

By: Senator(s) Harkins

To: Finance

SENATE BILL NO. 2851
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, AS
2 AMENDED BY SENATE BILL NO. 2145, 2025 REGULAR SESSION, AS AMENDED
3 BY HOUSE BILL NO. 1284, 2025 REGULAR SESSION, TO PROVIDE THAT,
4 WHERE AN ON-PREMISES RETAILER'S PERMIT IS ISSUED TO AN
5 ESTABLISHMENT LOCATED IN A QUALIFIED RESORT AREA CREATED BY
6 SECTION 67-1-5(O)(III)(18), PERSONS IN THE PERMITTED PREMISES ARE
7 ALLOWED TO BRING ALCOHOLIC BEVERAGES INTO THE PERMITTED PREMISES
8 AND TO POSSESS, STORE AND CONSUME THOSE ALCOHOLIC BEVERAGES IN THE
9 PERMITTED PREMISES; TO REMOVE THE WINE FULFILLMENT PROVIDER'S
10 PERMIT AUTHORIZED UNDER SENATE BILL NO. 2145, 2025 REGULAR
11 SESSION; TO AMEND SECTION 1, SENATE BILL NO. 2145, 2025 REGULAR
12 SESSION, TO CONFORM, AND TO PROVIDE FOR THE OBTAINING OF A DIRECT
13 WINE SHIPPER'S PERMIT BY A FULFILLMENT PROVIDER; TO AMEND SECTION
14 9, SENATE BILL NO. 2145, 2025 REGULAR SESSION, TO CHANGE THE
15 PENALTY FOR VIOLATION OF THE DIRECT WINE SHIPMENT LAW FROM A
16 MISDEMEANOR CRIMINAL PENALTY TO A CIVIL PENALTY; AND FOR RELATED
17 PURPOSES.

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

19 **SECTION 1.** Section 67-1-51, Mississippi Code of 1972, as
20 amended by Senate Bill No. 2145, 2025 Regular Session, as amended
21 by House Bill No. 1284, 2025 Regular Session, is amended as
22 follows:

23 67-1-51. (1) Permits which may be issued by the department
24 shall be as follows:



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

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

32 Class 1. Distiller's and/or rectifier's permit, which shall
33 authorize the holder thereof to operate a distillery for the
34 production of distilled spirits by distillation or redistillation
35 and/or to operate a rectifying plant for the purifying, refining,
36 mixing, blending, flavoring or reducing in proof of distilled
37 spirits and alcohol.

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

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

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

47 Class 5. Craft spirit producer's permit, which shall
48 authorize the holder thereof to perform any act or thing in the
49 process of making craft spirit, including the manufacture,



importation, bottling, and storage of alcoholic liquor and its sale.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, native spirits, craft spirits, and edibles, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this article and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers, other beverages commonly used to mix with alcoholic beverages, and fruits and foods that have been submerged in alcohol and are commonly referred to as edibles. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.



75 (c) **On-premises retailer's permit.** Except as otherwise
76 provided in subsection (5) of this section, an on-premises
77 retailer's permit shall authorize the sale of alcoholic beverages,
78 including native wines * * *, native spirits, and craft spirits,
79 for consumption on the licensed premises only; however, a patron
80 of the permit holder may remove one (1) bottle of wine from the
81 licensed premises if: (i) the patron consumed a portion of the
82 bottle of wine in the course of consuming a meal purchased on the
83 licensed premises; (ii) the permit holder securely reseals the
84 bottle; (iii) the bottle is placed in a bag that is secured in a
85 manner so that it will be visibly apparent if the bag is opened;
86 and (iv) a dated receipt for the wine and the meal is available.
87 Additionally, as part of a carryout order, a permit holder may
88 sell one (1) bottle of wine to be removed from the licensed
89 premises for every two (2) entrees ordered. In addition, an
90 on-premises retailer's permittee at a permitted premises located
91 on Jefferson Davis Avenue within one-half (1/2) mile north of U.S.
92 Highway 90 may serve alcoholic beverages by the glass to a patron
93 in a vehicle using a drive-through method of delivery if the
94 permitted premises is located in a leisure and recreation district
95 established under Section 67-1-101. Such a sale will be
96 considered to be made on the permitted premises. An on-premises
97 retailer's permit shall be issued only to qualified hotels,
98 restaurants and clubs, small craft breweries, microbreweries, and
99 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 * * *, native spirits, and craft spirits, 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 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary 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. The department, following review of the statement provided by the applicant and the



requirements of the applicable statutes and regulations, may issue the permit.

