

House Amendments to Senate Bill No. 2567

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

9 **SECTION 1.** Section 67-1-51, Mississippi Code of 1972, is
10 amended as follows:

11 67-1-51. (1) Permits which may be issued by the department
12 shall be as follows:

13 (a) **Manufacturer's permit.** A manufacturer's permit
14 shall permit the manufacture, importation in bulk, bottling and
15 storage of alcoholic liquor and its distribution and sale to
16 manufacturers holding permits under this article in this state and
17 to persons outside the state who are authorized by law to purchase
18 the same, and to sell as provided by this article.

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

20 Class 1. Distiller's and/or rectifier's permit, which shall
21 authorize the holder thereof to operate a distillery for the
22 production of distilled spirits by distillation or redistillation
23 and/or to operate a rectifying plant for the purifying, refining,
24 mixing, blending, flavoring or reducing in proof of distilled
25 spirits and alcohol.

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

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

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

35 (b) **Package retailer's permit.** Except as otherwise
36 provided in this paragraph and Section 67-1-52, a package
37 retailer's permit shall authorize the holder thereof to operate a
38 store exclusively for the sale at retail in original sealed and
39 unopened packages of alcoholic beverages, including native wines,
40 native spirits and edibles, not to be consumed on the premises
41 where sold. Alcoholic beverages shall not be sold by any retailer
42 in any package or container containing less than fifty (50)
43 milliliters by liquid measure. A package retailer's permit, with
44 prior approval from the department, shall authorize the holder
45 thereof to sample new product furnished by a manufacturer's
46 representative or his employees at the permitted place of business
47 so long as the sampling otherwise complies with this article and
48 applicable department regulations. Such samples may not be
49 provided to customers at the permitted place of business. In
50 addition to the sale at retail of packages of alcoholic beverages,
51 the holder of a package retailer's permit is authorized to sell at

52 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,
53 other beverages commonly used to mix with alcoholic beverages, and
54 fruits and foods that have been submerged in alcohol and are
55 commonly referred to as edibles. Nonalcoholic beverages sold by
56 the holder of a package retailer's permit shall not be consumed on
57 the premises where sold.

58 (c) **On-premises retailer's permit.** Except as otherwise
59 provided in subsection (5) of this section, an on-premises
60 retailer's permit shall authorize the sale of alcoholic beverages,
61 including native wines and native spirits, for consumption on the
62 licensed premises only; however, a patron of the permit holder may
63 remove one (1) bottle of wine from the licensed premises if: (i)
64 the patron consumed a portion of the bottle of wine in the course
65 of consuming a meal purchased on the licensed premises; (ii) the
66 permit holder securely reseals the bottle; (iii) the bottle is
67 placed in a bag that is secured in a manner so that it will be
68 visibly apparent if the bag is opened; and (iv) a dated receipt
69 for the wine and the meal is available. Additionally, as part of
70 a carryout order, a permit holder may sell one (1) bottle of wine
71 to be removed from the licensed premises for every two (2) entrees
72 ordered. In addition, an on-premises retailer's permittee at a
73 permitted premises located on Jefferson Davis Avenue within
74 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
75 beverages by the glass to a patron in a vehicle using a
76 drive-through method of delivery if the permitted premises is
77 located in a leisure and recreation district established under

78 Section 67-1-101. Such a sale will be considered to be made on
79 the permitted premises. An on-premises retailer's permit shall be
80 issued only to qualified hotels, restaurants and clubs, small
81 craft breweries, microbreweries, and to common carriers with
82 adequate facilities for serving passengers. In resort areas,
83 whether inside or outside of a municipality, the department, in
84 its discretion, may issue on-premises retailer's permits to such
85 establishments as it deems proper. An on-premises retailer's
86 permit when issued to a common carrier shall authorize the sale
87 and serving of alcoholic beverages aboard any licensed vehicle
88 while moving through any county of the state; however, the sale of
89 such alcoholic beverages shall not be permitted while such vehicle
90 is stopped in a county that has not legalized such sales. If an
91 on-premises retailer's permit is applied for by a common carrier
92 operating solely in the water, such common carrier must, along
93 with all other qualifications for a permit, (i) be certified to
94 carry at least one hundred fifty (150) passengers and/or provide
95 overnight accommodations for at least fifty (50) passengers and
96 (ii) operate primarily in the waters within the State of
97 Mississippi which lie adjacent to the State of Mississippi south
98 of the three (3) most southern counties in the State of
99 Mississippi and/or on the Mississippi River or navigable waters
100 within any county bordering on the Mississippi River.

