

By: Representatives Powell, McGee, Hulum,
Hale

To: State Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1175

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



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

SECTION 1. As used in Sections 1 through 12 of this act, the following words shall have the meanings as defined in this section unless the context otherwise requires:

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

(b) "Direct shipper" means the holder of a direct shipper's permit issued by the department under Sections 1 through 12 of this act.

(c) "Common carrier" means a person that holds itself out to the general public as engaged in the business of transporting goods for a fee and is engaged in the business of transporting and delivering alcoholic beverages from a direct shipper's permittee directly to consumers in this state who are twenty-one (21) years of age or older.

(d) "Fulfillment provider" means a person who acts on behalf of a holder of a direct shipper's permit to ship wine to a consumer and arranges for transport by an eligible common carrier to the consumer.

(e) "Wine fulfillment provider permit" means a permit issued by the department that authorizes a fulfillment provider to ship wine to a consumer on behalf of a holder of a direct shipper's permit.

(f) "Wine" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits or berries, made in accordance with the revenue laws of the United



60 States, and containing more than five percent (5%) of alcohol by
61 weight.

62 In addition, the definitions in Section 67-1-5 shall be
63 applicable to the terms used in Sections 1 through 12 of this act
64 unless the context otherwise requires.

65 **SECTION 2.** A person must hold a permit as a direct shipper
66 issued by the department before the person may engage in selling
67 and shipping wine directly to a resident in this state. A direct
68 shipper may sell and ship wine directly to residents in this state
69 without being required to transact the sale and shipment through
70 the Alcoholic Beverage Control Division of the department. A
71 direct shipper may not sell and ship wine to an address in an area
72 where in which the sale of alcoholic beverages is not legal.

73 **SECTION 3.** To qualify for a direct shipper's permit, an
74 applicant shall be a holder of a Class 2 manufacturer's permit
75 issued in accordance with Section 67-1-51, or a person licensed or
76 permitted outside of this state to engage in the activity of
77 manufacturing wine in any other state.

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

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

83 (b) Provide to the department a copy of the applicant's
84 current license or permit to engage in the activity of



85 manufacturing wine in this or any other state; a copy of the
86 applicant's current federal basic wine manufacturing permit; and a
87 list of all products that the direct shipper intends to sell in
88 the state; and

89 (c) Pay to the department the tax prescribed in Section
90 27-71-5.

91 (2) After a person complies with the provisions of
92 subsection (1) of this section, the department may conduct any
93 investigation as it considers necessary regarding the issuance of
94 a permit, and the department shall issue a permit to the applicant
95 if the requirements of Sections 1 through 12 of this act are met.

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

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

101 (b) Report to the department on an quarterly basis in a
102 manner prescribed by the department all of the following
103 information for each wine shipment into the state pursuant to
104 Sections 1 through 12 of this act:

105 (i) The name and address of the Mississippi
106 resident who placed the order;

107 (ii) For each completed shipment, evidence of
108 signature by an individual age twenty-one (21) years or older;



(iii) The name and license number of the common or permit carrier engaged in the shipment;

(iv) For each shipment by a holder of a wine fulfillment provider permit on behalf of the direct shipper, the name and license number of the wine fulfillment provider permittee engaged in the shipment;

(v) The date of shipment;

(vi) The carrier tracking number; and

(vii) The quantity of wine in the shipment;

(c) Maintain for at least three (3) years all records that allow the department to ascertain the truthfulness of the information filed under Sections 1 through 12 of this act;

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

(e) Be deemed to have consented to the jurisdiction of the department or any other state agency and the state courts concerning enforcement of Sections 1 through 12 of this act and any related laws, rules or regulations.

Information reported to the department under paragraph (c) of this subsection shall not be subject to disclosure under the Mississippi Public Records Act of 1983.

