

By: Representatives Powell, Hale

To: State Affairs

HOUSE BILL NO. 669

1 AN ACT TO AMEND SECTIONS 67-1-301, 67-1-303, 67-1-305,  
 2 67-1-307, 67-1-309, 67-1-311, 67-1-313 AND 67-1-317, MISSISSIPPI  
 3 CODE OF 1972, WHICH ARE SECTIONS OF LAW THAT AUTHORIZE AND  
 4 REGULATE THE SELLING AND SHIPPING OF WINE DIRECTLY TO RESIDENTS OF  
 5 THIS STATE, TO AUTHORIZE THE SELLING AND SHIPPING OF DISTILLED  
 6 SPIRITS DIRECTLY TO RESIDENTS OF THIS STATE UNDER SIMILAR  
 7 REGULATION; TO REVISE THE DEFINITIONS OF CERTAIN TERMS AND TO  
 8 DEFINE THE TERM "DISTILLED SPIRITS" FOR THE PURPOSES OF SUCH  
 9 SECTIONS OF LAW; TO AMEND SECTIONS 27-71-5 AND 27-71-7,  
 10 MISSISSIPPI CODE OF 1972, TO PROVIDE THE PRIVILEGE TAX REQUIRED  
 11 FOR THE ISSUANCE OF A DIRECT SHIPPER'S PERMIT INSTEAD OF THE  
 12 ISSUANCE OF A DIRECT WINE SHIPPER'S PERMIT; TO LEVY A TAX ON THE  
 13 SALES AND SHIPMENTS OF DISTILLED SPIRITS MADE BY A DIRECT SHIPPER;  
 14 TO AMEND SECTIONS 27-71-15, 67-1-45, 67-1-51, 67-1-53, 67-1-55,  
 15 67-1-57 AND 67-1-73, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO  
 16 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 67-1-301, Mississippi Code of 1972, is  
 19 amended as follows:

20 67-1-301. As used in this article, the following words shall  
 21 have the meanings as defined in this section unless the context  
 22 otherwise requires:

23 (a) "Common carrier" means a person that holds itself  
 24 out to the general public as engaged in the business of  
 25 transporting goods for a fee and is engaged in the business of



26 transporting and delivering \* \* \* wine and/or distilled spirits  
27 from a direct \* \* \* shipper directly to a consumer or fulfillment  
28 provider, or from a fulfillment provider to a consumer, in this  
29 state.

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

31 (c) "Direct \* \* \* shipper" means a wine and/or  
32 distilled spirits manufacturer or a fulfillment provider that  
33 holds a direct \* \* \* shipper's permit under Section 67-1-51 and  
34 meets the requirements of this article.

35 (d) "Fulfillment provider" means a person or entity  
36 acting on behalf of a direct \* \* \* shipper to ship wine and/or  
37 distilled spirits to a consumer and arranges for transport of wine  
38 and/or distilled spirits to the consumer by a common carrier.

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

44 (f) "Distilled spirits" means any beverage containing  
45 more than six percent (6%) of alcohol by weight produced by  
46 distillation of fermented grain, starch, molasses or sugar,  
47 including dilutions and mixtures of these beverages.

48 In addition, the definitions in Section 67-1-5 shall apply to  
49 the terms used in this article, unless the context requires  
50 otherwise.



51           **SECTION 2.** Section 67-1-303, Mississippi Code of 1972, is  
52 amended as follows:

53           67-1-303. A person must hold a direct \* \* \* shipper's permit  
54 before the person may engage in selling and shipping wine and/or  
55 distilled spirits directly to a resident in this state. A  
56 direct \* \* \* shipper may sell and ship wine and/or distilled  
57 spirits directly to residents in this state without being required  
58 to transact the sale and shipment through the division.

59           **SECTION 3.** Section 67-1-305, Mississippi Code of 1972, is  
60 amended as follows:

61           67-1-305. To qualify for a direct \* \* \* shipper's permit, an  
62 applicant shall be:

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

66                   (b) A person licensed or permitted outside of this  
67 state to engage in the activity of manufacturing wine and/or  
68 distilled spirits.

69           **SECTION 4.** Section 67-1-307, Mississippi Code of 1972, is  
70 amended as follows:

71           67-1-307. (1) An applicant for a direct \* \* \* shipper's  
72 permit shall:

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



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

80 (c) Pay to the department the tax prescribed in Section  
81 27-71-5.

82 (2) After a person complies with the provisions of  
83 subsection (1) of this section, the department may conduct any  
84 investigation as it considers necessary regarding the issuance of  
85 a direct \* \* \* shipper's permit, and the department shall issue  
86 such permit to the applicant if the requirements of this article  
87 are met.

88 **SECTION 5.** Section 67-1-309, Mississippi Code of 1972, is  
89 amended as follows:

90 67-1-309. (1) A direct \* \* \* shipper shall:

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

95 (b) Report to the department quarterly the total amount  
96 of wine and/or distilled spirits, by type, sold and shipped into  
97 or within the state the preceding calendar year, and other  
98 information required by the department under its rules and  
99 regulations adopted pursuant to Section 67-1-315;



100 (c) Maintain for at least three (3) years all records  
101 that allow the department to ascertain the truthfulness of the  
102 information filed under this article;

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

105 (e) Be deemed to have consented to the jurisdiction of  
106 the department or any other state agency and the state courts  
107 concerning enforcement of this article and any related laws, rules  
108 or regulations.

109 (2) A direct \* \* \* shipper shall not:

110 (a) Sell or ship any light wine or beer that is  
111 regulated under Section 67-3-1 et seq. or any alcoholic beverage  
112 other than wine and/or distilled spirits;

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

121 (c) Sell or ship more than twelve (12) nine-liter cases  
122 of wine and/or distilled spirits annually to any one (1) address.

123 **SECTION 6.** Section 67-1-311, Mississippi Code of 1972, is  
124 amended as follows:



125           67-1-311. A direct \* \* \* shipper may annually renew his or  
126 her direct \* \* \* shipper's permit, if the direct \* \* \* shipper:

127                   (a) Is otherwise entitled to receive a direct \* \* \*  
128 shipper's permit;

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

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

135           **SECTION 7.** Section 67-1-313, Mississippi Code of 1972, is  
136 amended as follows:

137           67-1-313. (1) To purchase and receive a direct shipment of  
138 wine and/or distilled spirits from a direct \* \* \* shipper, a  
139 resident of this state must be at least twenty-one (21) years of  
140 age, and a person who is at least twenty-one (21) years of age  
141 must sign for any wine and/or distilled spirits shipped from a  
142 direct \* \* \* shipper.

143                   (2) A shipment of wine and/or distilled spirits may be  
144 ordered or purchased from a direct \* \* \* shipper through a  
145 computer network.

146                   (3) A person who receives a direct shipment of wine and/or  
147 distilled spirits from a direct \* \* \* shipper shall use the wine  
148 and/or distilled spirits for personal consumption only and may not  
149 resell it.



150           **SECTION 8.** Section 67-1-317, Mississippi Code of 1972, is  
151 amended as follows:

152           67-1-317. (1) Any person who makes, participates in,  
153 transports, imports or receives a sale or shipment of wine and/or  
154 distilled spirits in violation of this article shall be subject to  
155 a civil penalty not exceeding One Thousand Dollars (\$1,000.00).  
156 Each sale or shipment in violation of this article shall  
157 constitute a separate offense subject to the civil penalty.

158           (2) If any holder of a direct \* \* \* shipper's permit  
159 violates any provision of this article, the department may suspend  
160 or revoke the permit and impose civil penalties as authorized  
161 under Section 67-1-1 et seq.

