

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, \* \* \* temporary permittee \* \* \*, 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.



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

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

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

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

(2) (a) In addition to the tax levied by subsection (1) of this section, and in addition to any other markup collected, the \* \* \* division shall collect a markup of three percent (3%) on all alcoholic beverages, as defined in Section 67-1-5, Mississippi Code of 1972, which are 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 through 9 of this act for the sale and shipment of wine by the holder of a direct wine shipper's permit, if transportation



requires passage through a county which has not authorized the sale of alcoholic beverages, such transportation shall be by a sealed vehicle. Such seal shall remain unbroken until the vehicle shall reach the place of business operated by the permittee. The operator of any vehicle transporting alcoholic beverages shall have in his possession an invoice issued by the \* \* \* department at the time of the wholesale sale covering the merchandise transported by the vehicle. The \* \* \* department is authorized to issue regulations controlling the transportation of alcoholic beverages.

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

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

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





406 imposed and levied unless and until it has been paid in cash to  
407 the department.

408       (b) All taxes levied under Section 27-71-7(1) and  
409 received by the department under this article shall be paid into  
410 the General Fund, and the three percent (3%) levied under Section  
411 27-71-7(2) and received by the department under this article shall  
412 be paid into the special fund in the State Treasury designated as  
413 the "Alcoholism Treatment and Rehabilitation Fund" as required by  
414 law. Any funds derived from the sale of alcoholic beverages in  
415 excess of inventory requirements shall be paid not less often than  
416 annually into the General Fund, except for a portion of the  
417 twenty-seven and one-half percent (27-1/2%) markup provided for in  
418 Section 27-71-11, as specified in subsection (2) of this section,  
419 and except for fees charged by the department for the defraying of  
420 costs associated with shipping alcoholic beverages. The revenue  
421 derived from these fees shall be deposited by the department into  
422 a special fund, hereby created in the State Treasury, which is  
423 designated the "ABC Shipping Fund." The monies in this special  
424 fund shall be earmarked for use by the department for any  
425 expenditure made to ship alcoholic beverages. Any net proceeds  
426 remaining in the special fund on August 1 of any fiscal year shall  
427 lapse into the General Fund. "Net proceeds" in this section means  
428 the total of all fees collected by the department to defray the  
429 costs of shipping less the actual costs of shipping.



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

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

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

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



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

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

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

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



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

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

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



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

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

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

599       (d) A winery that ships wine under this section shall  
600 be deemed to have consented to the jurisdiction of the courts of  
601 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:



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

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

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

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

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



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

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



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

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

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





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

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



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



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

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

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

897                   (k) **Special service permit.** A special service permit  
898 shall authorize the holder to sell commercially sealed alcoholic  
899 beverages to the operator of a commercial or private aircraft for



en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

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

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



925 sold, stored or served on the premises, must be removed from the  
926 premises immediately following the auction, and may not be  
927 consumed on the premises; (iii) the permit holder may not conduct  
928 more than two (2) auctions during a calendar year; (iv) the permit  
929 holder may not pay a commission or promotional fee to any person  
930 to arrange or conduct the auction.

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

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve,



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

994 (q) **Distillery retailer's permit.** The holder of a  
995 Class 1 manufacturer's permit may obtain a distillery retailer's  
996 permit. A distillery retailer's permit shall authorize the holder  
997 thereof to sell at retail alcoholic beverages to consumers for  
998 on-premises consumption, or to consumers by the sealed and





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

1009       The holder shall not sell at retail more than ten percent  
1010 (10%) of the alcoholic beverages produced annually at its  
1011 distillery. The holder shall not make retail sales of more than  
1012 two and twenty-five one-hundredths (2.25) liters, in the  
1013 aggregate, of the alcoholic beverages produced at its distillery  
1014 to any one (1) individual for consumption off the premises of the  
1015 distillery within a twenty-four-hour period. The hours of sale  
1016 shall be the same as those hours for package retailers under this  
1017 article. The holder of a distillery retailer's permit is not  
1018 required to purchase the alcoholic beverages authorized to be sold  
1019 by this paragraph from the department's liquor distribution  
1020 warehouse; however, if the holder does not purchase the alcoholic  
1021 beverages from the department's liquor distribution warehouse, the  
1022 holder shall pay to the department all taxes, fees and surcharges  
1023 on the alcoholic beverages that are imposed upon the sale of



1024 alcoholic beverages shipped by the department or its warehouse  
1025 operator. In addition to alcoholic beverages, the holder of a  
1026 distillery retailer's permit may sell at retail promotional  
1027 products from the same retail location, including shirts, hats,  
1028 glasses, and other promotional products customarily sold by  
1029 alcoholic beverage manufacturers.