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

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

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



199 permit. A Class 3 permit may be issued only to an applicant
200 demonstrating to the department, by a statement signed under
201 penalty of perjury submitted ten (10) days before the proposed
202 date or such other time as the department may determine, that it
203 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
204 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
205 A Class 3 permit holder shall obtain all alcoholic beverages from
206 the holder(s) of a package retailer's permit located in the county
207 in which the temporary permit is issued. Wine remaining in stock
208 upon expiration of the temporary permit may be returned by the
209 Class 3 temporary permit holder to the package retailer for a
210 refund of the purchase price, with consent of the package
211 retailer, or may be kept by the Class 3 temporary permit holder
212 exclusively for personal use and consumption, subject to all laws
213 pertaining to the illegal sale and possession of alcoholic
214 beverages. The department, following review of the statement
215 provided by the applicant and the requirements of the applicable
216 statutes and regulations, may issue the permit. No retailer may
217 receive more than twelve (12) Class 3 temporary permits in a
218 calendar year. A Class 3 temporary permit shall not be issued to
219 a retail establishment that either holds a merchant permit issued
220 under paragraph (1) of this subsection, or holds a permit issued
221 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing
222 the holder to engage in the business of a retailer of light wine
223 or beer.



224 (g) **Caterer's permit.** A caterer's permit shall permit
225 the purchase of alcoholic beverages by a person engaging in
226 business as a caterer and the resale of alcoholic beverages by
227 such person in conjunction with such catering business. No person
228 shall qualify as a caterer unless forty percent (40%) or more of
229 the revenue derived from such catering business shall be from the
230 serving of prepared food and not from the sale of alcoholic
231 beverages and unless such person has obtained a permit for such
232 business from the Department of Health. A caterer's permit shall
233 not authorize the sale of alcoholic beverages on the premises of
234 the person engaging in business as a caterer; however, the holder
235 of an on-premises retailer's permit may hold a caterer's permit.
236 When the holder of an on-premises retailer's permit or an
237 affiliated entity of the holder also holds a caterer's permit, the
238 caterer's permit shall not authorize the service of alcoholic
239 beverages on a consistent, recurring basis at a separate, fixed
240 location owned or operated by the caterer, on-premises retailer or
241 affiliated entity and an on-premises retailer's permit shall be
242 required for the separate location. All sales of alcoholic
243 beverages by holders of a caterer's permit shall be made at the
244 location being catered by the caterer, and, except as otherwise
245 provided in subsection (5) of this section, such sales may be made
246 only for consumption at the catered location. The location being
247 catered may be anywhere within a county or judicial district that
248 has voted to come out from under the dry laws or in which the sale



249 and distribution of alcoholic beverages is otherwise authorized by
250 law. Such sales shall be made pursuant to any other conditions
251 and restrictions which apply to sales made by on-premises retail
252 permittees. The holder of a caterer's permit or his employees
253 shall remain at the catered location as long as alcoholic
254 beverages are being sold pursuant to the permit issued under this
255 paragraph (g), and the permittee shall have at the location the
256 identification card issued by the * * * division * * *. No unsold
257 alcoholic beverages may be left at the catered location by the
258 permittee upon the conclusion of his business at that location.
259 Appropriate law enforcement officers and * * * division personnel
260 may enter a catered location on private property in order to
261 enforce laws governing the sale or serving of alcoholic beverages.

262 (h) **Research permit.** A research permit shall authorize
263 the holder thereof to operate a research facility for the
264 professional research of alcoholic beverages. Such permit shall
265 authorize the holder of the permit to import and purchase limited
266 amounts of alcoholic beverages from the department or from
267 importers, wineries and distillers of alcoholic beverages for
268 professional research.

269 (i) **Alcohol processing permit.** An alcohol processing
270 permit shall authorize the holder thereof to purchase, transport
271 and possess alcoholic beverages for the exclusive use in cooking,
272 processing or manufacturing products which contain alcoholic
273 beverages as an integral ingredient. An alcohol processing permit



shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

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

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic 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.

(l) **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.