162           (3) Notwithstanding subsection (1) of this section, a  
163 consumer who receives a direct shipment of wine and/or distilled  
164 spirits in compliance with the conditions in this article, and who  
165 is of legal age as specified in Section 67-1-313, shall not be  
166 subject to penalties under this section for merely receiving such  
167 a shipment. This exemption applies if the consumer reasonably  
168 believes the shipment is in accordance with the permits and  
169 regulatory requirements established by the state.

170           **SECTION 9.** Section 27-71-5, Mississippi Code of 1972, is  
171 amended as follows:

172           27-71-5. (1) Upon each person approved for a permit under  
173 the provisions of the Alcoholic Beverage Control Law and  
174 amendments thereto, there is levied and imposed for each location



175 for the privilege of engaging and continuing in this state in the  
176 business authorized by such permit, an annual privilege license  
177 tax in the amount provided in the following schedule:

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

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

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

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

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

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

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

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

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

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



200	(i) On-premises retailer's permit for clubs...	\$ 225.00
201	(j) On-premises retailer's permit for common carriers,	
202	per car, plane, or other vehicle.....	\$ 120.00
203	(k) Solicitor's permit, regardless of any other	
204	provision of law, solicitor's permits shall be issued only in the	
205	discretion of the department.....	\$ 100.00
206	(l) Filing fee for each application except for an	
207	employee identification card.....	\$ 25.00
208	(m) Temporary permit, Class 1, each.....	\$ 10.00
209	(n) Temporary permit, Class 2, each.....	\$ 50.00
210	(o) (i) Caterer's permit.....	\$ 600.00
211	(ii) Caterer's permit for holders of on-premises	
212	retailer's permit.....	\$ 150.00
213	(p) Research permit.....	\$ 100.00
214	(q) Temporary permit, Class 3 (wine only).....	\$ 10.00
215	(r) Special service permit.....	\$ 225.00
216	(s) Merchant permit.....	\$ 225.00
217	(t) Temporary alcoholic beverages charitable auction	
218	permit.....	\$ 10.00
219	(u) Event venue retailer's permit.....	\$ 225.00
220	(v) Temporary theatre permit, each.....	\$ 10.00
221	(w) Charter ship operator's permit.....	\$ 100.00
222	(x) Distillery retailer's permit.....	\$ 450.00
223	(y) Festival permit.....	\$ 10.00
224	(z) Charter vessel operator's permit.....	\$ 100.00



225	(aa)	Native or craft spirit retailer's permit,	
226		each.....	\$ 50.00
227	(ab)	Delivery service permit.....	\$ 500.00
228	(ac)	Food truck permit.....	\$ 100.00
229	(ad)	On-premises tobacco permit.....	\$ 450.00
230	(ae)	Direct * * * shipper's permit.....	\$ 100.00
231	(af)	Wine <u>and/or distilled spirits</u> fulfillment	
232		provider's permit.....	\$ 100.00
233	(ag)	Manufacturer's permit, Class 5, craft spirit	
234		manufacturer per one thousand (1,000) gallons or part thereof	
235		produced * * *.....	\$ 300.00,
236		but not to exceed \$3,000.00.	

237 In addition to the filing fee imposed by paragraph (1) of  
238 this subsection, a fee to be determined by the Department of  
239 Revenue may be charged to defray costs incurred to process  
240 applications. The additional fees shall be paid into the State  
241 Treasury to the credit of a special fund account, which is hereby  
242 created, and expenditures therefrom shall be made only to defray  
243 the costs incurred by the Department of Revenue in processing  
244 alcoholic beverage applications. Any unencumbered balance  
245 remaining in the special fund account on June 30 of any fiscal  
246 year shall lapse into the State General Fund.

247 All privilege taxes imposed by this section shall be paid in  
248 advance of doing business. A new permittee whose privilege tax is  
249 determined by production volume will pay the tax for the first



250 year in accordance with department regulations. The additional  
251 privilege tax imposed for an on-premises retailer's permit based  
252 upon purchases shall be due and payable on demand.

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

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

262 (b) (i) In addition to the tax imposed in paragraph  
263 (a) of this subsection, there is imposed and shall be collected by  
264 the department from each permittee described in subsection (1)(g),  
265 (h), (i), (n) and (u) of this section, an additional license tax  
266 for the privilege of doing business within any municipality or  
267 county in which the licensee is located in the amount of Two  
268 Hundred Twenty-five Dollars (\$225.00) on purchases exceeding Five  
269 Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars  
270 (\$225.00) for each additional purchase of Five Thousand Dollars  
271 (\$5,000.00), or fraction thereof.

272 (ii) In addition to the tax imposed in paragraph  
273 (a) of this subsection, there is imposed and shall be collected by  
274 the department from each permittee described in subsection (1)(o)



275 and (s) of this section, an additional license tax for the  
276 privilege of doing business within any municipality or county in  
277 which the licensee is located in the amount of Two Hundred Fifty  
278 Dollars (\$250.00) on purchases exceeding Five Thousand Dollars  
279 (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each  
280 additional purchase of Five Thousand Dollars (\$5,000.00), or  
281 fraction thereof.

282 (iii) Any person who has paid the additional  
283 privilege license tax imposed by this paragraph, and whose permit  
284 is renewed, may add any unused fraction of Five Thousand Dollars  
285 (\$5,000.00) purchases to the first Five Thousand Dollars  
286 (\$5,000.00) purchases authorized by the renewal permit, and no  
287 additional license tax will be required until purchases exceed the  
288 sum of the two (2) figures.

289 (c) If the licensee is located within a municipality,  
290 the department shall pay the amount of additional license tax  
291 collected under this section to the municipality, and if outside a  
292 municipality the department shall pay the additional license tax  
293 to the county in which the licensee is located. Payments by the  
294 department to the respective local government subdivisions shall  
295 be made once each month for any collections during the preceding  
296 month.

297 (3) When an application for any permit, other than for  
298 renewal of a permit, has been rejected by the department, such  
299 decision shall be final. Appeal may be made in the manner



300 provided by Section 67-1-39. Another application from an  
301 applicant who has been denied a permit shall not be reconsidered  
302 within a twelve-month period.

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

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

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



324           **SECTION 10.** Section 27-71-7, Mississippi Code of 1972, is  
325 amended as follows:

326           27-71-7. (1) There is hereby levied and assessed an excise  
327 tax upon each case of alcoholic beverages sold by the department  
328 to be collected from each retail licensee at the time of sale in  
329 accordance with the following schedule:

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

334           (2) (a) In addition to the tax levied by subsection (1) of  
335 this section, and in addition to any other markup collected, the  
336 division shall collect a markup of three percent (3%) on all  
337 alcoholic beverages, as defined in Section 67-1-5, Mississippi  
338 Code of 1972, which are sold by the division. The proceeds of the  
339 markup shall be collected by the division from each purchaser at  
340 the time of purchase.

341           (b) Until June 30, 1987, the revenue derived from this  
342 three percent (3%) markup shall be deposited by the division in  
343 the State Treasury to the credit of the "Alcoholism Treatment and  
344 Rehabilitation Fund," a special fund which is hereby created in  
345 the State Treasury, and shall be used by the Division of Alcohol  
346 and Drug Abuse of the State Department of Mental Health and public  
347 or private centers or organizations solely for funding of  
348 treatment and rehabilitation programs for alcoholics and alcohol



349 abusers which are sponsored by the division or public or private  
350 centers or organizations in such amounts as the Legislature may  
351 appropriate to the division for use by the division or public or  
352 private centers or organizations for such programs. Any tax  
353 revenue in the fund which is not encumbered at the end of the  
354 fiscal year shall lapse to the General Fund. It is the intent of  
355 the Legislature that the State Department of Mental Health shall  
356 continue to seek funds from other sources and shall use the funds  
357 appropriated for the purposes of this section and Section 27-71-29  
358 to match all federal funds which may be available for alcoholism  
359 treatment and rehabilitation.

