

By: Senator(s) Michel, Blackmon, England,  
DeLano

To: Finance

SENATE BILL NO. 2145  
(As Passed the Senate)

1           AN ACT TO AUTHORIZE A PERSON WHO IS THE HOLDER OF A WINE  
2 MANUFACTURER'S PERMIT IN THIS STATE, OR WHO IS LICENSED OR  
3 PERMITTED OUTSIDE OF THE STATE TO ENGAGE IN THE ACTIVITY OF  
4 MANUFACTURING WINE, TO SELL AND SHIP WINE DIRECTLY TO RESIDENTS  
5 AND WINE FULFILLMENT PROVIDERS IN THIS STATE, IF THE PERSON  
6 OBTAINS A DIRECT WINE SHIPPER'S PERMIT FROM THE DEPARTMENT OF  
7 REVENUE; TO PROVIDE FOR THE ISSUANCE OF DIRECT WINE SHIPPER'S  
8 PERMITS; TO REQUIRE THE HOLDER OF A DIRECT WINE SHIPPER'S PERMIT  
9 TO KEEP CERTAIN RECORDS AND TO REPORT CERTAIN INFORMATION TO THE  
10 DEPARTMENT OF REVENUE ON A QUARTERLY BASIS; TO PROHIBIT THE HOLDER  
11 OF A DIRECT WINE SHIPPER'S PERMIT FROM SELLING OR SHIPPING LIGHT  
12 WINE OR BEER OR ANY ALCOHOLIC BEVERAGE OTHER THAN WINE AND FROM  
13 SELLING AND SHIPPING WINE CONTRACTED THROUGH MISSISSIPPI  
14 DISTRIBUTORS, BROKERS AND SOLICITORS, EXCEPT HIGHLY ALLOCATED  
15 ITEMS; TO LIMIT THE AMOUNT OF WINE THAT A HOLDER OF A DIRECT WINE  
16 SHIPPER'S PERMIT MAY SELL OR SHIP TO AN INDIVIDUAL EACH YEAR; TO  
17 PROVIDE FOR THE ANNUAL RENEWAL OF DIRECT WINE SHIPPER'S PERMITS;  
18 TO PROVIDE THAT PERSONS PURCHASING OR RECEIVING A DIRECT SHIPMENT  
19 OF WINE FROM A DIRECT WINE SHIPPER MUST BE AT LEAST 21 YEARS OF  
20 AGE; TO PROVIDE THAT PERSONS RECEIVING A DIRECT SHIPMENT OF WINE  
21 FROM A DIRECT WINE SHIPPER SHALL USE THE WINE FOR PERSONAL  
22 CONSUMPTION ONLY AND MAY NOT RESELL IT; TO AUTHORIZE THE  
23 COMMISSIONER OF REVENUE TO ADOPT ANY RULES OR REGULATIONS AS  
24 NECESSARY TO CARRY OUT THIS ACT; TO PROVIDE PENALTIES FOR  
25 VIOLATIONS OF THIS ACT; TO AMEND SECTIONS 27-71-5, 27-71-7,  
26 27-71-15 AND 27-71-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THE  
27 PRIVILEGE TAX REQUIRED FOR THE ISSUANCE OF A DIRECT WINE SHIPPER'S  
28 PERMIT AND WINE FULFILLMENT PROVIDER'S PERMIT; TO LEVY A TAX UPON  
29 THE SALES AND SHIPMENTS OF WINE MADE BY A DIRECT WINE SHIPPER; TO  
30 REQUIRE A CERTAIN AMOUNT OF THE TAXES LEVIED TO BE DEPOSITED INTO  
31 THE MENTAL HEALTH PROGRAMS FUND; TO AMEND SECTIONS 67-1-41,  
32 67-1-45, 67-1-51, 67-1-53, 67-1-55, 67-1-57, 67-1-73, 97-31-47 AND  
33 97-31-49, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE FOREGOING  
34 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.



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

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

(a) "Common carrier" means a person that holds itself out to the general public as engaged in the business of transporting goods for a fee and is engaged in the business of transporting and delivering alcoholic beverages from a direct wine shipper directly to a consumer or fulfillment provider in this state.

(b) "Department" means the Department of Revenue.

(c) "Direct wine shipper" means a wine manufacturer that holds a direct wine shipper's permit under Section 67-1-51 and meets the requirements of Sections 1 through 9 of this act.

(d) "Fulfillment provider" means the holder of a wine fulfillment provider's permit under Section 67-1-51 who acts on behalf of a direct wine shipper to ship wine to a consumer and arranges for transport of wine to the consumer by a common carrier.

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



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

**SECTION 2.** A person must hold a direct wine shipper's permit before the person may engage in selling and shipping wine directly to a resident in this state. A direct wine shipper may sell and ship wine directly to residents in this state without being required to transact the sale and shipment through the division.

**SECTION 3.** To qualify for a direct wine shipper's permit, an applicant shall be:

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

(b) A person licensed or permitted outside of this state to engage in the activity of manufacturing wine.

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

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

(b) Provide to the department a copy of the applicant's current license or permit to engage in the activity of manufacturing wine issued in this or any other state; and

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



(2) After a person complies with the provisions of subsection (1) of this section, the department may conduct any investigation as it considers necessary regarding the issuance of a direct wine shipper's permit, and the department shall issue such permit to the applicant if the requirements of Sections 1 through 9 of this act are met.

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

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

(b) Report to the department quarterly the total amount of wine, by type, sold and shipped into or within the state the preceding calendar year, and other information required by the department under its rules and regulations adopted pursuant to Section 8 of this act;

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

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

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



(2) A direct wine shipper shall not:

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

(b) Sell or ship wine that is contracted through Mississippi distributors, brokers, and solicitors within the state. Wines which are very limited in quantity and are commonly referred to by the broker as highly allocated items noted as "Allocated Item - See Broker" on the TAP Alcoholic Beverage Control Division of the Department of Revenue website are eligible for sale at a package retailer and also through direct shipment by a direct shipper; or

(c) Sell or ship more than twelve (12) nine-liter cases of wine annually to any one (1) address.

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

(a) Is otherwise entitled to receive a direct wine shipper's permit;

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

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

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



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

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

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

140 **SECTION 8.** The Commissioner of Revenue of the department  
141 shall adopt rules and regulations as necessary to carry out  
142 Sections 1 through 9 of this act. All of the enforcement  
143 provisions of Section 67-1-1 et seq., that are not in conflict  
144 with Sections 1 through 9 of this act may be used by the  
145 department to enforce the provisions of Sections 1 through 9 of  
146 this act.

147 **SECTION 9.** (1) Any person who makes, participates in,  
148 transports, imports or receives a sale or shipment of wine in  
149 violation of Sections 1 through 9 of this act is guilty of a  
150 misdemeanor and, upon conviction thereof, shall be punished by a  
151 fine not exceeding One Thousand Dollars (\$1,000.00) or  
152 imprisonment in the county jail for not more than six (6) months,  
153 or both. Each sale or shipment in violation of Sections 1 through  
154 9 of this act shall constitute a separate offense.

155 (2) If any holder of a direct wine shipper's permit violates  
156 any provision of Sections 1 through 9 of this act, the department



may suspend or revoke the permit and impose civil penalties as authorized under Section 67-1-1 et seq.

(3) Notwithstanding subsection (1) of this section, a consumer who receives a direct shipment of wine in compliance with the conditions in Sections 1 through 9 of this act, and who is of legal age as specified in Section 7 of this act, shall not be subject to penalties under this section for merely receiving such a shipment. This exemption applies if the consumer reasonably believes the shipment is in accordance with the permits and regulatory requirements established by the state.