101 (d) **Solicitor's permit.** A solicitor's permit shall
102 authorize the holder thereof to act as salesman for a manufacturer
103 or wholesaler holding a proper permit, to solicit on behalf of his

104 employer orders for alcoholic beverages, and to otherwise promote
105 his employer's products in a legitimate manner. Such a permit
106 shall authorize the representation of and employment by one (1)
107 principal only. However, the permittee may also, in the
108 discretion of the department, be issued additional permits to
109 represent other principals. No such permittee shall buy or sell
110 alcoholic beverages for his own account, and no such beverage
111 shall be brought into this state in pursuance of the exercise of
112 such permit otherwise than through a permit issued to a wholesaler
113 or manufacturer in the state.

114 (e) **Native wine retailer's permit.** Except as otherwise
115 provided in subsection (5) of this section, a native wine
116 retailer's permit shall be issued only to a holder of a Class 3
117 manufacturer's permit, and shall authorize the holder thereof to
118 make retail sales of native wines to consumers for on-premises
119 consumption or to consumers in originally sealed and unopened
120 containers at an establishment located on the premises of or in
121 the immediate vicinity of a native winery. When selling to
122 consumers for on-premises consumption, a holder of a native wine
123 retailer's permit may add to the native wine alcoholic beverages
124 not produced on the premises, so long as the total volume of
125 foreign beverage components does not exceed twenty percent (20%)
126 of the mixed beverage. Hours of sale shall be the same as those
127 authorized for on-premises permittees in the city or county in
128 which the native wine retailer is located.

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

134 Temporary retailer's permits shall be of the following
135 classes:

136 Class 1. A temporary one-day permit may be issued to bona
137 fide nonprofit civic or charitable organizations authorizing the
138 sale of alcoholic beverages, including native wine and native
139 spirit, for consumption on the premises described in the temporary
140 permit only. Class 1 permits may be issued only to applicants
141 demonstrating to the department, by a statement signed under
142 penalty of perjury submitted ten (10) days prior to the proposed
143 date or such other time as the department may determine, that they
144 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
145 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
146 Class 1 permittees shall obtain all alcoholic beverages from
147 package retailers located in the county in which the temporary
148 permit is issued. Alcoholic beverages remaining in stock upon
149 expiration of the temporary permit may be returned by the
150 permittee to the package retailer for a refund of the purchase
151 price upon consent of the package retailer or may be kept by the
152 permittee exclusively for personal use and consumption, subject to
153 all laws pertaining to the illegal sale and possession of
154 alcoholic beverages. The department, following review of the

155 statement provided by the applicant and the requirements of the
156 applicable statutes and regulations, may issue the permit.

157 Class 2. A temporary permit, not to exceed seventy (70)
158 days, may be issued to prospective permittees seeking to transfer
159 a permit authorized in paragraph (c) of this subsection. A Class
160 2 permit may be issued only to applicants demonstrating to the
161 department, by a statement signed under the penalty of perjury,
162 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
163 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
164 67-1-59. The department, following a preliminary review of the
165 statement provided by the applicant and the requirements of the
166 applicable statutes and regulations, may issue the permit.

167 Class 2 temporary permittees must purchase their alcoholic
168 beverages directly from the department or, with approval of the
169 department, purchase the remaining stock of the previous
170 permittee. If the proposed applicant of a Class 1 or Class 2
171 temporary permit falsifies information contained in the
172 application or statement, the applicant shall never again be
173 eligible for a retail alcohol beverage permit and shall be subject
174 to prosecution for perjury.

175 Class 3. A temporary one-day permit may be issued to a
176 retail establishment authorizing the complimentary distribution of
177 wine, including native wine, to patrons of the retail
178 establishment at an open house or promotional event, for
179 consumption only on the premises described in the temporary
180 permit. A Class 3 permit may be issued only to an applicant

181 demonstrating to the department, by a statement signed under
182 penalty of perjury submitted ten (10) days before the proposed
183 date or such other time as the department may determine, that it
184 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
185 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
186 A Class 3 permit holder shall obtain all alcoholic beverages from
187 the holder(s) of a package retailer's permit located in the county
188 in which the temporary permit is issued. Wine remaining in stock
189 upon expiration of the temporary permit may be returned by the
190 Class 3 temporary permit holder to the package retailer for a
191 refund of the purchase price, with consent of the package
192 retailer, or may be kept by the Class 3 temporary permit holder
193 exclusively for personal use and consumption, subject to all laws
194 pertaining to the illegal sale and possession of alcoholic
195 beverages. The department, following review of the statement
196 provided by the applicant and the requirements of the applicable
197 statutes and regulations, may issue the permit. No retailer may
198 receive more than twelve (12) Class 3 temporary permits in a
199 calendar year. A Class 3 temporary permit shall not be issued to
200 a retail establishment that either holds a merchant permit issued
201 under paragraph (1) of this subsection, or holds a permit issued
202 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
203 the holder to engage in the business of a retailer of light wine
204 or beer.