(2) A direct shipper shall not:

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



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

(c) Sell or ship more than fifteen hundred (1,500) nine-liter cases, or thirteen thousand five hundred (13,500) liters, in total of wine in a calendar year to Mississippi consumers;

(d) Sell or ship any wine to any residential household address in Mississippi that has already received a total of nine (9) nine-liter cases of wine in the calendar year. Prior to shipping any wine, the direct shipper shall validate that the consumer has not received their total case limit of wine for the calendar year and is therefore eligible to receive a shipment of wine;

(e) Sell or ship wine to any nonresidential address, including lockers or post office boxes;

(f) Sell or ship wine to any address or property of a public or private elementary, secondary, or post-secondary educational school, including any dormitory, housing, or common



space located on the campus of any elementary, secondary, or post-secondary educational school.

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

- (a) Is otherwise entitled to receive a permit;
- (b) Provides to the department a copy of his or her current license or permit to engage in the activity of manufacturing wine in this or any other state; and
- (c) Pays to the department a privilege license tax as prescribed in Section 27-71-5.

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

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

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

(4) A resident of this state shall not order, purchase, or receive more than a total of nine (9) nine-liter cases of wine in a calendar year to their residential household address. A holder of a direct shipper's permit shall not ship any wine to any



household in this state that has already received direct shipments of nine (9) nine-liter cases of wine in the calendar year.

SECTION 8. If any holder of a direct shipper's permit violates any provision of Sections 1 through 12 of this act, the department shall suspend or revoke the permit and impose civil penalties as authorized under Section 67-1-1 et seq.

SECTION 9. (1) Any person who is not a common or permit carrier and who does not hold a direct shipper, wholesaler, retailer, manufacturer, or importer permit issued by the department and who is not owned or controlled by a common or permit carrier or a direct shipper, wholesaler, retailer, manufacturer, or importer permittee of the department may obtain a wine fulfillment provider permit from the department as provided in this section. A holder of a wine fulfillment provider permit, subject to compliance with all terms and provisions of Sections 1 through 12 of this act, may contract with a common or permit carrier for the shipment of unopened containers of wine on behalf of the holder of a direct shipper's permit directly to a Mississippi resident who is at least twenty-one (21) years of age, for personal use by the individual and not for resale.

(2) A person shall obtain a separate wine fulfillment provider permit for each physical premises that is to be used as a wine fulfillment provider before shipping wine to any Mississippi resident from that premises, and shall pay an annual license fee of Five Hundred Dollars (\$500.00), plus an additional One Hundred



Dollars (\$100.00) for each additional premises from which shipments to Mississippi residents will be made.

(3) The holder of a wine fulfillment provider permit may only provide logistics services of warehousing, packaging, order fulfillment, and shipment of wine for a direct shipper permittee for which the wine fulfillment provider permittee is the bailee of the wine. Wine held in bailment by a wine fulfillment provider permittee shall remain the property of the direct shipper permittee until loaded on conveyance for direct shipment to a Mississippi resident.

(4) A wine fulfillment provider permittee shall not ship wine into or within the state from, or on behalf of, any of the following:

(a) An unlicensed direct shipper of wine, either in-state or out-of-state;

(b) A retailer licensed by the department;

(c) An out-of-state retailer; or

(d) A person that does not hold a direct shipper's permit in the State of Mississippi.

(5) A wine fulfillment provider permit applicant shall provide all of the following information to the department as part of its application:

(a) The precise location or locations at which the permittee will engage in logistics services for wine to be shipped into the state; and



232 (b) Any other information required by the department.