1030           (r) **Festival wine permit.** Any wine manufacturer or  
1031 native wine producer permitted by Mississippi or any other state  
1032 is eligible to obtain a Festival Wine Permit. This permit  
1033 authorizes the entity to transport product manufactured by it to  
1034 festivals held within the State of Mississippi and sell sealed,  
1035 unopened bottles to festival participants. The holder of this  
1036 permit may provide samples at no charge to participants.  
1037 "Festival" means any event at which three (3) or more vendors are  
1038 present at a location for the sale or distribution of goods. The  
1039 holder of a Festival Wine Permit is not required to purchase the  
1040 alcoholic beverages authorized to be sold by this paragraph from  
1041 the department's liquor distribution warehouse. However, if the  
1042 holder does not purchase the alcoholic beverages from the  
1043 department's liquor distribution warehouse, the holder of this  
1044 permit shall pay to the department all taxes, fees and surcharges  
1045 on the alcoholic beverages sold at such festivals that are imposed  
1046 upon the sale of alcoholic beverages shipped by the \* \* \*  
1047 division \* \* \*. Additionally, the entity shall file all  
1048 applicable reports and returns as prescribed by the department.



1049 This permit is issued per festival and provides authority to sell  
1050 for two (2) consecutive days during the hours authorized for  
1051 on-premises permittees' sales in that county or city. The holder  
1052 of the permit shall be required to maintain all requirements set  
1053 by Local Option Law for the service and sale of alcoholic  
1054 beverages. This permit may be issued to entities participating in  
1055 festivals at which a Class 1 temporary permit is in effect.

1056 This paragraph (r) shall stand repealed from and after July  
1057 1, 2026.

1058 (s) **Charter vessel operator's permit.** Subject to the  
1059 provisions of this paragraph (s), a charter vessel operator's  
1060 permit shall authorize the holder thereof and its employees to  
1061 sell and serve alcoholic beverages to passengers of the permit  
1062 holder during public tours, historical tours, ecological tours and  
1063 sunset cruises provided by the permit holder. The permit shall  
1064 authorize the holder to only sell alcoholic beverages, including  
1065 native wines, to passengers of the charter vessel operator during  
1066 public tours, historical tours, ecological tours and sunset  
1067 cruises provided by the permit holder aboard the charter vessel  
1068 operator for consumption during such tours and cruises on the  
1069 premises of the charter vessel operator described in the permit.  
1070 For the purposes of this paragraph (s), "charter vessel operator"  
1071 means a common carrier that (i) is certified to carry at least  
1072 forty-nine (49) passengers, (ii) operates only in the waters  
1073 within the State of Mississippi, which lie south of Interstate 10



1074 in the three (3) most southern counties in the State of  
1075 Mississippi, and lie adjacent to the State of Mississippi south of  
1076 the three (3) most southern counties in the State of Mississippi,  
1077 extending not further than one (1) mile south of such counties,  
1078 and (iii) provides vessel services for tours and cruises in such  
1079 waters as provided in this paragraph(s).

1080           (t) **Native spirit retailer's permit.** Except as  
1081 otherwise provided in subsection (5) of this section, a native  
1082 spirit retailer's permit shall be issued only to a holder of a  
1083 Class 4 manufacturer's permit, and shall authorize the holder  
1084 thereof to make retail sales of native spirits to consumers for  
1085 on-premises consumption or to consumers in originally sealed and  
1086 unopened containers at an establishment located on the premises of  
1087 or in the immediate vicinity of a native distillery. When selling  
1088 to consumers for on-premises consumption, a holder of a native  
1089 spirit retailer's permit may add to the native spirit alcoholic  
1090 beverages not produced on the premises, so long as the total  
1091 volume of foreign beverage components does not exceed twenty  
1092 percent (20%) of the mixed beverage. Hours of sale shall be the  
1093 same as those authorized for on-premises permittees in the city or  
1094 county in which the native spirit retailer is located.