205 (g) **Caterer's permit.** A caterer's permit shall permit
206 the purchase of alcoholic beverages by a person engaging in

207 business as a caterer and the resale of alcoholic beverages by
208 such person in conjunction with such catering business. No person
209 shall qualify as a caterer unless forty percent (40%) or more of
210 the revenue derived from such catering business shall be from the
211 serving of prepared food and not from the sale of alcoholic
212 beverages and unless such person has obtained a permit for such
213 business from the Department of Health. A caterer's permit shall
214 not authorize the sale of alcoholic beverages on the premises of
215 the person engaging in business as a caterer; however, the holder
216 of an on-premises retailer's permit may hold a caterer's permit.
217 When the holder of an on-premises retailer's permit or an
218 affiliated entity of the holder also holds a caterer's permit, the
219 caterer's permit shall not authorize the service of alcoholic
220 beverages on a consistent, recurring basis at a separate, fixed
221 location owned or operated by the caterer, on-premises retailer or
222 affiliated entity and an on-premises retailer's permit shall be
223 required for the separate location. All sales of alcoholic
224 beverages by holders of a caterer's permit shall be made at the
225 location being catered by the caterer, and, except as otherwise
226 provided in subsection (5) of this section, such sales may be made
227 only for consumption at the catered location. The location being
228 catered may be anywhere within a county or judicial district that
229 has voted to come out from under the dry laws or in which the sale
230 and distribution of alcoholic beverages is otherwise authorized by
231 law. Such sales shall be made pursuant to any other conditions
232 and restrictions which apply to sales made by on-premises retail

233 permittees. The holder of a caterer's permit or his employees
234 shall remain at the catered location as long as alcoholic
235 beverages are being sold pursuant to the permit issued under this
236 paragraph (g), and the permittee shall have at the location the
237 identification card issued by the Alcoholic Beverage Control
238 Division of the department. No unsold alcoholic beverages may be
239 left at the catered location by the permittee upon the conclusion
240 of his business at that location. Appropriate law enforcement
241 officers and Alcoholic Beverage Control Division personnel may
242 enter a catered location on private property in order to enforce
243 laws governing the sale or serving of alcoholic beverages.

244 (h) **Research permit.** A research permit shall authorize
245 the holder thereof to operate a research facility for the
246 professional research of alcoholic beverages. Such permit shall
247 authorize the holder of the permit to import and purchase limited
248 amounts of alcoholic beverages from the department or from
249 importers, wineries and distillers of alcoholic beverages for
250 professional research.

251 (i) **Alcohol processing permit.** An alcohol processing
252 permit shall authorize the holder thereof to purchase, transport
253 and possess alcoholic beverages for the exclusive use in cooking,
254 processing or manufacturing products which contain alcoholic
255 beverages as an integral ingredient. An alcohol processing permit
256 shall not authorize the sale of alcoholic beverages on the
257 premises of the person engaging in the business of cooking,
258 processing or manufacturing products which contain alcoholic

259 beverages. The amounts of alcoholic beverages allowed under an
260 alcohol processing permit shall be set by the department.

261 (j) **Hospitality cart permit.** A hospitality cart permit
262 shall authorize the sale of alcoholic beverages from a mobile cart
263 on a golf course that is the holder of an on-premises retailer's
264 permit. The alcoholic beverages sold from the cart must be
265 consumed within the boundaries of the golf course.

266 (k) **Special service permit.** A special service permit
267 shall authorize the holder to sell commercially sealed alcoholic
268 beverages to the operator of a commercial or private aircraft for
269 en route consumption only by passengers. A special service permit
270 shall be issued only to a fixed-base operator who contracts with
271 an airport facility to provide fueling and other associated
272 services to commercial and private aircraft.

273 (l) **Merchant permit.** Except as otherwise provided in
274 subsection (5) of this section, a merchant permit shall be issued
275 only to the owner of a spa facility, an art studio or gallery, or
276 a cooking school, and shall authorize the holder to serve
277 complimentary by the glass wine only, including native wine, at
278 the holder's spa facility, art studio or gallery, or cooking
279 school. A merchant permit holder shall obtain all wine from the
280 holder of a package retailer's permit.