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

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

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

(i) For a permittee with annual production of five thousand (5,000) gallons or more.....	\$4,500.00
(ii) For a permittee with annual production under five thousand (5,000) gallons.....	\$2,800.00



182 (b) Manufacturer's permit, Class 2, wine  
 183 manufacturer.....\$1,800.00  
 184 (c) Manufacturer's permit, Class 3, native wine  
 185 manufacturer per ten thousand (10,000) gallons or part thereof  
 186 produced.....\$ 10.00  
 187 (d) Manufacturer's permit, Class 4, native spirit  
 188 manufacturer per one thousand (1,000) gallons or part thereof  
 189 produced.....\$ 300.00  
 190 (e) Native wine retailer's permit.....\$ 50.00  
 191 (f) Package retailer's permit, each.....\$ 900.00  
 192 (g) On-premises retailer's permit, except for clubs and  
 193 common carriers, each.....\$ 450.00  
 194 (h) On-premises retailer's permit for wine of more than  
 195 five percent (5%) alcohol by weight, but not more than twenty-one  
 196 percent (21%) alcohol by weight, each.....\$ 225.00  
 197 (i) On-premises retailer's permit for clubs...\$ 225.00  
 198 (j) On-premises retailer's permit for common carriers,  
 199 per car, plane, or other vehicle.....\$ 120.00  
 200 (k) Solicitor's permit, regardless of any other  
 201 provision of law, solicitor's permits shall be issued only in the  
 202 discretion of the department.....\$ 100.00  
 203 (l) Filing fee for each application except for an  
 204 employee identification card.....\$ 25.00  
 205 (m) Temporary permit, Class 1, each.....\$ 10.00  
 206 (n) Temporary permit, Class 2, each.....\$ 50.00





207	(o) (i) Caterer's permit.....	\$ 600.00
208	(ii) Caterer's permit for holders of on-premises	
209	retailer's permit.....	\$ 150.00
210	(p) Research permit.....	\$ 100.00
211	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
212	(r) Special service permit.....	\$ 225.00
213	(s) Merchant permit.....	\$ 225.00
214	(t) Temporary alcoholic beverages charitable auction	
215	permit.....	\$ 10.00
216	(u) Event venue retailer's permit.....	\$ 225.00
217	(v) Temporary theatre permit, each.....	\$ 10.00
218	(w) Charter ship operator's permit.....	\$ 100.00
219	(x) Distillery retailer's permit.....	\$ 450.00
220	(y) Festival wine permit.....	\$ 10.00
221	(z) Charter vessel operator's permit.....	\$ 100.00
222	(aa) Native spirit retailer's permit.....	\$ 50.00
223	(ab) Delivery service permit.....	\$ 500.00
224	(ac) Food truck permit.....	\$ 100.00
225	(ad) On-premises tobacco permit.....	\$ 450.00
226	<u>(ae) Direct wine shipper's permit.....</u>	<u>\$ 100.00</u>
227	<u>(af) Wine fulfillment provider's permit.....</u>	<u>\$ 100.00</u>

228 In addition to the filing fee imposed by paragraph (1) of  
229 this subsection, a fee to be determined by the Department of  
230 Revenue may be charged to defray costs incurred to process  
231 applications. The additional fees shall be paid into the State



Treasury to the credit of a special fund account, which is hereby created, and expenditures therefrom shall be made only to defray the costs incurred by the Department of Revenue in processing alcoholic beverage applications. Any unencumbered balance remaining in the special fund account on June 30 of any fiscal year shall lapse into the State General Fund.

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

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

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

(b) (i) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(g), (h), (i), (n) and (u) of this section, an additional license tax



for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each additional purchase of Five Thousand Dollars (\$5,000.00), or fraction thereof.

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

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

(c) If the licensee is located within a municipality, the department shall pay the amount of additional license tax



collected under this section to the municipality, and if outside a municipality the department shall pay the additional license tax to the county in which the licensee is located. Payments by the department to the respective local government subdivisions shall be made once each month for any collections during the preceding month.

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

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

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



307           (6) It shall be unlawful for any person to consume alcoholic  
308 beverages on the premises of any hotel restaurant, restaurant,  
309 club or the interior of any public place defined in Chapter 1,  
310 Title 67, Mississippi Code of 1972, when the owner or manager  
311 thereof displays in several conspicuous places inside the  
312 establishment and at the entrances of establishment a sign  
313 containing the following language: NO ALCOHOLIC BEVERAGES  
314 ALLOWED.

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

317           27-71-7. (1) There is hereby levied and assessed an excise  
318 tax upon each case of alcoholic beverages sold by the department  
319 to be collected from each retail licensee at the time of sale in  
320 accordance with the following schedule:

321                   (a) Distilled spirits.....\$2.50 per gallon  
322                   (b) Sparkling wine and champagne.....\$1.00 per gallon  
323                   (c) Other wines, including native  
324                   wines.....\$ .35 per gallon

325           (2) (a) In addition to the tax levied by subsection (1) of  
326 this section, and in addition to any other markup collected,  
327 the \* \* \* ~~Alcoholic Beverage Control~~ division shall collect a  
328 markup of three percent (3%) on all alcoholic beverages, as  
329 defined in Section 67-1-5, Mississippi Code of 1972, which are  
330 sold by the division. The proceeds of the markup shall be



collected by the division from each purchaser at the time of purchase.

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

From and after July 1, 1987, the revenue derived from this three percent (3%) markup shall be deposited by the division in the State Treasury to the credit of the "Mental Health Programs Fund," a special fund which is hereby created in the State



Treasury and shall be used by the State Department of Mental Health for the service programs of the department. Any revenue in the "Alcoholism Treatment and Rehabilitation Fund" which is not encumbered at the end of Fiscal Year 1987 shall be deposited to the credit of the "Mental Health Programs Fund."

(3) There is levied and assessed upon the holder of a direct wine shipper's permit, a tax in the amount of fifteen and one-half percent (15.5%) of the sales price of each sale and shipment of wine made to a resident in this state. The holder of a direct wine shipper's permit shall file a monthly report with the department along with a copy of the invoice for each sale and shipment of wine and remit any taxes due; however, no report shall be required for months in which no sales or shipments were made into this state. The report, together with copies of the invoices and the payment of all taxes, shall be filed with the department not later than the twentieth day of the month following the month in which the shipment was made. Permittees who fail to timely file and pay taxes as required by this subsection shall pay a late fee in the amount of Fifty Dollars (\$50.00), in addition to any other penalty authorized by this article.

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

27-71-15. Except as otherwise provided in Section 67-9-1 for the transportation of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and in Sections 1



381 through 9 of this act for the sale and shipment of wine by the  
382 holder of a direct wine shipper's permit, if transportation  
383 requires passage through a county which has not authorized the  
384 sale of alcoholic beverages, such transportation shall be by a  
385 sealed vehicle. Such seal shall remain unbroken until the vehicle  
386 shall reach the place of business operated by the permittee. The  
387 operator of any vehicle transporting alcoholic beverages shall  
388 have in his possession an invoice issued by the \* \* \*~~commission~~  
389 department at the time of the wholesale sale covering the  
390 merchandise transported by the vehicle. The \* \* \*~~commission~~  
391 department is authorized to issue regulations controlling the  
392 transportation of alcoholic beverages.

393 When the restrictions imposed by this section and by the  
394 regulation of the \* \* \*~~commission~~ department have not been  
395 violated, the person transporting alcoholic beverages through a  
396 county wherein the sale of alcoholic beverages is prohibited shall  
397 not be guilty of unlawful possession and such merchandise shall be  
398 immune from seizure.