360 From and after July 1, 1987, the revenue derived from this  
361 three percent (3%) markup shall be deposited by the division in  
362 the State Treasury to the credit of the "Mental Health Programs  
363 Fund," a special fund which is hereby created in the State  
364 Treasury and shall be used by the State Department of Mental  
365 Health for the service programs of the department. Any revenue in  
366 the "Alcoholism Treatment and Rehabilitation Fund" which is not  
367 encumbered at the end of Fiscal Year 1987 shall be deposited to  
368 the credit of the "Mental Health Programs Fund."

369 (3) There is levied and assessed upon the holder of a  
370 direct \* \* \* shipper's permit, a tax in the amount of fifteen and  
371 one-half percent (15.5%) of the sales price of each sale and  
372 shipment of wine and/or distilled spirits made to a resident in  
373 this state. The holder of a direct \* \* \* shipper's permit shall



374 file a monthly report with the department along with a copy of the  
375 invoice for each sale and shipment of wine and/or distilled  
376 spirits and remit any taxes due; however, no report shall be  
377 required for months in which no sales or shipments were made into  
378 this state. The report, together with copies of the invoices and  
379 the payment of all taxes, shall be filed with the department not  
380 later than the twentieth day of the month following the month in  
381 which the shipment was made. Permittees who fail to timely file  
382 and pay taxes as required by this subsection shall pay a late fee  
383 in the amount of Fifty Dollars (\$50.00), in addition to any other  
384 penalty authorized by this article.

385         **SECTION 11.** Section 27-71-15, Mississippi Code of 1972, is  
386 amended as follows:

387         27-71-15. Except as otherwise provided in Section 67-9-1 for  
388 the transportation of limited amounts of alcoholic beverages for  
389 the use of an alcohol processing permittee, and in Sections  
390 67-1-301 to 67-1-317 for the sale and shipment of wine and/or  
391 distilled spirits by the holder of a direct \* \* \* shipper's  
392 permit, if transportation requires passage through a county which  
393 has not authorized the sale of alcoholic beverages, such  
394 transportation shall be by a sealed vehicle. Such seal shall  
395 remain unbroken until the vehicle shall reach the place of  
396 business operated by the permittee. The operator of any vehicle  
397 transporting alcoholic beverages shall have in his possession an  
398 invoice issued by the department at the time of the wholesale sale



399 covering the merchandise transported by the vehicle. The  
400 department is authorized to issue regulations controlling the  
401 transportation of alcoholic beverages.

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

408 **SECTION 12.** Section 67-1-45, Mississippi Code of 1972, is  
409 amended as follows:

410 67-1-45. No manufacturer, rectifier or distiller of  
411 alcoholic beverages shall sell or attempt to sell any such  
412 alcoholic beverages, except malt liquor, within the State of  
413 Mississippi, except to the department, or as provided in Section  
414 67-1-41, or pursuant to Section 67-1-51. A producer of native  
415 wine, native spirit, or craft spirit may sell native wines, native  
416 spirits, or craft spirits, respectively, to the department or to  
417 consumers at the location of the native winery, native distillery,  
418 craft distillery, or its other tasting room locations. The holder  
419 of a direct \* \* \* shipper's permit may sell wines and/or distilled  
420 spirits directly to residents in this state as authorized by  
421 Sections 67-1-301 through 67-1-317.

422 Any violation of this section by any manufacturer, rectifier  
423 or distiller shall be punished by a fine of not less than Five



424 Hundred Dollars (\$500.00), and not more than Two Thousand Dollars  
425 (\$2,000.00), to which may be added imprisonment in the county jail  
426 not to exceed six (6) months.

427 **SECTION 13.** Section 67-1-51, Mississippi Code of 1972, is  
428 amended as follows:

429 67-1-51. (1) Permits which may be issued by the department  
430 shall be as follows:

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

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

438 Class 1. Distiller's and/or rectifier's permit, which shall  
439 authorize the holder thereof to operate a distillery for the  
440 production of distilled spirits by distillation or redistillation  
441 and/or to operate a rectifying plant for the purifying, refining,  
442 mixing, blending, flavoring or reducing in proof of distilled  
443 spirits and alcohol.

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



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

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

453           Class 5. Craft spirit producer's permit, which shall  
454 authorize the holder thereof to perform any act or thing in the  
455 process of making craft spirit, including the manufacture,  
456 importation, bottling, and storage of alcoholic liquor and its  
457 sale.

458                   (b) **Package retailer's permit.** Except as otherwise  
459 provided in this paragraph and Section 67-1-52, a package  
460 retailer's permit shall authorize the holder thereof to operate a  
461 store exclusively for the sale at retail in original sealed and  
462 unopened packages of alcoholic beverages, including native wines,  
463 native spirits, craft spirits, and edibles, not to be consumed on  
464 the premises where sold. Alcoholic beverages shall not be sold by  
465 any retailer in any package or container containing less than  
466 fifty (50) milliliters by liquid measure. A package retailer's  
467 permit, with prior approval from the department, shall authorize  
468 the holder thereof to sample new product furnished by a  
469 manufacturer's representative or his employees at the permitted  
470 place of business so long as the sampling otherwise complies with  
471 this article and applicable department regulations. Such samples



472 may not be provided to customers at the permitted place of  
473 business. In addition to the sale at retail of packages of  
474 alcoholic beverages, the holder of a package retailer's permit is  
475 authorized to sell at retail corkscrews, wine glasses, soft  
476 drinks, ice, juices, mixers, other beverages commonly used to mix  
477 with alcoholic beverages, and fruits and foods that have been  
478 submerged in alcohol and are commonly referred to as edibles.  
479 Nonalcoholic beverages sold by the holder of a package retailer's  
480 permit shall not be consumed on the premises where sold.

481           (c) **On-premises retailer's permit.** Except as otherwise  
482 provided in subsection (5) of this section, an on-premises  
483 retailer's permit shall authorize the sale of alcoholic beverages,  
484 including native wines, native spirits, and craft spirits, for  
485 consumption on the licensed premises only; however, a patron of  
486 the permit holder may remove one (1) bottle of wine from the  
487 licensed premises if: (i) the patron consumed a portion of the  
488 bottle of wine in the course of consuming a meal purchased on the  
489 licensed premises; (ii) the permit holder securely reseals the  
490 bottle; (iii) the bottle is placed in a bag that is secured in a  
491 manner so that it will be visibly apparent if the bag is opened;  
492 and (iv) a dated receipt for the wine and the meal is available.  
493 Additionally, as part of a carryout order, a permit holder may  
494 sell one (1) bottle of wine to be removed from the licensed  
495 premises for every two (2) entrees ordered. In addition, an  
496 on-premises retailer's permittee at a permitted premises located



497 on Jefferson Davis Avenue within one-half (1/2) mile north of U.S.  
498 Highway 90 may serve alcoholic beverages by the glass to a patron  
499 in a vehicle using a drive-through method of delivery if the  
500 permitted premises is located in a leisure and recreation district  
501 established under Section 67-1-101. Such a sale will be  
502 considered to be made on the permitted premises. An on-premises  
503 retailer's permit shall be issued only to qualified hotels,  
504 restaurants and clubs, small craft breweries, microbreweries, and  
505 to common carriers with adequate facilities for serving  
506 passengers. In resort areas, however, whether inside or outside  
507 of a municipality, the department, in its discretion, may issue  
508 on-premises retailer's permits to any establishments located  
509 therein as it deems proper. An on-premises retailer's permit when  
510 issued to a common carrier shall authorize the sale and serving of  
511 alcoholic beverages aboard any licensed vehicle while moving  
512 through any county of the state; however, the sale of such  
513 alcoholic beverages shall not be permitted while such vehicle is  
514 stopped in a county that has not legalized such sales. If an  
515 on-premises retailer's permit is applied for by a common carrier  
516 operating solely in the water, such common carrier must, along  
517 with all other qualifications for a permit, (i) be certified to  
518 carry at least one hundred fifty (150) passengers and/or provide  
519 overnight accommodations for at least fifty (50) passengers and  
520 (ii) operate primarily in the waters within the State of  
521 Mississippi which lie adjacent to the State of Mississippi south



522 of the three (3) most southern counties in the State of  
523 Mississippi and/or on the Mississippi River or navigable waters  
524 within any county bordering on the Mississippi River.