1095           (u) **Delivery service permit.** Any individual, limited  
1096 liability company, corporation or partnership registered to do  
1097 business in this state is eligible to obtain a delivery service  
1098 permit. Subject to the provisions of Section 67-1-51.1, this



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

1113           (v) **Food truck permit.** A food truck permit shall  
1114 authorize the holder of an on-premises retailer's permit to use a  
1115 food truck to sell alcoholic beverages off its premises to guests  
1116 who must consume the beverages in open containers. For the  
1117 purposes of this paragraph (v), "food truck" means a fully encased  
1118 food service establishment on a motor vehicle or on a trailer that  
1119 a motor vehicle pulls to transport, and from which a vendor,  
1120 standing within the frame of the establishment, prepares, cooks,  
1121 sells and serves food for immediate human consumption. The term  
1122 "food truck" does not include a food cart that is not motorized.  
1123 Food trucks shall maintain such distance requirements from



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

1138           (w) **On-premises tobacco permit.** An on-premises tobacco  
1139 permit shall authorize the permittee to sell alcoholic beverages  
1140 for consumption on the licensed premises. In addition to all  
1141 other requirements to obtain an alcoholic beverage permit, the  
1142 permittee must obtain and maintain a tobacco permit issued by the  
1143 State of Mississippi, and have a capital investment of not less  
1144 than Five Hundred Thousand Dollars (\$500,000.00) in the premises  
1145 for which the permit is issued. In addition to alcoholic  
1146 beverages, the permittee is authorized to sell only cigars,  
1147 cheroots, tobacco pipes, pipe tobacco, and/or stogies.  
1148 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 store for sale any intoxicating liquor as specified in this article within four hundred (400) feet of any church, school (excluding any community college, junior college, college or university), kindergarten or funeral home. However, within an



1174 area zoned commercial or business, such minimum distance shall be  
1175 not less than one hundred (100) feet.

1176 (b) A church or funeral home may waive the distance  
1177 restrictions imposed in this subsection in favor of allowing  
1178 issuance by the department of a permit, pursuant to subsection (1)  
1179 of this section, to authorize activity relating to the  
1180 manufacturing, sale or storage of alcoholic beverages which would  
1181 otherwise be prohibited under the minimum distance criterion.  
1182 Such waiver shall be in written form from the owner, the governing  
1183 body, or the appropriate officer of the church or funeral home  
1184 having the authority to execute such a waiver, and the waiver  
1185 shall be filed with and verified by the department before becoming  
1186 effective.

1187 (c) The distance restrictions imposed in this  
1188 subsection shall not apply to the sale or storage of alcoholic  
1189 beverages at a bed and breakfast inn listed in the National  
1190 Register of Historic Places or to the sale or storage of alcoholic  
1191 beverages in a historic district that is listed in the National  
1192 Register of Historic Places, is a qualified resort area and is  
1193 located in a municipality having a population greater than one  
1194 hundred thousand (100,000) according to the latest federal  
1195 decennial census.

1196 (d) The distance restrictions imposed in this  
1197 subsection shall not apply to the sale or storage of alcoholic  
1198 beverages at a qualified resort area as defined in Section





1199 67-1-5(o) (iii) 32.

1200 (e) The distance restrictions imposed in this  
1201 subsection shall not apply to the sale or storage of alcoholic  
1202 beverages at a licensed premises in a building formerly owned by a  
1203 municipality and formerly leased by the municipality to a  
1204 municipal school district and used by the municipal school  
1205 district as a district bus shop facility.

1206 (f) The distance restrictions imposed in this  
1207 subsection shall not apply to the sale or storage of alcoholic  
1208 beverages at a licensed premises in a building consisting of at  
1209 least five thousand (5,000) square feet and located approximately  
1210 six hundred (600) feet from the intersection of Mississippi  
1211 Highway 15 and Mississippi Highway 4.