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

401 27-71-29. (1) (a) All taxes levied by this article shall  
402 be paid to the Department of Revenue in cash or by personal check,  
403 cashier's check, bank exchange, post office money order or express  
404 money order and shall be deposited by the department in the State  
405 Treasury on the same day collected, but no remittances other than





cash shall be a final discharge of liability for the tax herein imposed and levied unless and until it has been paid in cash to the department.

(b) All taxes levied under Section 27-71-7(1) and received by the department under this article shall be paid into the General Fund, and the three percent (3%) levied under Section 27-71-7(2) and received by the department under this article shall be paid into the special fund in the State Treasury designated as the "Alcoholism Treatment and Rehabilitation Fund" as required by law. Any funds derived from the sale of alcoholic beverages in excess of inventory requirements shall be paid not less often than annually into the General Fund, except for a portion of the twenty-seven and one-half percent (27-1/2%) markup provided for in Section 27-71-11, as specified in subsection (2) of this section, and except for fees charged by the department for the defraying of costs associated with shipping alcoholic beverages. The revenue derived from these fees shall be deposited by the department into a special fund, hereby created in the State Treasury, which is designated the "ABC Shipping Fund." The monies in this special fund shall be earmarked for use by the department for any expenditure made to ship alcoholic beverages. Any net proceeds remaining in the special fund on August 1 of any fiscal year shall lapse into the General Fund. "Net proceeds" in this section means the total of all fees collected by the department to defray the costs of shipping less the actual costs of shipping.



431           (c) All taxes levied under Section 27-71-7(3) and  
432 received by the department under this article shall be paid into  
433 the General Fund, except for an amount equivalent to the three  
434 percent (3%) levied under Section 27-71-7(2), which shall be paid  
435 into the special fund in the State Treasury designated as the  
436 "Mental Health Programs Fund" as required by law.

437           (2) If the special bond sinking fund created in Section 7(3)  
438 of Chapter 483, Laws of 2022 has a balance below the minimum  
439 amount specified in the resolution providing for the issuance of  
440 the bonds, or below one and one-half (1-1/2) times the amount  
441 needed to pay the annual debt obligations related to the bonds  
442 issued under Section 7 of Chapter 483, Laws of 2022, whichever is  
443 the lesser amount, the Commissioner of Revenue shall transfer the  
444 deficit amount to the bond sinking fund from revenue derived from  
445 the twenty-seven and one-half percent (27-1/2%) markup provided  
446 for in Section 27-71-11.

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

449           67-1-41. (1) The department is hereby created a wholesale  
450 distributor and seller of alcoholic beverages, not including malt  
451 liquors, within the State of Mississippi. It is granted the right  
452 to import and sell alcoholic beverages at wholesale within the  
453 state, and no person who is granted the right to sell, distribute  
454 or receive alcoholic beverages at retail shall purchase any  
455 alcoholic beverages from any source other than the department,



except as authorized in subsections (4), (9) and (12) of this section and Sections 1 through 9 of this act. The department may establish warehouses, and the department may purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this article.

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

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

(4) The department may promulgate rules and regulations which authorize on-premises retailers to purchase limited amounts of alcoholic beverages from package retailers and for package



481 retailers to purchase limited amounts of alcoholic beverages from  
482 other package retailers. The department shall develop and provide  
483 forms to be completed by the on-premises retailers and the package  
484 retailers verifying the transaction. The completed forms shall be  
485 forwarded to the department within a period of time prescribed by  
486 the department.

487 (5) The department may promulgate rules which authorize the  
488 holder of a package retailer's permit to permit individual retail  
489 purchasers of packages of alcoholic beverages to return, for  
490 exchange, credit or refund, limited amounts of original sealed and  
491 unopened packages of alcoholic beverages purchased by the  
492 individual from the package retailer.

493 (6) The department shall maintain all forms to be completed  
494 by applicants necessary for licensure by the department at all  
495 district offices of the department.

496 (7) The department may promulgate rules which authorize the  
497 manufacturer of an alcoholic beverage or wine to import, transport  
498 and furnish or give a sample of alcoholic beverages or wines to  
499 the holders of package retailer's permits, on-premises retailer's  
500 permits, native wine or native spirit retailer's permits and  
501 temporary retailer's permits who have not previously purchased the  
502 brand of that manufacturer from the department. For each holder  
503 of the designated permits, the manufacturer may furnish not more  
504 than five hundred (500) milliliters of any brand of alcoholic  
505 beverage and not more than three (3) liters of any brand of wine.



506           (8) The department may promulgate rules disallowing open  
507 product sampling of alcoholic beverages or wines by the holders of  
508 package retailer's permits and permitting open product sampling of  
509 alcoholic beverages by the holders of on-premises retailer's  
510 permits. Permitted sample products shall be plainly identified  
511 "sample" and the actual sampling must occur in the presence of the  
512 manufacturer's representatives during the legal operating hours of  
513 on-premises retailers.

514           (9) The department may promulgate rules and regulations that  
515 authorize the holder of a research permit to import and purchase  
516 limited amounts of alcoholic beverages from importers, wineries  
517 and distillers of alcoholic beverages or from the department. The  
518 department shall develop and provide forms to be completed by the  
519 research permittee verifying each transaction. The completed  
520 forms shall be forwarded to the department within a period of time  
521 prescribed by the department. The records and inventory of  
522 alcoholic beverages shall be open to inspection at any time by the  
523 Director of the Alcoholic Beverage Control Division or any duly  
524 authorized agent.

525           (10) The department may promulgate rules facilitating a  
526 retailer's on-site pickup of alcoholic beverages sold by the  
527 department or as authorized by the department, including, but not  
528 limited to, native wines and native spirits, so that those  
529 alcoholic beverages may be delivered to the retailer at the



manufacturer's location instead of via shipment from the department's warehouse.

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

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

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

(b) The purchaser of wine that is to be shipped to a package retailer's store shall be required to get the prior



approval of the package retailer before any wine is shipped to the package retailer. A purchaser is limited to no more than ten (10) cases of wine per year to be shipped to a package retailer. A package retailer shall notify a purchaser of wine within two (2) days after receiving the shipment of wine. If the purchaser of the wine does not pick up or take the wine from the package retailer within thirty (30) days after being notified by the package retailer, the package retailer may sell the wine as part of his inventory.

(c) Shipments of wine into this state under this section shall be made by a duly licensed carrier. It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to package retailer permittees on behalf of consumers, to prepare and file with the department, on a schedule as determined by the department, of known wine shipments containing the name of the common or contract carrier, firm or corporation making the report, the period of time covered by said report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi



579 Public Records Act process in the same manner as other state  
580 alcohol filings.

581       Upon the department's request, any records supporting the  
582 report shall be made available to the department within a  
583 reasonable time after the department makes a written request for  
584 such records. Any records containing information relating to such  
585 reports shall be kept and preserved for a period of two (2) years,  
586 unless their destruction sooner is authorized, in writing, by the  
587 department, and shall be open and available to inspection by the  
588 department upon the department's written request. Reports shall  
589 also be made available to any law enforcement or regulatory body  
590 in the state in which the railroad company, express company,  
591 common or contract carrier making the report resides or does  
592 business.

593       Any common or contract carrier that willfully fails to make  
594 reports, as provided by this section or any of the rules and  
595 regulations of the department for the administration and  
596 enforcement of this section, is subject to a notification of  
597 violation. In the case of a continuing failure to make reports,  
598 the common or contract carrier is subject to possible license  
599 suspension and revocation at the department's discretion.

600       (d) A winery that ships wine under this section shall  
601 be deemed to have consented to the jurisdiction of the courts of  
602 this state, of the department, of any other state agency regarding





the enforcement of this section, and of any related law, rules or regulations.

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

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

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

67-1-45. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of



Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity. The holder of a direct wine shipper's permit may sell wines directly to residents in this state as authorized by Sections 1 through 9 of this act.