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

538           (e) **Native wine retailer's permit.** Except as otherwise  
539 provided in subsection (5) of this section, a native wine  
540 retailer's permit shall be issued only to a holder of a Class 3  
541 manufacturer's permit, and shall authorize the holder thereof to  
542 make retail sales of native wines to consumers for on-premises  
543 consumption or to consumers in originally sealed and unopened  
544 containers at an establishment located on the premises of or in  
545 the immediate vicinity of a native winery. When selling to  
546 consumers for on-premises consumption, a holder of a native wine



547 retailer's permit may add to the native wine alcoholic beverages  
548 not produced on the premises, so long as the total volume of  
549 foreign beverage components does not exceed twenty percent (20%)  
550 of the mixed beverage. Hours of sale shall be the same as those  
551 authorized for on-premises permittees in the city or county in  
552 which the native wine retailer is located.

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

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

560 Class 1. A temporary one-day permit may be issued to bona  
561 fide nonprofit civic or charitable organizations authorizing the  
562 sale of alcoholic beverages, including native wine, native  
563 spirits, and craft spirits, for consumption on the premises  
564 described in the temporary permit only. Class 1 permits may be  
565 issued only to applicants demonstrating to the department, by a  
566 statement signed under penalty of perjury submitted ten (10) days  
567 prior to the proposed date or such other time as the department  
568 may determine, that they meet the qualifications of Sections  
569 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding  
570 paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all  
571 alcoholic beverages from package retailers located in the county



572 in which the temporary permit is issued. Alcoholic beverages  
573 remaining in stock upon expiration of the temporary permit may be  
574 returned by the permittee to the package retailer for a refund of  
575 the purchase price upon consent of the package retailer or may be  
576 kept by the permittee exclusively for personal use and  
577 consumption, subject to all laws pertaining to the illegal sale  
578 and possession of alcoholic beverages. The department, following  
579 review of the statement provided by the applicant and the  
580 requirements of the applicable statutes and regulations, may issue  
581 the permit.

582 Class 2. A temporary permit, not to exceed seventy (70)  
583 days, may be issued to prospective permittees seeking to transfer  
584 a permit authorized in paragraph (c) of this subsection. A Class  
585 2 permit may be issued only to applicants demonstrating to the  
586 department, by a statement signed under the penalty of perjury,  
587 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
588 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
589 67-1-59. The department, following a preliminary review of the  
590 statement provided by the applicant and the requirements of the  
591 applicable statutes and regulations, may issue the permit.

592 Class 2 temporary permittees must purchase their alcoholic  
593 beverages directly from the department or, with approval of the  
594 department, purchase the remaining stock of the previous  
595 permittee. If the proposed applicant of a Class 1 or Class 2  
596 temporary permit falsifies information contained in the



597 application or statement, the applicant shall never again be  
598 eligible for a retail alcohol beverage permit and shall be subject  
599 to prosecution for perjury.

600       Class 3. A temporary one-day permit may be issued to a  
601 retail establishment authorizing the complimentary distribution of  
602 wine, including native wine, to patrons of the retail  
603 establishment at an open house or promotional event, for  
604 consumption only on the premises described in the temporary  
605 permit. A Class 3 permit may be issued only to an applicant  
606 demonstrating to the department, by a statement signed under  
607 penalty of perjury submitted ten (10) days before the proposed  
608 date or such other time as the department may determine, that it  
609 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
610 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
611 A Class 3 permit holder shall obtain all alcoholic beverages from  
612 the holder(s) of a package retailer's permit located in the county  
613 in which the temporary permit is issued. Wine remaining in stock  
614 upon expiration of the temporary permit may be returned by the  
615 Class 3 temporary permit holder to the package retailer for a  
616 refund of the purchase price, with consent of the package  
617 retailer, or may be kept by the Class 3 temporary permit holder  
618 exclusively for personal use and consumption, subject to all laws  
619 pertaining to the illegal sale and possession of alcoholic  
620 beverages. The department, following review of the statement  
621 provided by the applicant and the requirements of the applicable



622 statutes and regulations, may issue the permit. No retailer may  
623 receive more than twelve (12) Class 3 temporary permits in a  
624 calendar year. A Class 3 temporary permit shall not be issued to  
625 a retail establishment that either holds a merchant permit issued  
626 under paragraph (1) of this subsection, or holds a permit issued  
627 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
628 the holder to engage in the business of a retailer of light wine  
629 or beer.

630           (g) **Caterer's permit.** A caterer's permit shall permit  
631 the purchase of alcoholic beverages by a person engaging in  
632 business as a caterer and the resale of alcoholic beverages by  
633 such person in conjunction with such catering business. No person  
634 shall qualify as a caterer unless forty percent (40%) or more of  
635 the revenue derived from such catering business shall be from the  
636 serving of prepared food and not from the sale of alcoholic  
637 beverages and unless such person has obtained a permit for such  
638 business from the Department of Health. A caterer's permit shall  
639 not authorize the sale of alcoholic beverages on the premises of  
640 the person engaging in business as a caterer; however, the holder  
641 of an on-premises retailer's permit may hold a caterer's permit.  
642 When the holder of an on-premises retailer's permit or an  
643 affiliated entity of the holder also holds a caterer's permit, the  
644 caterer's permit shall not authorize the service of alcoholic  
645 beverages on a consistent, recurring basis at a separate, fixed  
646 location owned or operated by the caterer, on-premises retailer or



647 affiliated entity and an on-premises retailer's permit shall be  
648 required for the separate location. All sales of alcoholic  
649 beverages by holders of a caterer's permit shall be made at the  
650 location being catered by the caterer, and, except as otherwise  
651 provided in subsection (5) of this section, such sales may be made  
652 only for consumption at the catered location. The location being  
653 catered may be anywhere within a county or judicial district that  
654 has voted to come out from under the dry laws or in which the sale  
655 and distribution of alcoholic beverages is otherwise authorized by  
656 law. Such sales shall be made pursuant to any other conditions  
657 and restrictions which apply to sales made by on-premises retail  
658 permittees. The holder of a caterer's permit or his employees  
659 shall remain at the catered location as long as alcoholic  
660 beverages are being sold pursuant to the permit issued under this  
661 paragraph (g), and the permittee shall have at the location the  
662 identification card issued by the division. No unsold alcoholic  
663 beverages may be left at the catered location by the permittee  
664 upon the conclusion of his business at that location. Appropriate  
665 law enforcement officers and division personnel may enter a  
666 catered location on private property in order to enforce laws  
667 governing the sale or serving of alcoholic beverages.

668 (h) **Research permit.** A research permit shall authorize  
669 the holder thereof to operate a research facility for the  
670 professional research of alcoholic beverages. Such permit shall  
671 authorize the holder of the permit to import and purchase limited



672 amounts of alcoholic beverages from the department or from  
673 importers, wineries and distillers of alcoholic beverages for  
674 professional research.