281 (m) **Temporary alcoholic beverages charitable auction**
282 **permit.** A temporary permit, not to exceed five (5) days, may be
283 issued to a qualifying charitable nonprofit organization that is
284 exempt from taxation under Section 501(c)(3) or (4) of the

285 Internal Revenue Code of 1986. The permit shall authorize the
286 holder to sell alcoholic beverages for the limited purpose of
287 raising funds for the organization during a live or silent auction
288 that is conducted by the organization and that meets the following
289 requirements: (i) the auction is conducted in an area of the
290 state where the sale of alcoholic beverages is authorized; (ii) if
291 the auction is conducted on the premises of an on-premises
292 retailer's permit holder, then the alcoholic beverages to be
293 auctioned must be stored separately from the alcoholic beverages
294 sold, stored or served on the premises, must be removed from the
295 premises immediately following the auction, and may not be
296 consumed on the premises; (iii) the permit holder may not conduct
297 more than two (2) auctions during a calendar year; (iv) the permit
298 holder may not pay a commission or promotional fee to any person
299 to arrange or conduct the auction.

300 (n) **Event venue retailer's permit.** An event venue
301 retailer's permit shall authorize the holder thereof to purchase
302 and resell alcoholic beverages, including native wines and native
303 spirits, for consumption on the premises during legal hours during
304 events held on the licensed premises if food is being served at
305 the event by a caterer who is not affiliated with or related to
306 the permittee. The caterer must serve at least three (3) entrees.
307 The permit may only be issued for venues that can accommodate two
308 hundred (200) persons or more. The number of persons a venue may
309 accommodate shall be determined by the local fire department and
310 such determination shall be provided in writing and submitted

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

320 (o) **Temporary theatre permit.** A temporary theatre
321 permit, not to exceed five (5) days, may be issued to a charitable
322 nonprofit organization that is exempt from taxation under Section
323 501(c)(3) or (4) of the Internal Revenue Code and owns or operates
324 a theatre facility that features plays and other theatrical
325 performances and productions. Except as otherwise provided in
326 subsection (5) of this section, the permit shall authorize the
327 holder to sell alcoholic beverages, including native wines and
328 native spirits, to patrons of the theatre during performances and
329 productions at the theatre facility for consumption during such
330 performances and productions on the premises of the facility
331 described in the permit. A temporary theatre permit holder shall
332 obtain all alcoholic beverages from package retailers located in
333 the county in which the permit is issued. Alcoholic beverages
334 remaining in stock upon expiration of the temporary theatre permit
335 may be returned by the permittee to the package retailer for a
336 refund of the purchase price upon consent of the package retailer

337 or may be kept by the permittee exclusively for personal use and
338 consumption, subject to all laws pertaining to the illegal sale
339 and possession of alcoholic beverages.

340 (p) **Charter ship operator's permit.** Subject to the
341 provisions of this paragraph (p), a charter ship operator's permit
342 shall authorize the holder thereof and its employees to serve,
343 monitor, store and otherwise control the serving and availability
344 of alcoholic beverages to customers of the permit holder during
345 private charters under contract provided by the permit holder. A
346 charter ship operator's permit shall authorize such action by the
347 permit holder and its employees only as to alcoholic beverages
348 brought onto the permit holder's ship by customers of the permit
349 holder as part of such a private charter. All such alcoholic
350 beverages must be removed from the charter ship at the conclusion
351 of each private charter. A charter ship operator's permit shall
352 not authorize the permit holder to sell, charge for or otherwise
353 supply alcoholic beverages to customers, except as authorized in
354 this paragraph (p). For the purposes of this paragraph (p),
355 "charter ship operator" means a common carrier that (i) is
356 certified to carry at least one hundred fifty (150) passengers
357 and/or provide overnight accommodations for at least fifty (50)
358 passengers, (ii) operates only in the waters within the State of
359 Mississippi, which lie adjacent to the State of Mississippi south
360 of the three (3) most southern counties in the State of
361 Mississippi, and (iii) provides charters under contract for tours
362 and trips in such waters.