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

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

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

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

Manufacturer's permits shall be of the following classes:



652           Class 1. Distiller's and/or rectifier's permit, which shall  
653 authorize the holder thereof to operate a distillery for the  
654 production of distilled spirits by distillation or redistillation  
655 and/or to operate a rectifying plant for the purifying, refining,  
656 mixing, blending, flavoring or reducing in proof of distilled  
657 spirits and alcohol.

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

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

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

667           (b) **Package retailer's permit.** Except as otherwise  
668 provided in this paragraph and Section 67-1-52, a package  
669 retailer's permit shall authorize the holder thereof to operate a  
670 store exclusively for the sale at retail in original sealed and  
671 unopened packages of alcoholic beverages, including native wines,  
672 native spirits and edibles, not to be consumed on the premises  
673 where sold. Alcoholic beverages shall not be sold by any retailer  
674 in any package or container containing less than fifty (50)  
675 milliliters by liquid measure. A package retailer's permit, with  
676 prior approval from the department, shall authorize the holder



677 thereof to sample new product furnished by a manufacturer's  
678 representative or his employees at the permitted place of business  
679 so long as the sampling otherwise complies with this article and  
680 applicable department regulations. Such samples may not be  
681 provided to customers at the permitted place of business. In  
682 addition to the sale at retail of packages of alcoholic beverages,  
683 the holder of a package retailer's permit is authorized to sell at  
684 retail corkscrews, wine glasses, soft drinks, ice, juices, mixers,  
685 other beverages commonly used to mix with alcoholic beverages, and  
686 fruits and foods that have been submerged in alcohol and are  
687 commonly referred to as edibles. Nonalcoholic beverages sold by  
688 the holder of a package retailer's permit shall not be consumed on  
689 the premises where sold.

690 (c) **On-premises retailer's permit.** Except as otherwise  
691 provided in subsection (5) of this section, an on-premises  
692 retailer's permit shall authorize the sale of alcoholic beverages,  
693 including native wines and native spirits, for consumption on the  
694 licensed premises only; however, a patron of the permit holder may  
695 remove one (1) bottle of wine from the licensed premises if: (i)  
696 the patron consumed a portion of the bottle of wine in the course  
697 of consuming a meal purchased on the licensed premises; (ii) the  
698 permit holder securely reseals the bottle; (iii) the bottle is  
699 placed in a bag that is secured in a manner so that it will be  
700 visibly apparent if the bag is opened; and (iv) a dated receipt  
701 for the wine and the meal is available. Additionally, as part of



a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. In addition, an on-premises retailer's permittee at a permitted premises located on Jefferson Davis Avenue within one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic beverages by the glass to a patron in a vehicle using a drive-through method of delivery if the permitted premises is located in a leisure and recreation district established under Section 67-1-101. Such a sale will be considered to be made on the permitted premises. An on-premises retailer's permit shall be issued only to qualified hotels, restaurants and clubs, small craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, however, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to any establishments located therein as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty



(150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

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

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises



consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

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

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

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they



777 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
778 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
779 Class 1 permittees shall obtain all alcoholic beverages from  
780 package retailers located in the county in which the temporary  
781 permit is issued. Alcoholic beverages remaining in stock upon  
782 expiration of the temporary permit may be returned by the  
783 permittee to the package retailer for a refund of the purchase  
784 price upon consent of the package retailer or may be kept by the  
785 permittee exclusively for personal use and consumption, subject to  
786 all laws pertaining to the illegal sale and possession of  
787 alcoholic beverages. The department, following review of the  
788 statement provided by the applicant and the requirements of the  
789 applicable statutes and regulations, may issue the permit.

790       Class 2. A temporary permit, not to exceed seventy (70)  
791 days, may be issued to prospective permittees seeking to transfer  
792 a permit authorized in paragraph (c) of this subsection. A Class  
793 2 permit may be issued only to applicants demonstrating to the  
794 department, by a statement signed under the penalty of perjury,  
795 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
796 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
797 67-1-59. The department, following a preliminary review of the  
798 statement provided by the applicant and the requirements of the  
799 applicable statutes and regulations, may issue the permit.

800       Class 2 temporary permittees must purchase their alcoholic  
801 beverages directly from the department or, with approval of the





802 department, purchase the remaining stock of the previous  
803 permittee. If the proposed applicant of a Class 1 or Class 2  
804 temporary permit falsifies information contained in the  
805 application or statement, the applicant shall never again be  
806 eligible for a retail alcohol beverage permit and shall be subject  
807 to prosecution for perjury.

808       Class 3. A temporary one-day permit may be issued to a  
809 retail establishment authorizing the complimentary distribution of  
810 wine, including native wine, to patrons of the retail  
811 establishment at an open house or promotional event, for  
812 consumption only on the premises described in the temporary  
813 permit. A Class 3 permit may be issued only to an applicant  
814 demonstrating to the department, by a statement signed under  
815 penalty of perjury submitted ten (10) days before the proposed  
816 date or such other time as the department may determine, that it  
817 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
818 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
819 A Class 3 permit holder shall obtain all alcoholic beverages from  
820 the holder(s) of a package retailer's permit located in the county  
821 in which the temporary permit is issued. Wine remaining in stock  
822 upon expiration of the temporary permit may be returned by the  
823 Class 3 temporary permit holder to the package retailer for a  
824 refund of the purchase price, with consent of the package  
825 retailer, or may be kept by the Class 3 temporary permit holder  
826 exclusively for personal use and consumption, subject to all laws



pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (1) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the



852 caterer's permit shall not authorize the service of alcoholic  
853 beverages on a consistent, recurring basis at a separate, fixed  
854 location owned or operated by the caterer, on-premises retailer or  
855 affiliated entity and an on-premises retailer's permit shall be  
856 required for the separate location. All sales of alcoholic  
857 beverages by holders of a caterer's permit shall be made at the  
858 location being catered by the caterer, and, except as otherwise  
859 provided in subsection (5) of this section, such sales may be made  
860 only for consumption at the catered location. The location being  
861 catered may be anywhere within a county or judicial district that  
862 has voted to come out from under the dry laws or in which the sale  
863 and distribution of alcoholic beverages is otherwise authorized by  
864 law. Such sales shall be made pursuant to any other conditions  
865 and restrictions which apply to sales made by on-premises retail  
866 permittees. The holder of a caterer's permit or his employees  
867 shall remain at the catered location as long as alcoholic  
868 beverages are being sold pursuant to the permit issued under this  
869 paragraph (g), and the permittee shall have at the location the  
870 identification card issued by the \* \* \* ~~Alcoholic Beverage Control~~  
871 ~~division \* \* \* of the department.~~ No unsold alcoholic beverages  
872 may be left at the catered location by the permittee upon the  
873 conclusion of his business at that location. Appropriate law  
874 enforcement officers and \* \* \* ~~Alcoholic Beverage Control~~ division  
875 personnel may enter a catered location on private property in



876 order to enforce laws governing the sale or serving of alcoholic  
877 beverages.

878           (h) **Research permit.** A research permit shall authorize  
879 the holder thereof to operate a research facility for the  
880 professional research of alcoholic beverages. Such permit shall  
881 authorize the holder of the permit to import and purchase limited  
882 amounts of alcoholic beverages from the department or from  
883 importers, wineries and distillers of alcoholic beverages for  
884 professional research.

885           (i) **Alcohol processing permit.** An alcohol processing  
886 permit shall authorize the holder thereof to purchase, transport  
887 and possess alcoholic beverages for the exclusive use in cooking,  
888 processing or manufacturing products which contain alcoholic  
889 beverages as an integral ingredient. An alcohol processing permit  
890 shall not authorize the sale of alcoholic beverages on the  
891 premises of the person engaging in the business of cooking,  
892 processing or manufacturing products which contain alcoholic  
893 beverages. The amounts of alcoholic beverages allowed under an  
894 alcohol processing permit shall be set by the department.