299 (m) **Temporary alcoholic beverages charitable auction**
300 **permit.** A temporary permit, not to exceed five (5) days, may be
301 issued to a qualifying charitable nonprofit organization that is
302 exempt from taxation under Section 501(c)(3) or (4) of the
303 Internal Revenue Code of 1986. The permit shall authorize the
304 holder to sell alcoholic beverages for the limited purpose of
305 raising funds for the organization during a live or silent auction
306 that is conducted by the organization and that meets the following
307 requirements: (i) the auction is conducted in an area of the
308 state where the sale of alcoholic beverages is authorized; (ii) if
309 the auction is conducted on the premises of an on-premises
310 retailer's permit holder, then the alcoholic beverages to be
311 auctioned must be stored separately from the alcoholic beverages
312 sold, stored or served on the premises, must be removed from the
313 premises immediately following the auction, and may not be
314 consumed on the premises; (iii) the permit holder may not conduct
315 more than two (2) auctions during a calendar year; (iv) the permit
316 holder may not pay a commission or promotional fee to any person
317 to arrange or conduct the auction.

318 (n) **Event venue retailer's permit.** An event venue
319 retailer's permit shall authorize the holder thereof to purchase
320 and resell alcoholic beverages, including native wines * * *,
321 native spirits, and craft spirits, for consumption on the premises
322 during legal hours during events held on the licensed premises if
323 food is being served at the event by a caterer who is not



affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines * * *,
native spirits, and craft 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, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in



374 this paragraph (p). For the purposes of this paragraph (p),
375 "charter ship operator" means a common carrier that (i) is
376 certified to carry at least one hundred fifty (150) passengers
377 and/or provide overnight accommodations for at least fifty (50)
378 passengers, (ii) operates only in the waters within the State of
379 Mississippi, which lie adjacent to the State of Mississippi south
380 of the three (3) most southern counties in the State of
381 Mississippi, and (iii) provides charters under contract for tours
382 and trips in such waters.

383 (q) **Distillery retailer's permit.** The holder of a
384 Class 1 manufacturer's permit may obtain a distillery retailer's
385 permit. A distillery retailer's permit shall authorize the holder
386 thereof to sell at retail alcoholic beverages to consumers for
387 on-premises consumption, or to consumers by the sealed and
388 unopened bottle from a retail location at the distillery for
389 off-premises consumption. The holder may only sell product
390 manufactured by the manufacturer at the distillery described in
391 the permit. However, when selling to consumers for on-premises
392 consumption, a holder of a distillery retailer's permit may add
393 other beverages, alcoholic or not, so long as the total volume of
394 other beverage components containing alcohol does not exceed
395 twenty percent (20%). Hours of sale shall be the same as those
396 authorized for on-premises permittees in the city or county in
397 which the distillery retailer is located.



398 The holder shall not sell at retail more than ten percent
399 (10%) of the alcoholic beverages produced annually at its
400 distillery. The holder shall not make retail sales of more than
401 two and twenty-five one-hundredths (2.25) liters, in the
402 aggregate, of the alcoholic beverages produced at its distillery
403 to any one (1) individual for consumption off the premises of the
404 distillery within a twenty-four-hour period. The hours of sale
405 shall be the same as those hours for package retailers under this
406 article. The holder of a distillery retailer's permit is not
407 required to purchase the alcoholic beverages authorized to be sold
408 by this paragraph from the department's liquor distribution
409 warehouse; however, if the holder does not purchase the alcoholic
410 beverages from the department's liquor distribution warehouse, the
411 holder shall pay to the department all taxes, fees and surcharges
412 on the alcoholic beverages that are imposed upon the sale of
413 alcoholic beverages shipped by the department or its warehouse
414 operator. In addition to alcoholic beverages, the holder of a
415 distillery retailer's permit may sell at retail promotional
416 products from the same retail location, including shirts, hats,
417 glasses, and other promotional products customarily sold by
418 alcoholic beverage manufacturers.

419 (r) **Festival * * * Permit.** Any wine
420 manufacturer * * *, native wine producer, native spirit producer,
421 craft spirit producer, or distilled spirit manufacturer permitted
422 by Mississippi or any other state is eligible to obtain a



423 Festival * * * Permit. This permit authorizes the entity to
424 transport product manufactured by it to festivals held within the
425 State of Mississippi and sell sealed, unopened bottles to festival
426 participants. The holder of this permit may provide samples at no
427 charge to participants. "Festival" means any event at which three
428 (3) or more vendors are present at a location for the sale or
429 distribution of goods. The holder of a Festival * * * Permit is
430 not required to purchase the alcoholic beverages authorized to be
431 sold by this paragraph from the department's liquor distribution
432 warehouse. However, if the holder does not purchase the alcoholic
433 beverages from the department's liquor distribution warehouse, the
434 holder of this permit shall pay to the department all taxes, fees
435 and surcharges on the alcoholic beverages sold at such festivals
436 that are imposed upon the sale of alcoholic beverages shipped by
437 the * * * division * * *. Additionally, the entity shall file all
438 applicable reports and returns as prescribed by the department.
439 This permit is issued per festival and provides authority to sell
440 for * * * three (3) consecutive days during the hours authorized
441 for on-premises permittees' sales in that county or city. The
442 holder of the permit shall be required to maintain all
443 requirements set by Local Option Law for the service and sale of
444 alcoholic beverages. This permit may be issued to entities
445 participating in festivals at which a Class 1 temporary permit is
446 in effect.