1212 (g) The distance restrictions imposed in this  
1213 subsection shall not apply to the sale or storage of alcoholic  
1214 beverages at a licensed premises in a building located at or near  
1215 the intersection of Ward and Tate Streets and adjacent properties  
1216 in the City of Senatobia, Mississippi.

1217 (h) The distance restrictions imposed in this  
1218 subsection shall not apply to the sale or storage of alcoholic  
1219 beverages at a theatre facility that features plays and other  
1220 theatrical performances and productions and (i) is capable of  
1221 seating more than seven hundred fifty (750) people, (ii) is owned  
1222 by a municipality which has a population greater than ten thousand  
1223 (10,000) according to the latest federal decennial census, (iii)



was constructed prior to 1930, (iv) is on the National Register of Historic Places, and (v) is located in a historic district.

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

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit; however, in the case of a person holding a package retailer's permit issued before July 1, 2024, such a person may own one (1) additional package retailer's permit if the additional permit is issued for a premises with a minimum capital investment of Twenty Million Dollars (\$20,000,000.00) that is part of a major retail development project and located in one (1) of the three (3) most southern counties in the State of Mississippi, and not within one hundred (100) miles of another



1248 location in the State of Mississippi, for which the permittee  
1249 holds such a permit.

1250       (5) (a) In addition to any other authority granted under  
1251 this section, the holder of a permit issued under subsection  
1252 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
1253 sell or otherwise provide alcoholic beverages and/or wine to a  
1254 patron of the permit holder in the manner authorized in the permit  
1255 and the patron may remove an open glass, cup or other container of  
1256 the alcoholic beverage and/or wine from the licensed premises and  
1257 may possess and consume the alcoholic beverage or wine outside of  
1258 the licensed premises if: (i) the licensed premises is located  
1259 within a leisure and recreation district created under Section  
1260 67-1-101 and (ii) the patron remains within the boundaries of the  
1261 leisure and recreation district while in possession of the  
1262 alcoholic beverage or wine.

1263       (b) Nothing in this subsection shall be construed to  
1264 allow a person to bring any alcoholic beverages into a permitted  
1265 premises except to the extent otherwise authorized by this  
1266 article.

1267       **SECTION 17.** Section 67-1-53, Mississippi Code of 1972, is  
1268 amended as follows:

1269       67-1-53. (1) Application for permits shall be in such form  
1270 and shall contain such information as shall be required by the  
1271 regulations of the \* \* \* department; however, no regulation of  
1272 the \* \* \* department shall require personal financial information



1273 from any officer of a corporation applying for an on-premises  
1274 retailer's permit to sell alcoholic beverages unless such officer  
1275 owns ten percent (10%) or more of the stock of such corporation.

1276 (2) Every applicant for each type of permit authorized by  
1277 Section 67-1-51 shall give notice of such application by  
1278 publication for two (2) consecutive issues in a newspaper of  
1279 general circulation published in the city or town in which  
1280 applicant's place of business is located. However, in instances  
1281 where no newspaper is published in the city or town, then the  
1282 notice shall be published in a newspaper of general circulation  
1283 published in the county where the applicant's business is located.  
1284 If no newspaper is published in the county, the notice shall be  
1285 published in a qualified newspaper which is published in the  
1286 closest neighboring county and circulated in the county of  
1287 applicant's residence. The notice shall be printed in ten-point  
1288 black face type and shall set forth the type of permit to be  
1289 applied for, the exact location of the place of business, the name  
1290 of the owner or owners thereof, and if operating under an assumed  
1291 name, the trade name together with the names of all owners, and if  
1292 a corporation, the names and titles of all officers. The cost of  
1293 such notice shall be borne by the applicant. The provisions of  
1294 this subsection (2) shall not apply to applicants for a direct  
1295 wine shipper's permit under Sections 1 through 9 of this act.



1296           (3) Each application or filing made under this section shall  
1297 include the social security number(s) of the applicant in  
1298 accordance with Section 93-11-64, Mississippi Code of 1972.