895           (j) **Hospitality cart permit.** A hospitality cart permit  
896 shall authorize the sale of alcoholic beverages from a mobile cart  
897 on a golf course that is the holder of an on-premises retailer's  
898 permit. The alcoholic beverages sold from the cart must be  
899 consumed within the boundaries of the golf course.



900           (k)   **Special service permit.** A special service permit  
901 shall authorize the holder to sell commercially sealed alcoholic  
902 beverages to the operator of a commercial or private aircraft for  
903 en route consumption only by passengers. A special service permit  
904 shall be issued only to a fixed-base operator who contracts with  
905 an airport facility to provide fueling and other associated  
906 services to commercial and private aircraft.

907           (1)   **Merchant permit.** Except as otherwise provided in  
908 subsection (5) of this section, a merchant permit shall be issued  
909 only to the owner of a spa facility, an art studio or gallery, or  
910 a cooking school, and shall authorize the holder to serve  
911 complimentary by the glass wine only, including native wine, at  
912 the holder's spa facility, art studio or gallery, or cooking  
913 school. A merchant permit holder shall obtain all wine from the  
914 holder of a package retailer's permit.

915           (m)   **Temporary alcoholic beverages charitable auction**  
916 **permit.** A temporary permit, not to exceed five (5) days, may be  
917 issued to a qualifying charitable nonprofit organization that is  
918 exempt from taxation under Section 501(c)(3) or (4) of the  
919 Internal Revenue Code of 1986. The permit shall authorize the  
920 holder to sell alcoholic beverages for the limited purpose of  
921 raising funds for the organization during a live or silent auction  
922 that is conducted by the organization and that meets the following  
923 requirements: (i) the auction is conducted in an area of the  
924 state where the sale of alcoholic beverages is authorized; (ii) if



925 the auction is conducted on the premises of an on-premises  
926 retailer's permit holder, then the alcoholic beverages to be  
927 auctioned must be stored separately from the alcoholic beverages  
928 sold, stored or served on the premises, must be removed from the  
929 premises immediately following the auction, and may not be  
930 consumed on the premises; (iii) the permit holder may not conduct  
931 more than two (2) auctions during a calendar year; (iv) the permit  
932 holder may not pay a commission or promotional fee to any person  
933 to arrange or conduct the auction.

934 (n) **Event venue retailer's permit.** An event venue  
935 retailer's permit shall authorize the holder thereof to purchase  
936 and resell alcoholic beverages, including native wines and native  
937 spirits, for consumption on the premises during legal hours during  
938 events held on the licensed premises if food is being served at  
939 the event by a caterer who is not affiliated with or related to  
940 the permittee. The caterer must serve at least three (3) entrees.  
941 The permit may only be issued for venues that can accommodate two  
942 hundred (200) persons or more. The number of persons a venue may  
943 accommodate shall be determined by the local fire department and  
944 such determination shall be provided in writing and submitted  
945 along with all other documents required to be provided for an  
946 on-premises retailer's permit. The permittee must derive the  
947 majority of its revenue from event-related fees, including, but  
948 not limited to, admission fees or ticket sales for live  
949 entertainment in the building. "Event-related fees" do not



include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

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



974                   (p) **Charter ship operator's permit.** Subject to the  
975 provisions of this paragraph (p), a charter ship operator's permit  
976 shall authorize the holder thereof and its employees to serve,  
977 monitor, store and otherwise control the serving and availability  
978 of alcoholic beverages to customers of the permit holder during  
979 private charters under contract provided by the permit holder. A  
980 charter ship operator's permit shall authorize such action by the  
981 permit holder and its employees only as to alcoholic beverages  
982 brought onto the permit holder's ship by customers of the permit  
983 holder as part of such a private charter. All such alcoholic  
984 beverages must be removed from the charter ship at the conclusion  
985 of each private charter. A charter ship operator's permit shall  
986 not authorize the permit holder to sell, charge for or otherwise  
987 supply alcoholic beverages to customers, except as authorized in  
988 this paragraph (p). For the purposes of this paragraph (p),  
989 "charter ship operator" means a common carrier that (i) is  
990 certified to carry at least one hundred fifty (150) passengers  
991 and/or provide overnight accommodations for at least fifty (50)  
992 passengers, (ii) operates only in the waters within the State of  
993 Mississippi, which lie adjacent to the State of Mississippi south  
994 of the three (3) most southern counties in the State of  
995 Mississippi, and (iii) provides charters under contract for tours  
996 and trips in such waters.

997                   (q) **Distillery retailer's permit.** The holder of a  
998 Class 1 manufacturer's permit may obtain a distillery retailer's





999 permit. A distillery retailer's permit shall authorize the holder  
1000 thereof to sell at retail alcoholic beverages to consumers for  
1001 on-premises consumption, or to consumers by the sealed and  
1002 unopened bottle from a retail location at the distillery for  
1003 off-premises consumption. The holder may only sell product  
1004 manufactured by the manufacturer at the distillery described in  
1005 the permit. However, when selling to consumers for on-premises  
1006 consumption, a holder of a distillery retailer's permit may add  
1007 other beverages, alcoholic or not, so long as the total volume of  
1008 other beverage components containing alcohol does not exceed  
1009 twenty percent (20%). Hours of sale shall be the same as those  
1010 authorized for on-premises permittees in the city or county in  
1011 which the distillery retailer is located.

1012       The holder shall not sell at retail more than ten percent  
1013 (10%) of the alcoholic beverages produced annually at its  
1014 distillery. The holder shall not make retail sales of more than  
1015 two and twenty-five one-hundredths (2.25) liters, in the  
1016 aggregate, of the alcoholic beverages produced at its distillery  
1017 to any one (1) individual for consumption off the premises of the  
1018 distillery within a twenty-four-hour period. The hours of sale  
1019 shall be the same as those hours for package retailers under this  
1020 article. The holder of a distillery retailer's permit is not  
1021 required to purchase the alcoholic beverages authorized to be sold  
1022 by this paragraph from the department's liquor distribution  
1023 warehouse; however, if the holder does not purchase the alcoholic



1024 beverages from the department's liquor distribution warehouse, the  
1025 holder shall pay to the department all taxes, fees and surcharges  
1026 on the alcoholic beverages that are imposed upon the sale of  
1027 alcoholic beverages shipped by the department or its warehouse  
1028 operator. In addition to alcoholic beverages, the holder of a  
1029 distillery retailer's permit may sell at retail promotional  
1030 products from the same retail location, including shirts, hats,  
1031 glasses, and other promotional products customarily sold by  
1032 alcoholic beverage manufacturers.

1033           (r) **Festival wine permit.** Any wine manufacturer or  
1034 native wine producer permitted by Mississippi or any other state  
1035 is eligible to obtain a Festival Wine Permit. This permit  
1036 authorizes the entity to transport product manufactured by it to  
1037 festivals held within the State of Mississippi and sell sealed,  
1038 unopened bottles to festival participants. The holder of this  
1039 permit may provide samples at no charge to participants.  
1040 "Festival" means any event at which three (3) or more vendors are  
1041 present at a location for the sale or distribution of goods. The  
1042 holder of a Festival Wine Permit is not required to purchase the  
1043 alcoholic beverages authorized to be sold by this paragraph from  
1044 the department's liquor distribution warehouse. However, if the  
1045 holder does not purchase the alcoholic beverages from the  
1046 department's liquor distribution warehouse, the holder of this  
1047 permit shall pay to the department all taxes, fees and surcharges  
1048 on the alcoholic beverages sold at such festivals that are imposed



1049 upon the sale of alcoholic beverages shipped by the \* \* \*  
1050 ~~Alcoholic Beverage Control~~ division \* \* \* ~~of the Department of~~  
1051 ~~Revenue~~. Additionally, the entity shall file all applicable  
1052 reports and returns as prescribed by the department. This permit  
1053 is issued per festival and provides authority to sell for two (2)  
1054 consecutive days during the hours authorized for on-premises  
1055 permittees' sales in that county or city. The holder of the  
1056 permit shall be required to maintain all requirements set by Local  
1057 Option Law for the service and sale of alcoholic beverages. This  
1058 permit may be issued to entities participating in festivals at  
1059 which a Class 1 temporary permit is in effect.