233 (6) A wine fulfillment provider permittee shall do all of
234 the following:

235 (a) Annually renew its wine fulfillment provider permit
236 in a manner as established by rule of the department and pay any
237 initial and annual license fees;

238 (b) Enter into a contract with a direct wine shipper
239 permittee designating the wine fulfillment provider permittee as
240 the agent of the direct wine shipper permittee for purposes of
241 Sections 1 through 12 of this act. A wine fulfillment provider
242 permittee may not avoid liability under this section by
243 subcontracting with a third party to perform its obligations
244 pursuant to this section;

245 (c) Maintain a compliance program documenting that all
246 wine shipped by each direct shipper permittee through the wine
247 fulfillment provider permittee satisfies the requirements set
248 forth in Sections 1 through 12 of this act and any other
249 requirements set forth by the department;

250 (d) Make all commercially reasonable efforts to verify
251 the validity of each direct shipper permit prior to making any
252 shipment on behalf of the direct shipper permittee;

253 (e) Ensure all containers of wine shipped by the wine
254 fulfillment provider permittee to a Mississippi resident are
255 conspicuously labeled with the following words: "CONTAINS



ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR
DELIVERY";

(f) Report to the department on an quarterly basis in a
manner prescribed by the department all of the following
information for each wine shipment into the state pursuant to this
section:

(i) The name, address, and license number of the
direct shipper permittee and the point of origin of shipment from
which the wine fulfillment provider permittee received the wine,
if different from the address of the direct shipper permittee;

(ii) The name and address of the Mississippi
resident who placed the order;

(iii) For each completed shipment, evidence of
signature by an individual age twenty-one (21) years or older;

(iv) The name and license number of the common or
permit carrier engaged in the shipment;

(v) The date of shipment;

(vi) The carrier tracking number; and

(vii) The quantity of wine in the shipment; and

(g) Maintain for a minimum of three (3) years from the
date of receipt from a direct shipper permittee or the date of
shipment to a Mississippi resident, as applicable, and permit the
department and any of its designees to inspect, verify, or perform
an audit of all of the information listed in paragraph (f) of this
subsection;



(h) Upon violation of Sections 1 through 12 of this act or a rule of the department, be subject to a civil penalty imposed by the department by administrative proceedings that apply to alcoholic beverage licenses, as follows:

(i) For the first violation, a civil penalty not to exceed Five Hundred Dollars (\$500.00);

(ii) For a second violation, a civil penalty not to exceed Three Thousand Dollars (\$3,000.00);

(iii) A third or any subsequent violation may result in suspension or revocation of ability to operate in this state and/or a civil penalty not to exceed Six Thousand Dollars (\$6,000.00); and

(i) Be deemed to have consented to the jurisdiction of the department and the other state agencies and the state courts concerning enforcement of Sections 1 through 12 of this act.

(7) Any fines or fees received by the department under this section shall be used by the department in order to perform its regulatory duties.

SECTION 10. (1) Shipments of wine into this state under Sections 1 through 12 of this act shall be made by a duly licensed carrier. A common carrier shall not deliver a shipment of wine to a consumer unless the carrier has verified the validity of the direct shipper's permit and fulfillment provider's permit prior to accepting shipment. A carrier may consider a direct shipper's permit to be valid for the remainder of the stated permit period



unless notified otherwise by the department. Any failure to verify the validity of a direct shipper's permit may result in the suspension of the common carrier's license to operate in the state or the imposition of any other penalty as follows: (i) for the first violation, a civil penalty not to exceed Five Hundred Dollars (\$500.00); (ii) for a second violation, a civil penalty not to exceed Three Thousand Dollars (\$3,000.00); (iii) a third or any subsequent violation may result in suspension or revocation of ability to operate in this state and/or a civil penalty not to exceed Six Thousand Dollars (\$6,000.00).

(2) It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to consumers to prepare and file reports with the department, on a schedule as determined by the department, of known wine shipments. Such reports shall contain: (a) the name of the common or contract carrier, firm or corporation making the report; (b) the period of time covered by said report; (c) the name and business address of the person who directed the common carrier to make the shipment; (d) the name and permit number of the direct shipper; (e) the name and address of each consignee receiving such wine; (f) the weight of the shipment delivered to each consignee; (g) the common carrier's unique tracking number for the package; and (h) the date of delivery. Reports received by the department shall be made available by the department to the



public via the Mississippi Public Records Act process in the same manner as other state alcohol filings.