363 (q) **Distillery retailer's permit.** The holder of a
364 Class 1 manufacturer's permit may obtain a distillery retailer's
365 permit. A distillery retailer's permit shall authorize the holder
366 thereof to sell at retail alcoholic beverages to consumers for
367 on-premises consumption, or to consumers by the sealed and
368 unopened bottle from a retail location at the distillery for
369 off-premises consumption. The holder may only sell product
370 manufactured by the manufacturer at the distillery described in
371 the permit. However, when selling to consumers for on-premises
372 consumption, a holder of a distillery retailer's permit may add
373 other beverages, alcoholic or not, so long as the total volume of
374 other beverage components containing alcohol does not exceed
375 twenty percent (20%). Hours of sale shall be the same as those
376 authorized for on-premises permittees in the city or county in
377 which the distillery retailer is located.

378 The holder shall not sell at retail more than ten percent
379 (10%) of the alcoholic beverages produced annually at its
380 distillery. The holder shall not make retail sales of more than
381 two and twenty-five one-hundredths (2.25) liters, in the
382 aggregate, of the alcoholic beverages produced at its distillery
383 to any one (1) individual for consumption off the premises of the
384 distillery within a twenty-four-hour period. The hours of sale
385 shall be the same as those hours for package retailers under this
386 article. The holder of a distillery retailer's permit is not
387 required to purchase the alcoholic beverages authorized to be sold
388 by this paragraph from the department's liquor distribution

389 warehouse; however, if the holder does not purchase the alcoholic
390 beverages from the department's liquor distribution warehouse, the
391 holder shall pay to the department all taxes, fees and surcharges
392 on the alcoholic beverages that are imposed upon the sale of
393 alcoholic beverages shipped by the department or its warehouse
394 operator. In addition to alcoholic beverages, the holder of a
395 distillery retailer's permit may sell at retail promotional
396 products from the same retail location, including shirts, hats,
397 glasses, and other promotional products customarily sold by
398 alcoholic beverage manufacturers.

399 (r) **Festival Wine Permit.** Any wine manufacturer or
400 native wine producer permitted by Mississippi or any other state
401 is eligible to obtain a Festival Wine Permit. This permit
402 authorizes the entity to transport product manufactured by it to
403 festivals held within the State of Mississippi and sell sealed,
404 unopened bottles to festival participants. The holder of this
405 permit may provide samples at no charge to participants.
406 "Festival" means any event at which three (3) or more vendors are
407 present at a location for the sale or distribution of goods. The
408 holder of a Festival Wine Permit is not required to purchase the
409 alcoholic beverages authorized to be sold by this paragraph from
410 the department's liquor distribution warehouse. However, if the
411 holder does not purchase the alcoholic beverages from the
412 department's liquor distribution warehouse, the holder of this
413 permit shall pay to the department all taxes, fees and surcharges
414 on the alcoholic beverages sold at such festivals that are imposed

415 upon the sale of alcoholic beverages shipped by the Alcoholic
416 Beverage Control Division of the Department of Revenue.
417 Additionally, the entity shall file all applicable reports and
418 returns as prescribed by the department. This permit is issued
419 per festival and provides authority to sell for two (2)
420 consecutive days during the hours authorized for on-premises
421 permittees' sales in that county or city. The holder of the
422 permit shall be required to maintain all requirements set by Local
423 Option Law for the service and sale of alcoholic beverages. This
424 permit may be issued to entities participating in festivals at
425 which a Class 1 temporary permit is in effect.

426 This paragraph (r) shall stand repealed from and after July
427 1, 2026.

428 (s) **Charter vessel operator's permit.** Subject to the
429 provisions of this paragraph (s), a charter vessel operator's
430 permit shall authorize the holder thereof and its employees to
431 sell and serve alcoholic beverages to passengers of the permit
432 holder during public tours, historical tours, ecological tours and
433 sunset cruises provided by the permit holder. The permit shall
434 authorize the holder to only sell alcoholic beverages, including
435 native wines, to passengers of the charter vessel operator during
436 public tours, historical tours, ecological tours and sunset
437 cruises provided by the permit holder aboard the charter vessel
438 operator for consumption during such tours and cruises on the
439 premises of the charter vessel operator described in the permit.
440 For the purposes of this paragraph (s), "charter vessel operator"

441 means a common carrier that (i) is certified to carry at least
442 forty-nine (49) passengers, (ii) operates only in the waters
443 within the State of Mississippi, which lie south of Interstate 10
444 in the three (3) most southern counties in the State of
445 Mississippi, and lie adjacent to the State of Mississippi south of
446 the three (3) most southern counties in the State of Mississippi,
447 extending not further than one (1) mile south of such counties,
448 and (iii) provides vessel services for tours and cruises in such
449 waters as provided in this paragraph(s).