1060 This paragraph (r) shall stand repealed from and after July  
1061 1, 2026.

1062 (s) **Charter vessel operator's permit.** Subject to the  
1063 provisions of this paragraph (s), a charter vessel operator's  
1064 permit shall authorize the holder thereof and its employees to  
1065 sell and serve alcoholic beverages to passengers of the permit  
1066 holder during public tours, historical tours, ecological tours and  
1067 sunset cruises provided by the permit holder. The permit shall  
1068 authorize the holder to only sell alcoholic beverages, including  
1069 native wines, to passengers of the charter vessel operator during  
1070 public tours, historical tours, ecological tours and sunset  
1071 cruises provided by the permit holder aboard the charter vessel  
1072 operator for consumption during such tours and cruises on the  
1073 premises of the charter vessel operator described in the permit.



1074 For the purposes of this paragraph (s), "charter vessel operator"  
1075 means a common carrier that (i) is certified to carry at least  
1076 forty-nine (49) passengers, (ii) operates only in the waters  
1077 within the State of Mississippi, which lie south of Interstate 10  
1078 in the three (3) most southern counties in the State of  
1079 Mississippi, and lie adjacent to the State of Mississippi south of  
1080 the three (3) most southern counties in the State of Mississippi,  
1081 extending not further than one (1) mile south of such counties,  
1082 and (iii) provides vessel services for tours and cruises in such  
1083 waters as provided in this paragraph(s).

1084 (t) **Native spirit retailer's permit.** Except as  
1085 otherwise provided in subsection (5) of this section, a native  
1086 spirit retailer's permit shall be issued only to a holder of a  
1087 Class 4 manufacturer's permit, and shall authorize the holder  
1088 thereof to make retail sales of native spirits to consumers for  
1089 on-premises consumption or to consumers in originally sealed and  
1090 unopened containers at an establishment located on the premises of  
1091 or in the immediate vicinity of a native distillery. When selling  
1092 to consumers for on-premises consumption, a holder of a native  
1093 spirit retailer's permit may add to the native spirit alcoholic  
1094 beverages not produced on the premises, so long as the total  
1095 volume of foreign beverage components does not exceed twenty  
1096 percent (20%) of the mixed beverage. Hours of sale shall be the  
1097 same as those authorized for on-premises permittees in the city or  
1098 county in which the native spirit retailer is located.



1099                   (u)   **Delivery service permit.** Any individual, limited  
1100 liability company, corporation or partnership registered to do  
1101 business in this state is eligible to obtain a delivery service  
1102 permit. Subject to the provisions of Section 67-1-51.1, this  
1103 permit authorizes the permittee, or its employee or an independent  
1104 contractor acting on its behalf, to deliver alcoholic beverages,  
1105 beer, light wine and light spirit product from a licensed retailer  
1106 to a person in this state who is at least twenty-one (21) years of  
1107 age for the individual's use and not for resale. This permit does  
1108 not authorize the delivery of alcoholic beverages, beer, light  
1109 wine or light spirit product to the premises of a location with a  
1110 permit for the manufacture, distribution or retail sale of  
1111 alcoholic beverages, beer, light wine or light spirit product.  
1112 The holder of a package retailer's permit or an on-premises  
1113 retailer's permit under Section 67-1-51 or of a beer, light wine  
1114 and light spirit product permit under Section 67-3-19 is  
1115 authorized to apply for a delivery service permit as a privilege  
1116 separate from its existing retail permit.

1117                   (v)   **Food truck permit.** A food truck permit shall  
1118 authorize the holder of an on-premises retailer's permit to use a  
1119 food truck to sell alcoholic beverages off its premises to guests  
1120 who must consume the beverages in open containers. For the  
1121 purposes of this paragraph (v), "food truck" means a fully encased  
1122 food service establishment on a motor vehicle or on a trailer that  
1123 a motor vehicle pulls to transport, and from which a vendor,



1124 standing within the frame of the establishment, prepares, cooks,  
1125 sells and serves food for immediate human consumption. The term  
1126 "food truck" does not include a food cart that is not motorized.  
1127 Food trucks shall maintain such distance requirements from  
1128 schools, churches, kindergartens and funeral homes as are required  
1129 for on-premises retailer's permittees under this article, and all  
1130 sales must be made within a valid leisure and recreation district  
1131 established under Section 67-1-101. Food trucks cannot sell or  
1132 serve alcoholic beverages unless also offering food prepared and  
1133 cooked within the food truck, and permittees must maintain a  
1134 twenty-five percent (25%) food sale revenue requirement based on  
1135 the food sold from the food truck alone. The hours allowed for  
1136 sale shall be the same as those for on-premises retailer's  
1137 permittees in the location. This permit will not be required for  
1138 the holder of a caterer's permit issued under this article to  
1139 cater an event as allowed by law. Permittees must provide notice  
1140 of not less than forty-eight (48) hours to the department of each  
1141 location at which alcoholic beverages will be sold.

1142           (w) **On-premises tobacco permit.** An on-premises tobacco  
1143 permit shall authorize the permittee to sell alcoholic beverages  
1144 for consumption on the licensed premises. In addition to all  
1145 other requirements to obtain an alcoholic beverage permit, the  
1146 permittee must obtain and maintain a tobacco permit issued by the  
1147 State of Mississippi, and have a capital investment of not less  
1148 than Five Hundred Thousand Dollars (\$500,000.00) in the premises



for which the permit is issued. In addition to alcoholic beverages, the permittee is authorized to sell only cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. Additionally, seventy-five percent (75%) of the permittee's annual gross revenue must be derived from the sale of cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. No food sales shall be required, but food may be sold on the premises. The issuance of this permit does not remove any obligation a permittee may have to follow local ordinances or actions prohibiting the use of tobacco products.

(x) **Direct wine shipper's permit.** A direct wine shipper's permit shall authorize the holder to sell and ship a limited amount of wine directly to residents in this state in accordance with the provisions of Sections 1 through 9 of this act, without being required to transact the sale and shipment of those wines through the division.

(y) **Wine fulfillment provider's permit.** A wine fulfillment provider's permit authorizes a fulfillment provider, as defined in Section 1 of this act, to ship wine to a consumer on behalf of a holder of a direct wine shipper's permit.

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

(3) (a) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or



1174 store for sale any intoxicating liquor as specified in this  
1175 article within four hundred (400) feet of any church, school  
1176 (excluding any community college, junior college, college or  
1177 university), kindergarten or funeral home. However, within an  
1178 area zoned commercial or business, such minimum distance shall be  
1179 not less than one hundred (100) feet.

1180 (b) A church or funeral home may waive the distance  
1181 restrictions imposed in this subsection in favor of allowing  
1182 issuance by the department of a permit, pursuant to subsection (1)  
1183 of this section, to authorize activity relating to the  
1184 manufacturing, sale or storage of alcoholic beverages which would  
1185 otherwise be prohibited under the minimum distance criterion.  
1186 Such waiver shall be in written form from the owner, the governing  
1187 body, or the appropriate officer of the church or funeral home  
1188 having the authority to execute such a waiver, and the waiver  
1189 shall be filed with and verified by the department before becoming  
1190 effective.

