MISSISSIPPI CODE
36 OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR
37 RELATED PURPOSES.



CONFEREES FOR THE HOUSE

X (SIGNED)
Zuber

X (SIGNED)
Johnson

X (SIGNED)
Owen

CONFEREES FOR THE SENATE

X (SIGNED)
Harkins

X (SIGNED)
Johnson

X (SIGNED)
England