675           (i) **Alcohol processing permit.** An alcohol processing  
676 permit shall authorize the holder thereof to purchase, transport  
677 and possess alcoholic beverages for the exclusive use in cooking,  
678 processing or manufacturing products which contain alcoholic  
679 beverages as an integral ingredient. An alcohol processing permit  
680 shall not authorize the sale of alcoholic beverages on the  
681 premises of the person engaging in the business of cooking,  
682 processing or manufacturing products which contain alcoholic  
683 beverages. The amounts of alcoholic beverages allowed under an  
684 alcohol processing permit shall be set by the department.

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

690           (k) **Special service permit.** A special service permit  
691 shall authorize the holder to sell commercially sealed alcoholic  
692 beverages to the operator of a commercial or private aircraft for  
693 en route consumption only by passengers. A special service permit  
694 shall be issued only to a fixed-base operator who contracts with  
695 an airport facility to provide fueling and other associated  
696 services to commercial and private aircraft.



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

705           (m) **Temporary alcoholic beverages charitable auction**  
706 **permit.** A temporary permit, not to exceed five (5) days, may be  
707 issued to a qualifying charitable nonprofit organization that is  
708 exempt from taxation under Section 501(c)(3) or (4) of the  
709 Internal Revenue Code of 1986. The permit shall authorize the  
710 holder to sell alcoholic beverages for the limited purpose of  
711 raising funds for the organization during a live or silent auction  
712 that is conducted by the organization and that meets the following  
713 requirements: (i) the auction is conducted in an area of the  
714 state where the sale of alcoholic beverages is authorized; (ii) if  
715 the auction is conducted on the premises of an on-premises  
716 retailer's permit holder, then the alcoholic beverages to be  
717 auctioned must be stored separately from the alcoholic beverages  
718 sold, stored or served on the premises, must be removed from the  
719 premises immediately following the auction, and may not be  
720 consumed on the premises; (iii) the permit holder may not conduct  
721 more than two (2) auctions during a calendar year; (iv) the permit



722 holder may not pay a commission or promotional fee to any person  
723 to arrange or conduct the auction.

724           (n) **Event venue retailer's permit.** An event venue  
725 retailer's permit shall authorize the holder thereof to purchase  
726 and resell alcoholic beverages, including native wines, native  
727 spirits, and craft spirits, for consumption on the premises during  
728 legal hours during events held on the licensed premises if food is  
729 being served at the event by a caterer who is not affiliated with  
730 or related to the permittee. The caterer must serve at least  
731 three (3) entrees. The permit may only be issued for venues that  
732 can accommodate two hundred (200) persons or more. The number of  
733 persons a venue may accommodate shall be determined by the local  
734 fire department and such determination shall be provided in  
735 writing and submitted along with all other documents required to  
736 be provided for an on-premises retailer's permit. The permittee  
737 must derive the majority of its revenue from event-related fees,  
738 including, but not limited to, admission fees or ticket sales for  
739 live entertainment in the building. "Event-related fees" do not  
740 include alcohol, beer or light wine sales or any fee which may be  
741 construed to cover the cost of alcohol, beer or light wine. This  
742 determination shall be made on a per event basis. An event may  
743 not last longer than two (2) consecutive days per week.

744           (o) **Temporary theatre permit.** A temporary theatre  
745 permit, not to exceed five (5) days, may be issued to a charitable  
746 nonprofit organization that is exempt from taxation under Section



747 501(c) (3) or (4) of the Internal Revenue Code and owns or operates  
748 a theatre facility that features plays and other theatrical  
749 performances and productions. Except as otherwise provided in  
750 subsection (5) of this section, the permit shall authorize the  
751 holder to sell alcoholic beverages, including native wines, native  
752 spirits, and craft spirits, to patrons of the theatre during  
753 performances and productions at the theatre facility for  
754 consumption during such performances and productions on the  
755 premises of the facility described in the permit. A temporary  
756 theatre permit holder shall obtain all alcoholic beverages from  
757 package retailers located in the county in which the permit is  
758 issued. Alcoholic beverages remaining in stock upon expiration of  
759 the temporary theatre permit may be returned by the permittee to  
760 the package retailer for a refund of the purchase price upon  
761 consent of the package retailer or may be kept by the permittee  
762 exclusively for personal use and consumption, subject to all laws  
763 pertaining to the illegal sale and possession of alcoholic  
764 beverages.

765 (p) **Charter ship operator's permit.** Subject to the  
766 provisions of this paragraph (p), a charter ship operator's permit  
767 shall authorize the holder thereof and its employees to serve,  
768 monitor, store and otherwise control the serving and availability  
769 of alcoholic beverages to customers of the permit holder during  
770 private charters under contract provided by the permit holder. A  
771 charter ship operator's permit shall authorize such action by the



772 permit holder and its employees only as to alcoholic beverages  
773 brought onto the permit holder's ship by customers of the permit  
774 holder as part of such a private charter. All such alcoholic  
775 beverages must be removed from the charter ship at the conclusion  
776 of each private charter. A charter ship operator's permit shall  
777 not authorize the permit holder to sell, charge for or otherwise  
778 supply alcoholic beverages to customers, except as authorized in  
779 this paragraph (p). For the purposes of this paragraph (p),  
780 "charter ship operator" means a common carrier that (i) is  
781 certified to carry at least one hundred fifty (150) passengers  
782 and/or provide overnight accommodations for at least fifty (50)  
783 passengers, (ii) operates only in the waters within the State of  
784 Mississippi, which lie adjacent to the State of Mississippi south  
785 of the three (3) most southern counties in the State of  
786 Mississippi, and (iii) provides charters under contract for tours  
787 and trips in such waters.

788           (q) **Distillery retailer's permit.** The holder of a  
789 Class 1 manufacturer's permit may obtain a distillery retailer's  
790 permit. A distillery retailer's permit shall authorize the holder  
791 thereof to sell at retail alcoholic beverages to consumers for  
792 on-premises consumption, or to consumers by the sealed and  
793 unopened bottle from a retail location at the distillery for  
794 off-premises consumption. The holder may only sell product  
795 manufactured by the manufacturer at the distillery described in  
796 the permit. However, when selling to consumers for on-premises



797 consumption, a holder of a distillery retailer's permit may add  
798 other beverages, alcoholic or not, so long as the total volume of  
799 other beverage components containing alcohol does not exceed  
800 twenty percent (20%). Hours of sale shall be the same as those  
801 authorized for on-premises permittees in the city or county in  
802 which the distillery retailer is located.

803         The holder shall not sell at retail more than ten percent  
804 (10%) of the alcoholic beverages produced annually at its  
805 distillery. The holder shall not make retail sales of more than  
806 two and twenty-five one-hundredths (2.25) liters, in the  
807 aggregate, of the alcoholic beverages produced at its distillery  
808 to any one (1) individual for consumption off the premises of the  
809 distillery within a twenty-four-hour period. The hours of sale  
810 shall be the same as those hours for package retailers under this  
811 article. The holder of a distillery retailer's permit is not  
812 required to purchase the alcoholic beverages authorized to be sold  
813 by this paragraph from the department's liquor distribution  
814 warehouse; however, if the holder does not purchase the alcoholic  
815 beverages from the department's liquor distribution warehouse, the  
816 holder shall pay to the department all taxes, fees and surcharges  
817 on the alcoholic beverages that are imposed upon the sale of  
818 alcoholic beverages shipped by the department or its warehouse  
819 operator. In addition to alcoholic beverages, the holder of a  
820 distillery retailer's permit may sell at retail promotional  
821 products from the same retail location, including shirts, hats,



822 glasses, and other promotional products customarily sold by  
823 alcoholic beverage manufacturers.