1191 (c) The distance restrictions imposed in this  
1192 subsection shall not apply to the sale or storage of alcoholic  
1193 beverages at a bed and breakfast inn listed in the National  
1194 Register of Historic Places or to the sale or storage of alcoholic  
1195 beverages in a historic district that is listed in the National  
1196 Register of Historic Places, is a qualified resort area and is  
1197 located in a municipality having a population greater than one





1198 hundred thousand (100,000) according to the latest federal  
1199 decennial census.

1200 (d) The distance restrictions imposed in this  
1201 subsection shall not apply to the sale or storage of alcoholic  
1202 beverages at a qualified resort area as defined in Section  
1203 67-1-5(o)(iii)32.

1204 (e) The distance restrictions imposed in this  
1205 subsection shall not apply to the sale or storage of alcoholic  
1206 beverages at a licensed premises in a building formerly owned by a  
1207 municipality and formerly leased by the municipality to a  
1208 municipal school district and used by the municipal school  
1209 district as a district bus shop facility.

1210 (f) The distance restrictions imposed in this  
1211 subsection shall not apply to the sale or storage of alcoholic  
1212 beverages at a licensed premises in a building consisting of at  
1213 least five thousand (5,000) square feet and located approximately  
1214 six hundred (600) feet from the intersection of Mississippi  
1215 Highway 15 and Mississippi Highway 4.

1216 (g) The distance restrictions imposed in this  
1217 subsection shall not apply to the sale or storage of alcoholic  
1218 beverages at a licensed premises in a building located at or near  
1219 the intersection of Ward and Tate Streets and adjacent properties  
1220 in the City of Senatobia, Mississippi.

1221 (h) The distance restrictions imposed in this  
1222 subsection shall not apply to the sale or storage of alcoholic



1223 beverages at a theatre facility that features plays and other  
1224 theatrical performances and productions and (i) is capable of  
1225 seating more than seven hundred fifty (750) people, (ii) is owned  
1226 by a municipality which has a population greater than ten thousand  
1227 (10,000) according to the latest federal decennial census, (iii)  
1228 was constructed prior to 1930, (iv) is on the National Register of  
1229 Historic Places, and (v) is located in a historic district.

1230           (i) The distance restrictions imposed in this  
1231 subsection shall not apply to the sale or storage of alcoholic  
1232 beverages at a licensed premises in a building located  
1233 approximately one and six-tenths (1.6) miles north of the  
1234 intersection of Mississippi Highway 15 and Mississippi Highway 4  
1235 on the west side of Mississippi Highway 15.

1236           (4) No person, either individually or as a member of a firm,  
1237 partnership, limited liability company or association, or as a  
1238 stockholder, officer or director in a corporation, shall own or  
1239 control any interest in more than one (1) package retailer's  
1240 permit, nor shall such person's spouse, if living in the same  
1241 household of such person, any relative of such person, if living  
1242 in the same household of such person, or any other person living  
1243 in the same household with such person own any interest in any  
1244 other package retailer's permit; however, in the case of a person  
1245 holding a package retailer's permit issued before July 1, 2024,  
1246 such a person may own one (1) additional package retailer's permit  
1247 if the additional permit is issued for a premises with a minimum



1248 capital investment of Twenty Million Dollars (\$20,000,000.00) that  
1249 is part of a major retail development project and located in one  
1250 (1) of the three (3) most southern counties in the State of  
1251 Mississippi, and not within one hundred (100) miles of another  
1252 location in the State of Mississippi, for which the permittee  
1253 holds such a permit.

1254       (5) (a) In addition to any other authority granted under  
1255 this section, the holder of a permit issued under subsection  
1256 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
1257 sell or otherwise provide alcoholic beverages and/or wine to a  
1258 patron of the permit holder in the manner authorized in the permit  
1259 and the patron may remove an open glass, cup or other container of  
1260 the alcoholic beverage and/or wine from the licensed premises and  
1261 may possess and consume the alcoholic beverage or wine outside of  
1262 the licensed premises if: (i) the licensed premises is located  
1263 within a leisure and recreation district created under Section  
1264 67-1-101 and (ii) the patron remains within the boundaries of the  
1265 leisure and recreation district while in possession of the  
1266 alcoholic beverage or wine.

1267       (b) Nothing in this subsection shall be construed to  
1268 allow a person to bring any alcoholic beverages into a permitted  
1269 premises except to the extent otherwise authorized by this  
1270 article.

1271       **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is  
1272 amended as follows:



1273           67-1-53. (1) Application for permits shall be in such form  
1274 and shall contain such information as shall be required by the  
1275 regulations of the \* \* \*~~commission~~ department; however, no  
1276 regulation of the \* \* \*~~commission~~ department shall require  
1277 personal financial information from any officer of a corporation  
1278 applying for an on-premises retailer's permit to sell alcoholic  
1279 beverages unless such officer owns ten percent (10%) or more of  
1280 the stock of such corporation.

1281           (2) Every applicant for each type of permit authorized by  
1282 Section 67-1-51 shall give notice of such application by  
1283 publication for two (2) consecutive issues in a newspaper of  
1284 general circulation published in the city or town in which  
1285 applicant's place of business is located. However, in instances  
1286 where no newspaper is published in the city or town, then the  
1287 notice shall be published in a newspaper of general circulation  
1288 published in the county where the applicant's business is located.  
1289 If no newspaper is published in the county, the notice shall be  
1290 published in a qualified newspaper which is published in the  
1291 closest neighboring county and circulated in the county of  
1292 applicant's residence. The notice shall be printed in ten-point  
1293 black face type and shall set forth the type of permit to be  
1294 applied for, the exact location of the place of business, the name  
1295 of the owner or owners thereof, and if operating under an assumed  
1296 name, the trade name together with the names of all owners, and if  
1297 a corporation, the names and titles of all officers. The cost of



1298 such notice shall be borne by the applicant. The provisions of  
1299 this subsection (2) shall not apply to applicants for a direct  
1300 wine shipper's permit under Sections 1 through 9 of this act.

1301 (3) Each application or filing made under this section shall  
1302 include the social security number(s) of the applicant in  
1303 accordance with Section 93-11-64, Mississippi Code of 1972.

1304 **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is  
1305 amended as follows:

1306 67-1-55. No permit of any type shall be issued by the \* \* \*  
1307 ~~commission~~ department until the applicant has first filed with  
1308 the \* \* \* ~~commission~~ department a sworn statement disclosing all  
1309 persons who are financially involved in the operation of the  
1310 business for which the permit is sought. If an applicant is an  
1311 individual, he will swear that he owns one hundred percent (100%)  
1312 of the business for which he is seeking a permit. If the  
1313 applicant is a partnership, all partners and their addresses shall  
1314 be disclosed and the extent of their interest in the partnership  
1315 shall be disclosed. If the applicant is a corporation, the total  
1316 stock in the corporation shall be disclosed and each shareholder  
1317 and his address and the amount of stock in the corporation owned  
1318 by him shall be disclosed. If the applicant is a limited  
1319 liability company, each member and their addresses shall be  
1320 disclosed and the extent of their interest in the limited  
1321 liability company shall be disclosed. If the applicant is a  
1322 trust, the trustee and all beneficiaries and their addresses shall



1323 be disclosed. If the applicant is a combination of any of the  
1324 above, all information required to be disclosed above shall be  
1325 required.

1326 All the disclosures shall be in writing and kept on file at  
1327 the \* \* \* ~~commission's office~~ department and shall be available to  
1328 the public.