450 (t) **Native spirit retailer's permit.** Except as
451 otherwise provided in subsection (5) of this section, a native
452 spirit retailer's permit shall be issued only to a holder of a
453 Class 4 manufacturer's permit, and shall authorize the holder
454 thereof to make retail sales of native spirits to consumers for
455 on-premises consumption or to consumers in originally sealed and
456 unopened containers at an establishment located on the premises of
457 or in the immediate vicinity of a native distillery. When selling
458 to consumers for on-premises consumption, a holder of a native
459 spirit retailer's permit may add to the native spirit alcoholic
460 beverages not produced on the premises, so long as the total
461 volume of foreign beverage components does not exceed twenty
462 percent (20%) of the mixed beverage. Hours of sale shall be the
463 same as those authorized for on-premises permittees in the city or
464 county in which the native spirit retailer is located.

465 (u) **Delivery service permit.** Any individual, limited
466 liability company, corporation or partnership registered to do

467 business in this state is eligible to obtain a delivery service
468 permit. Subject to the provisions of Section 67-1-51.1, this
469 permit authorizes the permittee, or its employee or an independent
470 contractor acting on its behalf, to deliver alcoholic beverages,
471 beer, light wine and light spirit product from a licensed retailer
472 to a person in this state who is at least twenty-one (21) years of
473 age for the individual's use and not for resale. This permit does
474 not authorize the delivery of alcoholic beverages, beer, light
475 wine or light spirit product to the premises of a location with a
476 permit for the manufacture, distribution or retail sale of
477 alcoholic beverages, beer, light wine or light spirit product.
478 The holder of a package retailer's permit or an on-premises
479 retailer's permit under Section 67-1-51 or of a beer, light wine
480 and light spirit product permit under Section 67-3-19 is
481 authorized to apply for a delivery service permit as a privilege
482 separate from its existing retail permit.

483 (v) **Food truck permit.** A food truck permit shall
484 authorize the holder of an on-premises retailer's permit to use a
485 food truck to sell alcoholic beverages off its premises to guests
486 who must consume the beverages in open containers. For the
487 purposes of this paragraph (v), "food truck" means a fully encased
488 food service establishment on a motor vehicle or on a trailer that
489 a motor vehicle pulls to transport, and from which a vendor,
490 standing within the frame of the establishment, prepares, cooks,
491 sells and serves food for immediate human consumption. The term
492 "food truck" does not include a food cart that is not motorized.

493 Food trucks shall maintain such distance requirements from
494 schools, churches, kindergartens and funeral homes as are required
495 for on-premises retailer's permittees under this article, and all
496 sales must be made within a valid leisure and recreation district
497 established under Section 67-1-101. Food trucks cannot sell or
498 serve alcoholic beverages unless also offering food prepared and
499 cooked within the food truck, and permittees must maintain a
500 twenty-five percent (25%) food sale revenue requirement based on
501 the food sold from the food truck alone. The hours allowed for
502 sale shall be the same as those for on-premises retailer's
503 permittees in the location. This permit will not be required for
504 the holder of a caterer's permit issued under this article to
505 cater an event as allowed by law. Permittees must provide notice
506 of not less than forty-eight (48) hours to the department of each
507 location at which alcoholic beverages will be sold.

508 (w) **On-premises tobacco permit.** An on-premises tobacco
509 permit shall authorize the permittee to sell alcoholic beverages
510 for consumption on the licensed premises. In addition to all
511 other requirements to obtain an alcoholic beverage permit, the
512 permittee must obtain and maintain a tobacco permit issued by the
513 State of Mississippi, and have a capital investment of not less
514 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
515 for which the permit is issued. In addition to alcoholic
516 beverages, the permittee is authorized to sell only cigars,
517 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
518 Additionally, seventy-five percent (75%) of the permittee's annual

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

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

528 (3) (a) Except as otherwise provided in this subsection, no
529 authority shall be granted to any person to manufacture, sell or
530 store for sale any intoxicating liquor as specified in this
531 article within four hundred (400) feet of any church, school,
532 kindergarten or funeral home. However, within an area zoned
533 commercial or business, such minimum distance shall be not less
534 than one hundred (100) feet.

535 (b) A church or funeral home may waive the distance
536 restrictions imposed in this subsection in favor of allowing
537 issuance by the department of a permit, pursuant to subsection (1)
538 of this section, to authorize activity relating to the
539 manufacturing, sale or storage of alcoholic beverages which would
540 otherwise be prohibited under the minimum distance criterion.
541 Such waiver shall be in written form from the owner, the governing
542 body, or the appropriate officer of the church or funeral home
543 having the authority to execute such a waiver, and the waiver

544 shall be filed with and verified by the department before becoming
545 effective.