(3) Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports, including the signatures of the individual who physically received the shipment, shall be kept and preserved for a period of three (3) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business.

(4) Any common or contract carrier that fails to make reports, as provided by this section or any of the rules and regulations of the department for the administration and enforcement of this section is subject to penalties as follows:

(a) for the first violation, a civil penalty not to exceed Five Hundred Dollars (\$500.00); (b) for a second violation, a civil penalty not to exceed Three Thousand Dollars (\$3,000.00); (c) a third or any subsequent violation may result in suspension or revocation of ability to operate in this state and/or a civil penalty not to exceed Six Thousand Dollars (\$6,000.00).



SECTION 11.

The department may adopt any rules or regulations as necessary to carry out Sections 1 through 12 of this act. All of the enforcement provisions of Section 67-1-1 et seq., that are not in conflict with Sections 1 through 12 of this act may be used by the department to enforce the provisions of Sections 1 through 12 of this act.

SECTION 12.

Every two (2) years, the department shall present a written report to the Governor and the Legislature that shall be based on a study of the business of soliciting, selling, and shipping wine from inside and outside of this state directly to residents of this state pursuant to Sections 1 through 12 of this act. As part of its report, the department shall provide the following information for the preceding two (2) years:

(a) The amount of state excise tax and sales tax revenues generated;

(b) The amount of licensing fees received;

(c) The number of cases of wine shipped from inside and outside of this state directly to residents of this state, respectively;

(d) The number of alcohol compliance operations conducted;

(e) The number of new direct shipper permits issued;

(f) The number of direct shipper permits renewed;

(g) The number of direct shipper permits that lapsed or expired without renewal; and



(h) The number of each of the following:

- (i) Reported violations,
- (ii) Cease and desist notices issued by the department,
- (iii) Civil fines issued to a permittee by the department,
- (iv) Suspensions and revocations of permits, and
- (v) Notices and complaints of violations to law enforcement officials, including, without limitation, the Attorney General and U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

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

SECTION 14. Section 27-71-5, Mississippi Code of 1972, is amended as follows:



406 27-71-5. (1) Upon each person approved for a permit under
407 the provisions of the Alcoholic Beverage Control Law and
408 amendments thereto, there is levied and imposed for each location
409 for the privilege of engaging and continuing in this state in the
410 business authorized by such permit, an annual privilege license
411 tax in the amount provided in the following schedule:

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

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

417 (ii) For a permittee with annual production under five thousand
418 (5,000) gallons.....\$2,800.00

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

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

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

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

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

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



431 (h) On-premises retailer's permit for wine of more than
 432 five percent (5%) alcohol by weight, but not more than twenty-one
 433 percent (21%) alcohol by weight, each.....\$ 225.00
 434 (i) On-premises retailer's permit for clubs...\$ 225.00
 435 (j) On-premises retailer's permit for common carriers,
 436 per car, plane, or other vehicle.....\$ 120.00
 437 (k) Solicitor's permit, regardless of any other
 438 provision of law, solicitor's permits shall be issued only in the
 439 discretion of the department.....\$ 100.00
 440 (l) Filing fee for each application except for an
 441 employee identification card.....\$ 25.00
 442 (m) Temporary permit, Class 1, each.....\$ 10.00
 443 (n) Temporary permit, Class 2, each.....\$ 50.00
 444 (o) (i) Caterer's permit.....\$ 600.00
 445 (ii) Caterer's permit for holders of on-premises
 446 retailer's permit.....\$ 150.00
 447 (p) Research permit.....\$ 100.00
 448 (q) Temporary permit, Class 3 (wine only).....\$ 10.00
 449 (r) Special service permit.....\$ 225.00
 450 (s) Merchant permit.....\$ 225.00
 451 (t) Temporary alcoholic beverages charitable auction
 452 permit.....\$ 10.00
 453 (u) Event venue retailer's permit.....\$ 225.00
 454 (v) Temporary theatre permit, each.....\$ 10.00
 455 (w) Charter ship operator's permit.....\$ 100.00