1329 Every applicant must, when applying for a renewal of his  
1330 permit, disclose any change in the ownership of the business or  
1331 any change in the beneficiaries of the income from the business.

1332 Any person who willfully fails to fully disclose the  
1333 information required by this section, or who gives false  
1334 information, shall be guilty of a misdemeanor and, upon conviction  
1335 thereof, shall be fined a sum not to exceed Five Hundred Dollars  
1336 (\$500.00) or imprisoned for not more than one (1) year, or both,  
1337 and the person or applicant shall never again be eligible for any  
1338 permit pertaining to alcoholic beverages.

1339 The provisions of this section shall not apply to persons  
1340 applying for a direct wine shipper's permit under Sections 1  
1341 through 9 of this act.

1342 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is  
1343 amended as follows:

1344 67-1-57. Before a permit is issued the department shall  
1345 satisfy itself:

1346 (a) That the applicant, if an individual, or if a  
1347 partnership, each of the members of the partnership, or if a



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

1356           (b) That, except in the case of an application for a  
1357 solicitor's permit, the applicant is the true and actual owner of  
1358 the business for which the permit is desired, and that he intends  
1359 to carry on the business authorized for himself and not as the  
1360 agent of any other person, and that he intends to superintend in  
1361 person the management of the business or that he will designate a  
1362 manager to manage the business for him. Except for managers  
1363 employed by the holder of a direct wine shipper's permit, all  
1364 managers must be approved by the department prior to completing  
1365 any managerial tasks on behalf of the permittee and must possess  
1366 all of the qualifications required of a permittee; however, a  
1367 felony conviction, other than a crime of violence, does not  
1368 automatically disqualify a person from being approved as a manager  
1369 if the person was released from incarceration at least three (3)  
1370 years prior to application for approval as a manager. A felony  
1371 conviction, other than a crime of violence, may be considered by



1372 the department in determining whether all other qualifications are  
1373 met.

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

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

1385 (e) That the place for which the permit is to be issued  
1386 is within the corporate limits of an incorporated municipality or  
1387 qualified resort area or club which comes within the provisions of  
1388 this article.

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

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





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

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

1405           (j) That the \* \* \*~~commission~~ department has not, in  
1406 the exercise of its discretion which is reserved and preserved to  
1407 it, refused to grant permits under the restrictions of this  
1408 section, as well as under any other pertinent provision of this  
1409 article.

1410           (k) That there are not sufficient legal reasons to deny  
1411 a permit on the ground that the premises for which the permit is  
1412 sought has previously been operated, used or frequented for any  
1413 purpose or in any manner that is lewd, immoral or offensive to  
1414 public decency. In the granting or withholding of any permit to  
1415 sell alcoholic beverages at retail, the \* \* \*~~commission~~  
1416 department in forming its conclusions may give consideration to  
1417 any recommendations made in writing by the district or county  
1418 attorney or county, circuit or chancery judge of the county, or  
1419 the sheriff of the county, or the mayor or chief of police of an  
1420 incorporated city or town wherein the applicant proposes to



1421 conduct his business and to any recommendations made by  
1422 representatives of the \* \* \*~~commission~~ department.

1423 (1) That the applicant and the applicant's key  
1424 employees, as determined by the \* \* \*~~commission~~ department, do  
1425 not have a disqualifying criminal record. In order to obtain a  
1426 criminal record history check, the applicant shall submit to  
1427 the \* \* \*~~commission~~ department a set of fingerprints from any  
1428 local law enforcement agency for each person for whom the records  
1429 check is required. The \* \* \*~~commission~~ department shall forward  
1430 the fingerprints to the Mississippi Department of Public Safety.  
1431 If no disqualifying record is identified at the state level, the  
1432 Department of Public Safety shall forward the fingerprints to the  
1433 Federal Bureau of Investigation for a national criminal history  
1434 record check. Costs for processing the set or sets of  
1435 fingerprints shall be borne by the applicant. The department may  
1436 waive the fingerprint requirement in the case of an applicant for  
1437 a direct wine shipper's permit. The \* \* \*~~commission~~ department  
1438 shall not deny employment to an employee of the applicant prior to  
1439 the identification of a disqualifying record or other  
1440 disqualifying information.

1441 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is  
1442 amended as follows:

1443 67-1-73. (1) Except as otherwise provided in subsection (3)  
1444 of this section, every manufacturer, including native wine or  
1445 native spirit producers, within or without the state, and every



1446 other shipper of alcoholic beverages who sells any alcoholic  
1447 beverage, including native wine or native spirit, within the  
1448 state, shall, at the time of making such sale, file with the  
1449 department a copy of the invoice of such sale showing in detail  
1450 the kind of alcoholic beverage sold, the quantities of each, the  
1451 size of the container and the weight of the contents, the  
1452 alcoholic content, and the name and address of the person to whom  
1453 sold.

1454 (2) Except as otherwise provided in subsection (3) of this  
1455 section, every person transporting alcoholic beverages, including  
1456 native wine or native spirit, within this state to a point within  
1457 this state, whether such transportation originates within or  
1458 without this state, shall, within five (5) days after delivery of  
1459 such shipment, furnish the department a copy of the bill of lading  
1460 or receipt, showing the name or consignor or consignee, date,  
1461 place received, destination, and quantity of alcoholic beverages  
1462 delivered. Upon failure to comply with the provisions of this  
1463 section, such person shall be deemed guilty of a misdemeanor and,  
1464 upon conviction thereof, shall be fined in the sum of Fifty  
1465 Dollars (\$50.00) for each offense.

1466 (3) Information regarding the sales, shipment, delivery and  
1467 transportation of wine in this state by the holder of a direct  
1468 wine shipper's permit under Sections 1 through 9 of this act shall  
1469 be in such form and content as prescribed by the department.



1470           **SECTION 21.** Section 97-31-47, Mississippi Code of 1972, is  
1471 amended as follows:

1472           97-31-47. It shall be unlawful for any transportation  
1473 company, or any agent, employee, or officer of such company, or  
1474 any other person, or corporation to transport into or deliver in  
1475 this state in any manner or by any means any spirituous, vinous,  
1476 malt, or other intoxicating liquors or drinks, or for any such  
1477 person, company, or corporation to transport any spirituous, malt,  
1478 vinous, or intoxicating liquors or drinks from one place within  
1479 this state to another place within the state, or from one (1)  
1480 point within this state to any point without the state, except in  
1481 cases where this chapter \* \* \*~~or~~, Section 67-9-1, or Sections 1  
1482 through 9 of this act authorizes the transportation.

1483           **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is  
1484 amended as follows:

1485           97-31-49. Except as otherwise provided in Sections 1 through  
1486 9 of this act, it shall be unlawful for any person, firm or  
1487 corporation in this state, in person, by letter, circular, or  
1488 other printed or written matter, or in any other manner, to  
1489 solicit or take order in this state for any liquors, bitters or  
1490 drinks prohibited by the laws of this state to be sold, bartered,  
1491 or otherwise disposed of. The inhibition of this section shall  
1492 apply to such liquors, bitters and drinks, whether the parties  
1493 intend that the same shall be shipped into this state from outside  
1494 of the state, or from one (1) point in this state to another point



1495 in this state. If such order be in writing, parol evidence  
1496 thereof is admissible without producing or accounting for the  
1497 absence of the original; and the taking or soliciting of such  
1498 orders is within the inhibition of this section, although the  
1499 orders are subject to approval by some other person, and no part  
1500 of the price is paid, nor any part of the goods is delivered when  
1501 the order is taken.

1502       **SECTION 23.** This act shall take effect and be in force from  
1503 and after July 1, 2025.