1299           **SECTION 18.** Section 67-1-55, Mississippi Code of 1972, is  
1300 amended as follows:

1301           67-1-55. No permit of any type shall be issued by the \* \* \*  
1302 department until the applicant has first filed with the \* \* \*  
1303 department a sworn statement disclosing all persons who are  
1304 financially involved in the operation of the business for which  
1305 the permit is sought. If an applicant is an individual, he will  
1306 swear that he owns one hundred percent (100%) of the business for  
1307 which he is seeking a permit. If the applicant is a partnership,  
1308 all partners and their addresses shall be disclosed and the extent  
1309 of their interest in the partnership shall be disclosed. If the  
1310 applicant is a corporation, the total stock in the corporation  
1311 shall be disclosed and each shareholder and his address and the  
1312 amount of stock in the corporation owned by him shall be  
1313 disclosed. If the applicant is a limited liability company, each  
1314 member and their addresses shall be disclosed and the extent of  
1315 their interest in the limited liability company shall be  
1316 disclosed. If the applicant is a trust, the trustee and all  
1317 beneficiaries and their addresses shall be disclosed. If the  
1318 applicant is a combination of any of the above, all information  
1319 required to be disclosed above shall be required.



1320 All the disclosures shall be in writing and kept on file at  
1321 the \* \* \* department and shall be available to the public.

1322 Every applicant must, when applying for a renewal of his  
1323 permit, disclose any change in the ownership of the business or  
1324 any change in the beneficiaries of the income from the business.

1325 Any person who willfully fails to fully disclose the  
1326 information required by this section, or who gives false  
1327 information, shall be guilty of a misdemeanor and, upon conviction  
1328 thereof, shall be fined a sum not to exceed Five Hundred Dollars  
1329 (\$500.00) or imprisoned for not more than one (1) year, or both,  
1330 and the person or applicant shall never again be eligible for any  
1331 permit pertaining to alcoholic beverages.

1332 The provisions of this section shall not apply to persons  
1333 applying for a direct wine shipper's permit under Sections 1  
1334 through 9 of this act.

1335 **SECTION 19.** Section 67-1-57, Mississippi Code of 1972, is  
1336 amended as follows:

1337 67-1-57. Before a permit is issued the department shall  
1338 satisfy itself:

1339 (a) That the applicant, if an individual, or if a  
1340 partnership, each of the members of the partnership, or if a  
1341 corporation, each of its principal officers and directors, or if a  
1342 limited liability company, each member of the limited liability  
1343 company, is of good moral character and, in addition, enjoys a  
1344 reputation of being a peaceable, law-abiding citizen of the



community in which he resides, and is generally fit for the trust to be reposed in him, is not less than twenty-one (21) years of age, and has not been convicted of a felony in any state or federal court.

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

(c) That the applicant for a package retailer's permit, if an individual, is a resident of the State of Mississippi. If the applicant is a partnership, each member of the partnership



1370 must be a resident of the state. If the applicant is a limited  
1371 liability company, each member of the limited liability company  
1372 must be a resident of the state. If the applicant is a  
1373 corporation, the designated manager of the corporation must be a  
1374 resident of the state.

1375 (d) That the place for which the permit is to be issued  
1376 is an appropriate one considering the character of the premises  
1377 and the surrounding neighborhood.

1378 (e) That the place for which the permit is to be issued  
1379 is within the corporate limits of an incorporated municipality or  
1380 qualified resort area or club which comes within the provisions of  
1381 this article.

1382 (f) That the applicant is not indebted to the state for  
1383 any taxes, fees or payment of penalties imposed by any law of the  
1384 State of Mississippi or by any rule or regulation of the \* \* \*  
1385 department.

1386 (g) That the applicant is not in the habit of using  
1387 alcoholic beverages to excess and is not physically or mentally  
1388 incapacitated, and that the applicant has the ability to read and  
1389 write the English language.

1390 (h) That the \* \* \* department does not believe and has  
1391 no reason to believe that the applicant will sell or knowingly  
1392 permit any agent, servant or employee to unlawfully sell liquor in  
1393 a dry area or in any other manner contrary to law.





1394           (i) That the applicant is not residentially domiciled  
1395 with any person whose permit or license has been cancelled for  
1396 cause within the twelve (12) months next preceding the date of the  
1397 present application for a permit.

1398           (j) That the \* \* \* department has not, in the exercise  
1399 of its discretion which is reserved and preserved to it, refused  
1400 to grant permits under the restrictions of this section, as well  
1401 as under any other pertinent provision of this article.

