

## House Amendments to Senate Bill No. 2851

TO THE SECRETARY OF THE SENATE:

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

### AMENDMENT NO. 1

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

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

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

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

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

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

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

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

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

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

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

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

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

102 (d) **Solicitor's permit.** A solicitor's permit shall  
103 authorize the holder thereof to act as salesman for a manufacturer

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

427 This paragraph (r) shall stand repealed from and after July  
428 1, 2026.

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

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

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

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

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

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

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

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

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

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

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

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

546 shall be filed with and verified by the department before becoming  
547 effective.

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

557           (d) The distance restrictions imposed in this  
558 subsection shall not apply to the sale or storage of alcoholic  
559 beverages at a qualified resort area as defined in Section  
560 67-1-5(o)(iii)32.

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

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

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

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

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

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

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

597 permit, nor shall such person's spouse, if living in the same  
598 household of such person, any relative of such person, if living  
599 in the same household of such person, or any other person living  
600 in the same household with such person own any interest in any  
601 other package retailer's permit; however, in the case of a person  
602 holding a package retailer's permit issued before July 1, 2024,  
603 such a person may own one (1) additional package retailer's permit  
604 if the additional permit is issued for a premises with a minimum  
605 capital investment of Twenty Million Dollars (\$20,000,000.00) that  
606 is part of a major retail development project and located in one  
607 (1) of the three (3) most southern counties in the State of  
608 Mississippi, and not within one hundred (100) miles of another  
609 location in the State of Mississippi, for which the permittee  
610 holds such a permit.

611 (5) (a) In addition to any other authority granted under  
612 this section, the holder of a permit issued under subsection  
613 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
614 sell or otherwise provide alcoholic beverages and/or wine to a  
615 patron of the permit holder in the manner authorized in the permit  
616 and the patron may remove an open glass, cup or other container of  
617 the alcoholic beverage and/or wine from the licensed premises and  
618 may possess and consume the alcoholic beverage or wine outside of  
619 the licensed premises if: (i) the licensed premises is located  
620 within a leisure and recreation district created under Section  
621 67-1-101 and (ii) the patron remains within the boundaries of the



622 leisure and recreation district while in possession of the  
623 alcoholic beverage or wine.

624 (b) Nothing in this subsection shall be construed to  
625 allow a person to bring any alcoholic beverages into a permitted  
626 premises except to the extent otherwise authorized by this  
627 article.

628 (c) Where a permit is issued under subsection (1)(c) to  
629 an establishment located in a resort area created by Section  
630 67-1-5(o)(iii)(18), persons in the permitted premises are allowed  
631 to bring alcoholic beverages into the permitted premises and to  
632 possess, store and consume those alcoholic beverages in the  
633 permitted premises.

634 **SECTION 2.** This act shall take effect and be in force from  
635 and after July 1, 2025, and shall stand repealed on June 30, 2025.

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

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT, WHERE AN ON-PREMISES RETAILER'S PERMIT IS ISSUED TO  
3 AN ESTABLISHMENT LOCATED IN A QUALIFIED RESORT AREA CREATED BY  
4 SECTION 67-1-5(O)(III)(18), PERSONS IN THE PERMITTED PREMISES ARE  
5 ALLOWED TO BRING ALCOHOLIC BEVERAGES INTO THE PERMITTED PREMISES  
6 AND TO POSSESS, STORE AND CONSUME THOSE ALCOHOLIC BEVERAGES IN THE  
7 PERMITTED PREMISES; AND FOR RELATED PURPOSES.

HR43\SB2851A.J

Andrew Ketchings  
Clerk of the House of Representatives