824 (r) **Festival Permit.** Any wine manufacturer, native  
825 wine producer, native spirit producer, craft spirit producer, or  
826 distilled spirit manufacturer permitted by Mississippi or any  
827 other state is eligible to obtain a Festival Permit. This permit  
828 authorizes the entity to transport product manufactured by it to  
829 festivals held within the State of Mississippi and sell sealed,  
830 unopened bottles to festival participants. The holder of this  
831 permit may provide samples at no charge to participants.

832 "Festival" means any event at which three (3) or more vendors are  
833 present at a location for the sale or distribution of goods. The  
834 holder of a Festival Permit is not required to purchase the  
835 alcoholic beverages authorized to be sold by this paragraph from  
836 the department's liquor distribution warehouse. However, if the  
837 holder does not purchase the alcoholic beverages from the  
838 department's liquor distribution warehouse, the holder of this  
839 permit shall pay to the department all taxes, fees and surcharges  
840 on the alcoholic beverages sold at such festivals that are imposed  
841 upon the sale of alcoholic beverages shipped by the division.  
842 Additionally, the entity shall file all applicable reports and  
843 returns as prescribed by the department. This permit is issued  
844 per festival and provides authority to sell for three (3)  
845 consecutive days during the hours authorized for on-premises  
846 permittees' sales in that county or city. The holder of the



847 permit shall be required to maintain all requirements set by Local  
848 Option Law for the service and sale of alcoholic beverages. This  
849 permit may be issued to entities participating in festivals at  
850 which a Class 1 temporary permit is in effect.

851 This paragraph (r) shall stand repealed from and after July  
852 1, 2026.

853 (s) **Charter vessel operator's permit.** Subject to the  
854 provisions of this paragraph (s), a charter vessel operator's  
855 permit shall authorize the holder thereof and its employees to  
856 sell and serve alcoholic beverages to passengers of the permit  
857 holder during public tours, historical tours, ecological tours and  
858 sunset cruises provided by the permit holder. The permit shall  
859 authorize the holder to only sell alcoholic beverages, including  
860 native wines, to passengers of the charter vessel operator during  
861 public tours, historical tours, ecological tours and sunset  
862 cruises provided by the permit holder aboard the charter vessel  
863 operator for consumption during such tours and cruises on the  
864 premises of the charter vessel operator described in the permit.  
865 For the purposes of this paragraph (s), "charter vessel operator"  
866 means a common carrier that (i) is certified to carry at least  
867 forty-nine (49) passengers, (ii) operates only in the waters  
868 within the State of Mississippi, which lie south of Interstate 10  
869 in the three (3) most southern counties in the State of  
870 Mississippi, and lie adjacent to the State of Mississippi south of  
871 the three (3) most southern counties in the State of Mississippi,



872 extending not further than one (1) mile south of such counties,  
873 and (iii) provides vessel services for tours and cruises in such  
874 waters as provided in this paragraph(s).

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

892           (u) **Delivery service permit.** Any individual, limited  
893 liability company, corporation or partnership registered to do  
894 business in this state is eligible to obtain a delivery service  
895 permit. Subject to the provisions of Section 67-1-51.1, this  
896 permit authorizes the permittee, or its employee or an independent



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

910 (v) **Food truck permit.** A food truck permit shall  
911 authorize the holder of an on-premises retailer's permit to use a  
912 food truck to sell alcoholic beverages off its premises to guests  
913 who must consume the beverages in open containers. For the  
914 purposes of this paragraph (v), "food truck" means a fully encased  
915 food service establishment on a motor vehicle or on a trailer that  
916 a motor vehicle pulls to transport, and from which a vendor,  
917 standing within the frame of the establishment, prepares, cooks,  
918 sells and serves food for immediate human consumption. The term  
919 "food truck" does not include a food cart that is not motorized.  
920 Food trucks shall maintain such distance requirements from  
921 schools, churches, kindergartens and funeral homes as are required



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

935 (w) **On-premises tobacco permit.** An on-premises tobacco  
936 permit shall authorize the permittee to sell alcoholic beverages  
937 for consumption on the licensed premises. In addition to all  
938 other requirements to obtain an alcoholic beverage permit, the  
939 permittee must obtain and maintain a tobacco permit issued by the  
940 State of Mississippi, and have a capital investment of not less  
941 than Five Hundred Thousand Dollars (\$500,000.00) in the premises  
942 for which the permit is issued. In addition to alcoholic  
943 beverages, the permittee is authorized to sell only cigars,  
944 cheroots, tobacco pipes, pipe tobacco, and/or stogies.  
945 Additionally, seventy-five percent (75%) of the permittee's annual  
946 gross revenue must be derived from the sale of cigars, cheroots,



947 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall  
948 be required, but food may be sold on the premises. The issuance  
949 of this permit does not remove any obligation a permittee may have  
950 to follow local ordinances or actions prohibiting the use of  
951 tobacco products.

952 (x) **Direct \* \* \* shipper's permit.** A direct \* \* \*  
953 shipper's permit shall authorize the holder to sell and ship a  
954 limited amount of wine and/or distilled spirits directly to  
955 residents in this state in accordance with the provisions of  
956 Sections 67-1-301 to 67-1-317, without being required to transact  
957 the sale and shipment of those wines and/or distilled spirits  
958 through the division.

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



972 craft spirit retailer's permit may sell alcoholic beverages  
973 produced by other suppliers. Hours of sale shall be the same as  
974 those authorized for on-premises permittees in the city or county  
975 in which the craft spirit retailer is located.

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

979 (3) (a) Except as otherwise provided in this subsection, no  
980 authority shall be granted to any person to manufacture, sell or  
981 store for sale any intoxicating liquor as specified in this  
982 article within four hundred (400) feet of any church, school  
983 (excluding any community college, junior college, college or  
984 university), kindergarten or funeral home. However, within an  
985 area zoned commercial or business, such minimum distance shall be  
986 not less than one hundred (100) feet.

987 (b) A church or funeral home may waive the distance  
988 restrictions imposed in this subsection in favor of allowing  
989 issuance by the department of a permit, pursuant to subsection (1)  
990 of this section, to authorize activity relating to the  
991 manufacturing, sale or storage of alcoholic beverages which would  
992 otherwise be prohibited under the minimum distance criterion.  
993 Such waiver shall be in written form from the owner, the governing  
994 body, or the appropriate officer of the church or funeral home  
995 having the authority to execute such a waiver, and the waiver



996 shall be filed with and verified by the department before becoming  
997 effective.

998 (c) The distance restrictions imposed in this  
999 subsection shall not apply to the sale or storage of alcoholic  
1000 beverages at a bed and breakfast inn listed in the National  
1001 Register of Historic Places or to the sale or storage of alcoholic  
1002 beverages in a historic district that is listed in the National  
1003 Register of Historic Places, is a qualified resort area and is  
1004 located (i) in a municipality having a population greater than one  
1005 hundred thousand (100,000) according to the latest federal  
1006 decennial census, or (ii) in a municipality in which Mississippi  
1007 Highways 1 and 8 intersect.

1008 (d) The distance restrictions imposed in this  
1009 subsection shall not apply to the sale or storage of alcoholic  
1010 beverages at a qualified resort area as defined in Section  
1011 67-1-5(o)(iii)32.

1012 (e) The distance restrictions imposed in this  
1013 subsection shall not apply to the sale or storage of alcoholic  
1014 beverages at a licensed premises in a building formerly owned by a  
1015 municipality and formerly leased by the municipality to a  
1016 municipal school district and used by the municipal school  
1017 district as a district bus shop facility.