447 This paragraph (r) shall stand repealed from and after July
448 1, 2026.

449 (s) **Charter vessel operator's permit.** Subject to the
450 provisions of this paragraph (s), a charter vessel operator's
451 permit shall authorize the holder thereof and its employees to
452 sell and serve alcoholic beverages to passengers of the permit
453 holder during public tours, historical tours, ecological tours and
454 sunset cruises provided by the permit holder. The permit shall
455 authorize the holder to only sell alcoholic beverages, including
456 native wines, to passengers of the charter vessel operator during
457 public tours, historical tours, ecological tours and sunset
458 cruises provided by the permit holder aboard the charter vessel
459 operator for consumption during such tours and cruises on the
460 premises of the charter vessel operator described in the permit.
461 For the purposes of this paragraph (s), "charter vessel operator"
462 means a common carrier that (i) is certified to carry at least
463 forty-nine (49) passengers, (ii) operates only in the waters
464 within the State of Mississippi, which lie south of Interstate 10
465 in the three (3) most southern counties in the State of
466 Mississippi, and lie adjacent to the State of Mississippi south of
467 the three (3) most southern counties in the State of Mississippi,
468 extending not further than one (1) mile south of such counties,
469 and (iii) provides vessel services for tours and cruises in such
470 waters as provided in this paragraph(s).



(t) **Native spirit retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of * * * the * * * distillery, or at any tasting room location or locations within five (5) miles of the native distillery. Further, every native distillery is authorized to have one (1) permanent satellite tasting room sales location in any other location in the state that otherwise allows the sale of alcoholic beverages. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may * * * sell alcoholic beverages produced by other suppliers. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located.

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



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

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



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

(w) **On-premises tobacco permit.** An on-premises tobacco permit shall authorize the permittee to sell alcoholic beverages for consumption on the licensed premises. In addition to all other requirements to obtain an alcoholic beverage permit, the permittee must obtain and maintain a tobacco permit issued by the State of Mississippi, and have a capital investment of not less than Five Hundred Thousand Dollars (\$500,000.00) in the premises for which the permit is issued. In addition to alcoholic beverages, the permittee is authorized to sell only cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. Additionally, seventy-five percent (75%) of the permittee's annual gross revenue must be derived from the sale of cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. No food sales shall be required, but food may be sold on the premises. The issuance



of this permit does not remove any obligation a permittee may have to follow local ordinances or actions prohibiting the use of tobacco products.

(x) **Direct wine shipper's permit.** A direct wine shipper's permit shall authorize the holder to sell and ship a limited amount of wine directly to residents in this state in accordance with the provisions of Sections 1 through 9 of Senate Bill No. 2145, 2025 Regular Session, without being required to transact the sale and shipment of those wines through the division.

(y) * * * **Craft spirit retailer's permit.** Except as otherwise provided in subsection (5) of this section, a craft spirit retailer's permit shall be issued only to a holder of a Class 5 manufacturer's permit, and shall authorize the holder thereof to make retail sales of craft spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of the distillery or at any tasting room location or locations within five (5) miles of the craft distillery. Further, every craft distillery is authorized to have one (1) permanent satellite tasting room sales location in any other location in the state that otherwise allows the sale of alcoholic beverages. When selling to consumers for on-premises consumption, a holder of a craft spirit retailer's permit may sell alcoholic beverages produced by other suppliers. Hours of sale shall be the same as



571 those authorized for on-premises permittees in the city or county
572 in which the craft spirit retailer is located.

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

576 (3) (a) Except as otherwise provided in this subsection, no
577 authority shall be granted to any person to manufacture, sell or
578 store for sale any intoxicating liquor as specified in this
579 article within four hundred (400) feet of any church, school
580 (excluding any community college, junior college, college or
581 university), kindergarten or funeral home. However, within an
582 area zoned commercial or business, such minimum distance shall be
583 not less than one hundred (100) feet.