546 (c) The distance restrictions imposed in this
547 subsection shall not apply to the sale or storage of alcoholic
548 beverages at a bed and breakfast inn listed in the National
549 Register of Historic Places or to the sale or storage of alcoholic
550 beverages in a historic district that is listed in the National
551 Register of Historic Places, is a qualified resort area and is
552 located in a municipality having a population greater than one
553 hundred thousand (100,000) according to the latest federal
554 decennial census.

555 (d) The distance restrictions imposed in this
556 subsection shall not apply to the sale or storage of alcoholic
557 beverages at a qualified resort area as defined in Section
558 67-1-5(o)(iii)32.

559 (e) The distance restrictions imposed in this
560 subsection shall not apply to the sale or storage of alcoholic
561 beverages at a licensed premises in a building formerly owned by a
562 municipality and formerly leased by the municipality to a
563 municipal school district and used by the municipal school
564 district as a district bus shop facility.

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

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

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

576 (h) The distance restrictions imposed in this
577 subsection shall not apply to the sale or storage of alcoholic
578 beverages at a theatre facility that features plays and other
579 theatrical performances and productions and (i) is capable of
580 seating more than seven hundred fifty (750) people, (ii) is owned
581 by a municipality which has a population greater than ten thousand
582 (10,000) according to the latest federal decennial census, (iii)
583 was constructed prior to 1930, (iv) is on the National Register of
584 Historic Places, and (v) is located in a historic district.

585 (i) The distance restrictions imposed in this
586 subsection shall not apply to the sale or storage of alcoholic
587 beverages at a licensed premises in a building located
588 approximately one and six-tenths (1.6) miles north of the
589 intersection of Mississippi Highway 15 and Mississippi Highway 4
590 on the west side of Mississippi Highway 15.

591 (4) No person, either individually or as a member of a firm,
592 partnership, limited liability company or association, or as a
593 stockholder, officer or director in a corporation, shall own or
594 control any interest in more than one (1) package retailer's

595 permit, nor shall such person's spouse, if living in the same
596 household of such person, any relative of such person, if living
597 in the same household of such person, or any other person living
598 in the same household with such person own any interest in any
599 other package retailer's permit.

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

613 (b) Nothing in this subsection shall be construed to
614 allow a person to bring any alcoholic beverages into a permitted
615 premises except to the extent otherwise authorized by this
616 article.

617 **SECTION 2.** Section 27-71-5, Mississippi Code of 1972, is
618 amended as follows:

619 27-71-5. (1) Upon each person approved for a permit under
620 the provisions of the Alcoholic Beverage Control Law and

621 amendments thereto, there is levied and imposed for each location
622 for the privilege of engaging and continuing in this state in the
623 business authorized by such permit, an annual privilege license
624 tax in the amount provided in the following schedule:

625 (a) Except as otherwise provided in this subsection
626 (1), manufacturer's permit, Class 1, distiller's and/or
627 rectifier's:

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

630 (ii) For a permittee with annual production under five thousand
631 (5,000) gallons.....\$2,800.00

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

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

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

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

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

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

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

647	(i)	On-premises retailer's permit for clubs...	\$ 225.00
648	(j)	On-premises retailer's permit for common carriers,	
649		per car, plane, or other vehicle.....	\$ 120.00
650	(k)	Solicitor's permit, regardless of any other	
651		provision of law, solicitor's permits shall be issued only in the	
652		discretion of the department.....	\$ 100.00
653	(l)	Filing fee for each application except for an	
654		employee identification card.....	\$ 25.00
655	(m)	Temporary permit, Class 1, each.....	\$ 10.00
656	(n)	Temporary permit, Class 2, each.....	\$ 50.00
657	(o)	(i) Caterer's permit.....	\$ 600.00
658		(ii) Caterer's permit for holders of on-premises	
659		retailer's permit.....	\$ 150.00
660	(p)	Research permit.....	\$ 100.00
661	(q)	Temporary permit, Class 3 (wine only).....	\$ 10.00
662	(r)	Special service permit.....	\$ 225.00
663	(s)	Merchant permit.....	\$ 225.00
664	(t)	Temporary alcoholic beverages charitable auction	
665		permit.....	\$ 10.00
666	(u)	Event venue retailer's permit.....	\$ 225.00
667	(v)	Temporary theatre permit, each.....	\$ 10.00
668	(w)	Charter ship operator's permit.....	\$ 100.00
669	(x)	Distillery retailer's permit.....	\$ 450.00
670	(y)	Festival wine permit.....	\$ 10.00
671	(z)	Charter vessel operator's permit.....	\$ 100.00
672	(aa)	Native spirit retailer's permit.....	\$ 50.00