1402           (k) That there are not sufficient legal reasons to deny  
1403 a permit on the ground that the premises for which the permit is  
1404 sought has previously been operated, used or frequented for any  
1405 purpose or in any manner that is lewd, immoral or offensive to  
1406 public decency. In the granting or withholding of any permit to  
1407 sell alcoholic beverages at retail, the \* \* \* department in  
1408 forming its conclusions may give consideration to any  
1409 recommendations made in writing by the district or county attorney  
1410 or county, circuit or chancery judge of the county, or the sheriff  
1411 of the county, or the mayor or chief of police of an incorporated  
1412 city or town wherein the applicant proposes to conduct his  
1413 business and to any recommendations made by representatives of  
1414 the \* \* \* department.

1415           (l) That the applicant and the applicant's key  
1416 employees, as determined by the \* \* \* department, do not have a  
1417 disqualifying criminal record. In order to obtain a criminal  
1418 record history check, the applicant shall submit to the \* \* \*



1419 department a set of fingerprints from any local law enforcement  
1420 agency for each person for whom the records check is required.  
1421 The \* \* \* department shall forward the fingerprints to the  
1422 Mississippi Department of Public Safety. If no disqualifying  
1423 record is identified at the state level, the Department of Public  
1424 Safety shall forward the fingerprints to the Federal Bureau of  
1425 Investigation for a national criminal history record check. Costs  
1426 for processing the set or sets of fingerprints shall be borne by  
1427 the applicant. The department may waive the fingerprint  
1428 requirement in the case of an applicant for a direct wine  
1429 shipper's permit. The \* \* \* department shall not deny employment  
1430 to an employee of the applicant prior to the identification of a  
1431 disqualifying record or other disqualifying information.

1432 **SECTION 20.** Section 67-1-73, Mississippi Code of 1972, is  
1433 amended as follows:

1434 67-1-73. (1) Except as otherwise provided in subsection (3)  
1435 of this section, every manufacturer, including native wine or  
1436 native spirit producers, within or without the state, and every  
1437 other shipper of alcoholic beverages who sells any alcoholic  
1438 beverage, including native wine or native spirit, within the  
1439 state, shall, at the time of making such sale, file with the  
1440 department a copy of the invoice of such sale showing in detail  
1441 the kind of alcoholic beverage sold, the quantities of each, the  
1442 size of the container and the weight of the contents, the



alcoholic content, and the name and address of the person to whom sold.

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

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

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

97-31-47. It shall be unlawful for any transportation company, or any agent, employee, or officer of such company, or any other person, or corporation to transport into or deliver in this state in any manner or by any means any spirituous, vinous, malt, or other intoxicating liquors or drinks, or for any such



1468 person, company, or corporation to transport any spirituous, malt,  
1469 vinous, or intoxicating liquors or drinks from one place within  
1470 this state to another place within the state, or from one (1)  
1471 point within this state to any point without the state, except in  
1472 cases where this chapter \* \* \*, Section 67-9-1, or Sections 1  
1473 through 9 of this act authorizes the transportation.

1474 **SECTION 22.** Section 97-31-49, Mississippi Code of 1972, is  
1475 amended as follows:

1476 97-31-49. Except as otherwise provided in Sections 1 through  
1477 9 of this act, it shall be unlawful for any person, firm or  
1478 corporation in this state, in person, by letter, circular, or  
1479 other printed or written matter, or in any other manner, to  
1480 solicit or take order in this state for any liquors, bitters or  
1481 drinks prohibited by the laws of this state to be sold, bartered,  
1482 or otherwise disposed of. The inhibition of this section shall  
1483 apply to such liquors, bitters and drinks, whether the parties  
1484 intend that the same shall be shipped into this state from outside  
1485 of the state, or from one (1) point in this state to another point  
1486 in this state. If such order be in writing, parol evidence  
1487 thereof is admissible without producing or accounting for the  
1488 absence of the original; and the taking or soliciting of such  
1489 orders is within the inhibition of this section, although the  
1490 orders are subject to approval by some other person, and no part  
1491 of the price is paid, nor any part of the goods is delivered when  
1492 the order is taken.



1493           **SECTION 23.** This act shall take effect and be in force from  
1494 and after July 1, 2025.