1018 (f) The distance restrictions imposed in this  
1019 subsection shall not apply to the sale or storage of alcoholic  
1020 beverages at a licensed premises in a building consisting of at



1021 least five thousand (5,000) square feet and located approximately  
1022 six hundred (600) feet from the intersection of Mississippi  
1023 Highway 15 and Mississippi Highway 4.

1024 (g) The distance restrictions imposed in this  
1025 subsection shall not apply to the sale or storage of alcoholic  
1026 beverages at a licensed premises in a building located at or near  
1027 the intersection of Ward and Tate Streets and adjacent properties  
1028 in the City of Senatobia, Mississippi.

1029 (h) The distance restrictions imposed in this  
1030 subsection shall not apply to the sale or storage of alcoholic  
1031 beverages at a theatre facility that features plays and other  
1032 theatrical performances and productions and (i) is capable of  
1033 seating more than seven hundred fifty (750) people, (ii) is owned  
1034 by a municipality which has a population greater than ten thousand  
1035 (10,000) according to the latest federal decennial census, (iii)  
1036 was constructed prior to 1930, (iv) is on the National Register of  
1037 Historic Places, and (v) is located in a historic district.

1038 (i) The distance restrictions imposed in this  
1039 subsection shall not apply to the sale or storage of alcoholic  
1040 beverages at a licensed premises in a building located  
1041 approximately one and six-tenths (1.6) miles north of the  
1042 intersection of Mississippi Highway 15 and Mississippi Highway 4  
1043 on the west side of Mississippi Highway 15.



1044 (j) The distance restrictions imposed in this  
1045 subsection shall not apply to the sale or storage of alcoholic  
1046 beverages at a qualified resort area as defined in Section  
1047 67-1-5(o)(iii)83.

1048 (k) The distance restrictions imposed in this  
1049 subsection shall not apply to the sale or storage of alcoholic  
1050 beverages at a qualified resort area as defined in Section  
1051 67-1-5(o)(iii)84.

1052 (4) No person, either individually or as a member of a firm,  
1053 partnership, limited liability company or association, or as a  
1054 stockholder, officer or director in a corporation, shall own or  
1055 control any interest in more than one (1) package retailer's  
1056 permit, nor shall such person's spouse, if living in the same  
1057 household of such person, any relative of such person, if living  
1058 in the same household of such person, or any other person living  
1059 in the same household with such person own any interest in any  
1060 other package retailer's permit; however, in the case of a person  
1061 holding a package retailer's permit issued before July 1, 2024,  
1062 such a person may own one (1) additional package retailer's permit  
1063 if the additional permit is issued for a premises with a minimum  
1064 capital investment of Twenty Million Dollars (\$20,000,000.00) that  
1065 is part of a major retail development project and located in one  
1066 (1) of the three (3) most southern counties in the State of  
1067 Mississippi, and not within one hundred (100) miles of another



1068 location in the State of Mississippi, for which the permittee  
1069 holds such a permit.

1070 (5) (a) In addition to any other authority granted under  
1071 this section, the holder of a permit issued under subsection  
1072 (1)(c), (e), (f), (g), (l), (n), (o), (q), (t) and (y) of this  
1073 section may sell or otherwise provide alcoholic beverages and/or  
1074 wine to a patron of the permit holder in the manner authorized in  
1075 the permit and the patron may remove an open glass, cup or other  
1076 container of the alcoholic beverage and/or wine from the licensed  
1077 premises and may possess and consume the alcoholic beverage or  
1078 wine outside of the licensed premises if: (i) the licensed  
1079 premises is located within a leisure and recreation district  
1080 created under Section 67-1-101 and (ii) the patron remains within  
1081 the boundaries of the leisure and recreation district while in  
1082 possession of the alcoholic beverage or wine.

1083 (b) Nothing in this subsection shall be construed to  
1084 allow a person to bring any alcoholic beverages into a permitted  
1085 premises except to the extent otherwise authorized by this  
1086 article.

1087 (c) Where a permit is issued under subsection (1)(c) to  
1088 an establishment located in a resort area created by Section  
1089 67-1-5(o)(iii)(18), persons in the permitted premises are allowed  
1090 to bring alcoholic beverages into the permitted premises and to  
1091 possess, store and consume those alcoholic beverages in the  
1092 permitted premises.



1093           **SECTION 14.** Section 67-1-53, Mississippi Code of 1972, is  
1094 amended as follows:

1095           67-1-53. (1) Application for permits shall be in such form  
1096 and shall contain such information as shall be required by the  
1097 regulations of the department; however, no regulation of the  
1098 department shall require personal financial information from any  
1099 officer of a corporation applying for an on-premises retailer's  
1100 permit to sell alcoholic beverages unless such officer owns ten  
1101 percent (10%) or more of the stock of such corporation.

1102           (2) Every applicant for each type of permit authorized by  
1103 Section 67-1-51 shall give notice of such application by  
1104 publication for two (2) consecutive issues in a newspaper of  
1105 general circulation published in the city or town in which  
1106 applicant's place of business is located. However, in instances  
1107 where no newspaper is published in the city or town, then the  
1108 notice shall be published in a newspaper of general circulation  
1109 published in the county where the applicant's business is located.  
1110 If no newspaper is published in the county, the notice shall be  
1111 published in a qualified newspaper which is published in the  
1112 closest neighboring county and circulated in the county of  
1113 applicant's residence. The notice shall be printed in ten-point  
1114 black face type and shall set forth the type of permit to be  
1115 applied for, the exact location of the place of business, the name  
1116 of the owner or owners thereof, and if operating under an assumed  
1117 name, the trade name together with the names of all owners, and if



1118 a corporation, the names and titles of all officers. The cost of  
1119 such notice shall be borne by the applicant. The provisions of  
1120 this subsection (2) shall not apply to applicants for a  
1121 direct \* \* \* shipper's permit under Sections 67-1-301 to 67-1-317.

1122 (3) Each application or filing made under this section shall  
1123 include the social security number(s) of the applicant in  
1124 accordance with Section 93-11-64, Mississippi Code of 1972.

1125 **SECTION 15.** Section 67-1-55, Mississippi Code of 1972, is  
1126 amended as follows:

1127 67-1-55. No permit of any type shall be issued by the  
1128 department until the applicant has first filed with the department  
1129 a sworn statement disclosing all persons who are financially  
1130 involved in the operation of the business for which the permit is  
1131 sought. If an applicant is an individual, he will swear that he  
1132 owns one hundred percent (100%) of the business for which he is  
1133 seeking a permit. If the applicant is a partnership, all partners  
1134 and their addresses shall be disclosed and the extent of their  
1135 interest in the partnership shall be disclosed. If the applicant  
1136 is a corporation, the total stock in the corporation shall be  
1137 disclosed and each shareholder and his address and the amount of  
1138 stock in the corporation owned by him shall be disclosed. If the  
1139 applicant is a limited liability company, each member and their  
1140 addresses shall be disclosed and the extent of their interest in  
1141 the limited liability company shall be disclosed. If the  
1142 applicant is a trust, the trustee and all beneficiaries and their



1143 addresses shall be disclosed. If the applicant is a combination  
1144 of any of the above, all information required to be disclosed  
1145 above shall be required.

1146 All the disclosures shall be in writing and kept on file at  
1147 the department and shall be available to the public.

1148 Every applicant must, when applying for a renewal of his  
1149 permit, disclose any change in the ownership of the business or  
1150 any change in the beneficiaries of the income from the business.