584 (b) A church or funeral home may waive the distance
585 restrictions imposed in this subsection in favor of allowing
586 issuance by the department of a permit, pursuant to subsection (1)
587 of this section, to authorize activity relating to the
588 manufacturing, sale or storage of alcoholic beverages which would
589 otherwise be prohibited under the minimum distance criterion.
590 Such waiver shall be in written form from the owner, the governing
591 body, or the appropriate officer of the church or funeral home
592 having the authority to execute such a waiver, and the waiver
593 shall be filed with and verified by the department before becoming
594 effective.



595 (c) The distance restrictions imposed in this
596 subsection shall not apply to the sale or storage of alcoholic
597 beverages at a bed and breakfast inn listed in the National
598 Register of Historic Places or to the sale or storage of alcoholic
599 beverages in a historic district that is listed in the National
600 Register of Historic Places, is a qualified resort area and is
601 located (i) in a municipality having a population greater than one
602 hundred thousand (100,000) according to the latest federal
603 decennial census, or (ii) in a municipality in which Mississippi
604 Highways 1 and 8 intersect.

605 (d) The distance restrictions imposed in this
606 subsection shall not apply to the sale or storage of alcoholic
607 beverages at a qualified resort area as defined in Section
608 67-1-5(o)(iii)32.

609 (e) The distance restrictions imposed in this
610 subsection shall not apply to the sale or storage of alcoholic
611 beverages at a licensed premises in a building formerly owned by a
612 municipality and formerly leased by the municipality to a
613 municipal school district and used by the municipal school
614 district as a district bus shop facility.

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



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

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

626 (h) The distance restrictions imposed in this
627 subsection shall not apply to the sale or storage of alcoholic
628 beverages at a theatre facility that features plays and other
629 theatrical performances and productions and (i) is capable of
630 seating more than seven hundred fifty (750) people, (ii) is owned
631 by a municipality which has a population greater than ten thousand
632 (10,000) according to the latest federal decennial census, (iii)
633 was constructed prior to 1930, (iv) is on the National Register of
634 Historic Places, and (v) is located in a historic district.

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

641 (j) The distance restrictions imposed in this
642 subsection shall not apply to the sale or storage of alcoholic
643 beverages at a qualified resort area as defined in Section



644 67-1-5(o)(iii)83.

645 (k) The distance restrictions imposed in this
646 subsection shall not apply to the sale or storage of alcoholic
647 beverages at a qualified resort area as defined in Section
648 67-1-5(o)(iii)84.

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

667 (5) (a) In addition to any other authority granted under
668 this section, the holder of a permit issued under subsection



669 (1)(c), (e), (f), (g), (l), (n) * * *, (o), (q), (t) and (x) of
670 this section may sell or otherwise provide alcoholic beverages
671 and/or wine to a patron of the permit holder in the manner
672 authorized in the permit and the patron may remove an open glass,
673 cup or other container of the alcoholic beverage and/or wine from
674 the licensed premises and may possess and consume the alcoholic
675 beverage or wine outside of the licensed premises if: (i) the
676 licensed premises is located within a leisure and recreation
677 district created under Section 67-1-101 and (ii) the patron
678 remains within the boundaries of the leisure and recreation
679 district while in possession of the alcoholic beverage or wine.

680 (b) Nothing in this subsection shall be construed to
681 allow a person to bring any alcoholic beverages into a permitted
682 premises except to the extent otherwise authorized by this
683 article.

684 (c) Where a permit is issued under subsection (1)(c) to
685 an establishment located in a resort area created by Section
686 67-1-5(o)(iii)(18), persons in the permitted premises are allowed
687 to bring alcoholic beverages into the permitted premises and to
688 possess, store and consume those alcoholic beverages in the
689 permitted premises.

690 **SECTION 2.** Section 1, Senate Bill No. 2145, 2025 Regular
691 Session, is amended as follows:



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, or from a fulfillment provider to a consumer, in this state.

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

(c) "Direct wine shipper" means a wine manufacturer or a fulfillment provider 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 * * * a person or entity acting 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 3. Section 9, Senate Bill No. 2145, 2025 Regular Session, is amended as follows:

Section 9. (1) Any person who makes, participates in, transports, imports or receives a sale or shipment of wine in violation of Sections 1 through 9 of this act * * * shall be subject to a civil penalty not exceeding One Thousand Dollars (\$1,000.00) * * *. Each sale or shipment in violation of Sections 1 through 9 of this act shall constitute a separate offense subject to the civil penalty.

(2) If any holder of a direct wine shipper's permit violates 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.



739 **SECTION 4.** This act shall take effect and be in force from
740 and after July 1, 2025.