673 (* * *ab) Delivery service permit.....\$ 500.00
674 (* * *ac) Food truck permit.....\$ 100.00
675 (ad) On-premises tobacco permit.....\$ 450.00

676 In addition to the filing fee imposed by paragraph (l) of
677 this subsection, a fee to be determined by the Department of
678 Revenue may be charged to defray costs incurred to process
679 applications. The additional fees shall be paid into the State
680 Treasury to the credit of a special fund account, which is hereby
681 created, and expenditures therefrom shall be made only to defray
682 the costs incurred by the Department of Revenue in processing
683 alcoholic beverage applications. Any unencumbered balance
684 remaining in the special fund account on June 30 of any fiscal
685 year shall lapse into the State General Fund.

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

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

694 (2) (a) There is imposed and shall be collected from each
695 permittee, except a common carrier, solicitor, a temporary
696 permittee or a delivery service permittee, by the department, an
697 additional license tax equal to the amounts imposed under
698 subsection (1) of this section for the privilege of doing business

699 within any municipality or county in which the licensee is
700 located.

701 (b) (i) In addition to the tax imposed in paragraph
702 (a) of this subsection, there is imposed and shall be collected by
703 the department from each permittee described in subsection (1)(g),
704 (h), (i), (n) and (u) of this section, an additional license tax
705 for the privilege of doing business within any municipality or
706 county in which the licensee is located in the amount of Two
707 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five
708 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars
709 (\$225.00) for each additional purchase of Five Thousand Dollars
710 (\$5,000.00), or fraction thereof.

711 (ii) In addition to the tax imposed in paragraph
712 (a) of this subsection, there is imposed and shall be collected by
713 the department from each permittee described in subsection (1)(o)
714 and (s) of this section, an additional license tax for the
715 privilege of doing business within any municipality or county in
716 which the licensee is located in the amount of Two Hundred Fifty
717 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars
718 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each
719 additional purchase of Five Thousand Dollars (\$5,000.00), or
720 fraction thereof.

721 (iii) Any person who has paid the additional
722 privilege license tax imposed by this paragraph, and whose permit
723 is renewed, may add any unused fraction of Five Thousand Dollars
724 (\$5,000.00) purchases to the first Five Thousand Dollars

725 (\$5,000.00) purchases authorized by the renewal permit, and no
726 additional license tax will be required until purchases exceed the
727 sum of the two (2) figures.

728 (c) If the licensee is located within a municipality,
729 the department shall pay the amount of additional license tax
730 collected under this section to the municipality, and if outside a
731 municipality the department shall pay the additional license tax
732 to the county in which the licensee is located. Payments by the
733 department to the respective local government subdivisions shall
734 be made once each month for any collections during the preceding
735 month.

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

742 (4) The number of permits issued by the department shall not
743 be restricted or limited on a population basis; however, the
744 foregoing limitation shall not be construed to preclude the right
745 of the department to refuse to issue a permit because of the
746 undesirability of the proposed location.

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

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

755 (6) It shall be unlawful for any person to consume alcoholic
756 beverages on the premises of any hotel restaurant, restaurant,
757 club or the interior of any public place defined in Chapter 1,
758 Title 67, Mississippi Code of 1972, when the owner or manager
759 thereof displays in several conspicuous places inside the
760 establishment and at the entrances of establishment a sign
761 containing the following language: NO ALCOHOLIC BEVERAGES
762 ALLOWED.

763 **SECTION 3.** This act shall take effect and be in force from
764 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 AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF REVENUE TO ISSUE AN ON-PREMISES
3 TOBACCO PERMIT TO ALLOW PERMITTEES TO SELL ALCOHOLIC BEVERAGES ON
4 LICENSED PREMISES WHERE CIGARS, CHERROOTS, TOBACCO PIPES, PIPE
5 TOBACCO, AND/OR STOGIES ARE SOLD; TO AMEND SECTION 27-71-5,
6 MISSISSIPPI CODE OF 1972, TO IMPOSE AN ANNUAL PRIVILEGE LICENSE
7 TAX OF \$450.00 FOR THE PERMIT; AND FOR RELATED PURPOSES.

HR26\SB2567A.J

Andrew Ketchings
Clerk of the House of Representatives