1151 Any person who willfully fails to fully disclose the  
1152 information required by this section, or who gives false  
1153 information, shall be guilty of a misdemeanor and, upon conviction  
1154 thereof, shall be fined a sum not to exceed Five Hundred Dollars  
1155 (\$500.00) or imprisoned for not more than one (1) year, or both,  
1156 and the person or applicant shall never again be eligible for any  
1157 permit pertaining to alcoholic beverages.

1158 The provisions of this section shall not apply to persons  
1159 applying for a direct \* \* \* shipper's permit under Sections  
1160 67-1-301 to 67-1-317.

1161 **SECTION 16.** Section 67-1-57, Mississippi Code of 1972, is  
1162 amended as follows:

1163 67-1-57. Before a permit is issued the department shall  
1164 satisfy itself:

1165 (a) That the applicant, if an individual, or if a  
1166 partnership, each of the members of the partnership, or if a  
1167 corporation, each of its principal officers and directors, or if a



1168 limited liability company, each member of the limited liability  
1169 company, is of good moral character and, in addition, enjoys a  
1170 reputation of being a peaceable, law-abiding citizen of the  
1171 community in which he resides, and is generally fit for the trust  
1172 to be reposed in him, is not less than twenty-one (21) years of  
1173 age, and has not been convicted of a felony in any state or  
1174 federal court. However, a felony conviction, other than a crime  
1175 of violence or a violation of state or federal controlled  
1176 substance laws, does not automatically disqualify a person from  
1177 being approved for a permit. If at least ten (10) years have  
1178 elapsed since conviction, the department may consider such felony  
1179 convictions in determining whether all other qualifications are  
1180 met.

1181 (b) That, except in the case of an application for a  
1182 solicitor's permit, the applicant is the true and actual owner of  
1183 the business for which the permit is desired, and that he intends  
1184 to carry on the business authorized for himself and not as the  
1185 agent of any other person, and that he intends to superintend in  
1186 person the management of the business or that he will designate a  
1187 manager to manage the business for him. Except for managers  
1188 employed by the holder of a direct \* \* \* shipper's permit, all  
1189 managers must be approved by the department prior to completing  
1190 any managerial tasks on behalf of the permittee and must possess  
1191 all of the qualifications required of a permittee; however, a  
1192 felony conviction, other than a crime of violence, does not



1193 automatically disqualify a person from being approved as a manager  
1194 if the person was released from incarceration at least three (3)  
1195 years prior to application for approval as a manager. A felony  
1196 conviction, other than a crime of violence, may be considered by  
1197 the department in determining whether all other qualifications are  
1198 met.

1199 (c) That the applicant for a package retailer's permit,  
1200 if an individual, is a resident of the State of Mississippi. If  
1201 the applicant is a partnership, each member of the partnership  
1202 must be a resident of the state. If the applicant is a limited  
1203 liability company, each member of the limited liability company  
1204 must be a resident of the state. If the applicant is a  
1205 corporation, the designated manager of the corporation must be a  
1206 resident of the state.

1207 (d) That the place for which the permit is to be issued  
1208 is an appropriate one considering the character of the premises  
1209 and the surrounding neighborhood.

1210 (e) That the place for which the permit is to be issued  
1211 is within the corporate limits of an incorporated municipality or  
1212 qualified resort area or club which comes within the provisions of  
1213 this article.

1214 (f) That the applicant is not indebted to the state for  
1215 any taxes, fees or payment of penalties imposed by any law of the  
1216 State of Mississippi or by any rule or regulation of the  
1217 department.



1218 (g) That the applicant is not in the habit of using  
1219 alcoholic beverages to excess and is not physically or mentally  
1220 incapacitated, and that the applicant has the ability to read and  
1221 write the English language.

1222 (h) That the department does not believe and has no  
1223 reason to believe that the applicant will sell or knowingly permit  
1224 any agent, servant or employee to unlawfully sell liquor in a dry  
1225 area or in any other manner contrary to law.

1226 (i) That the applicant is not residentially domiciled  
1227 with any person whose permit or license has been cancelled for  
1228 cause within the twelve (12) months next preceding the date of the  
1229 present application for a permit.

1230 (j) That the department has not, in the exercise of its  
1231 discretion which is reserved and preserved to it, refused to grant  
1232 permits under the restrictions of this section, as well as under  
1233 any other pertinent provision of this article.

1234 (k) That there are not sufficient legal reasons to deny  
1235 a permit on the ground that the premises for which the permit is  
1236 sought has previously been operated, used or frequented for any  
1237 purpose or in any manner that is lewd, immoral or offensive to  
1238 public decency. In the granting or withholding of any permit to  
1239 sell alcoholic beverages at retail, the department in forming its  
1240 conclusions may give consideration to any recommendations made in  
1241 writing by the district or county attorney or county, circuit or  
1242 chancery judge of the county, or the sheriff of the county, or the



1243 mayor or chief of police of an incorporated city or town wherein  
1244 the applicant proposes to conduct his business and to any  
1245 recommendations made by representatives of the department.

1246 (1) That the applicant and the applicant's key  
1247 employees, as determined by the department, do not have a  
1248 disqualifying criminal record. In order to obtain a criminal  
1249 record history check, the applicant shall submit to the department  
1250 a set of fingerprints from any local law enforcement agency for  
1251 each person for whom the records check is required. The  
1252 department shall forward the fingerprints to the Mississippi  
1253 Department of Public Safety. If no disqualifying record is  
1254 identified at the state level, the Department of Public Safety  
1255 shall forward the fingerprints to the Federal Bureau of  
1256 Investigation for a national criminal history record check. Costs  
1257 for processing the set or sets of fingerprints shall be borne by  
1258 the applicant. The department may waive the fingerprint  
1259 requirement in the case of an applicant for a direct \* \* \*  
1260 shipper's permit. The department shall not deny employment to an  
1261 employee of the applicant prior to the identification of a  
1262 disqualifying record or other disqualifying information.

1263 **SECTION 17.** Section 67-1-73, Mississippi Code of 1972, is  
1264 amended as follows:

1265 67-1-73. (1) Except as otherwise provided in subsection (3)  
1266 of this section, every manufacturer, including native wine, native  
1267 spirit, or craft spirit producers, within or without the state,



1268 and every other shipper of alcoholic beverages who sells any  
1269 alcoholic beverage, including native wine, native spirit, or craft  
1270 spirit, within the state, shall, at the time of making such sale,  
1271 file with the department a copy of the invoice of such sale  
1272 showing in detail the kind of alcoholic beverage sold, the  
1273 quantities of each, the size of the container and the weight of  
1274 the contents, the alcoholic content, and the name and address of  
1275 the person to whom sold.

1276 (2) Except as otherwise provided in subsection (3) of this  
1277 section, every person transporting alcoholic beverages, including  
1278 native wine, native spirit, or craft spirit, within this state to  
1279 a point within this state, whether such transportation originates  
1280 within or without this state, shall, within five (5) days after  
1281 delivery of such shipment, furnish the department a copy of the  
1282 bill of lading or receipt, showing the name or consignor or  
1283 consignee, date, place received, destination, and quantity of  
1284 alcoholic beverages delivered. Upon failure to comply with the  
1285 provisions of this section, such person shall be deemed guilty of  
1286 a misdemeanor and, upon conviction thereof, shall be fined in the  
1287 sum of Fifty Dollars (\$50.00) for each offense.

1288 (3) Information regarding the sales, shipment, delivery and  
1289 transportation of wine and/or distilled spirits in this state by  
1290 the holder of a direct \* \* \* shipper's permit under Sections  
1291 67-1-301 through 67-1-317, shall be in such form and content as  
1292 prescribed by the department.



1293           **SECTION 18.** This act shall take effect and be in force from  
1294 and after July 1, 2026.