456	(x)	Distillery retailer's permit.....	\$ 450.00
457	(y)	Festival wine permit.....	\$ 10.00
458	(z)	Charter vessel operator's permit.....	\$ 100.00
459	(aa)	Native spirit retailer's permit.....	\$ 50.00
460	(ab)	Delivery service permit.....	\$ 500.00
461	(ac)	Food truck permit.....	\$ 100.00
462	(ad)	On-premises tobacco permit.....	\$ 450.00
463	(ae)	<u>Direct shipper's permit.....</u>	<u>\$ 100.00</u>
464	(af)	<u>Wine fulfillment provider permit.....</u>	<u>\$ 500.00</u>

465 In addition to the filing fee imposed by paragraph (1) of
466 this subsection, a fee to be determined by the Department of
467 Revenue may be charged to defray costs incurred to process
468 applications. The additional fees shall be paid into the State
469 Treasury to the credit of a special fund account, which is hereby
470 created, and expenditures therefrom shall be made only to defray
471 the costs incurred by the Department of Revenue in processing
472 alcoholic beverage applications. Any unencumbered balance
473 remaining in the special fund account on June 30 of any fiscal
474 year shall lapse into the State General Fund.

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



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

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

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

(ii) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(o) and (s) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Fifty



Dollars (\$250.00) on purchases exceeding Five Thousand Dollars (\$5,000.00) and Two Hundred Twenty-five Dollars (\$225.00) for each additional purchase of Five Thousand Dollars (\$5,000.00), or fraction thereof.

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

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

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



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

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

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

552 **SECTION 15.** Section 27-71-7, Mississippi Code of 1972, is
553 amended as follows:

554 27-71-7. (1) There is hereby levied and assessed an excise
555 tax upon each case of alcoholic beverages sold by the department



to be collected from each retail licensee at the time of sale in
accordance with the following schedule:

(a) Distilled spirits.....\$2.50 per
gallon

(b) Sparkling wine and champagne.....\$1.00 per
gallon

(c) Other wines, including native wines...\$.35 per
gallon

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

(b) Until June 30, 1987, the revenue derived from this
three percent (3%) markup shall be deposited by the division in
the State Treasury to the credit of the "Alcoholism Treatment and
Rehabilitation Fund," a special fund which is hereby created in
the State Treasury, and shall be used by the Division of Alcohol
and Drug Abuse of the State Department of Mental Health and public
or private centers or organizations solely for funding of
treatment and rehabilitation programs for alcoholics and alcohol
abusers which are sponsored by the division or public or private
centers or organizations in such amounts as the Legislature may



581 appropriate to the division for use by the division or public or
582 private centers or organizations for such programs. Any tax
583 revenue in the fund which is not encumbered at the end of the
584 fiscal year shall lapse to the General Fund. It is the intent of
585 the Legislature that the State Department of Mental Health shall
586 continue to seek funds from other sources and shall use the funds
587 appropriated for the purposes of this section and Section 27-71-29
588 to match all federal funds which may be available for alcoholism
589 treatment and rehabilitation.

590 From and after July 1, 1987, the revenue derived from this
591 three percent (3%) markup shall be deposited by the division in
592 the State Treasury to the credit of the "Mental Health Programs
593 Fund," a special fund which is hereby created in the State
594 Treasury and shall be used by the State Department of Mental
595 Health for the service programs of the department. Any revenue in
596 the "Alcoholism Treatment and Rehabilitation Fund" which is not
597 encumbered at the end of Fiscal Year 1987 shall be deposited to
598 the credit of the "Mental Health Programs Fund."

599 (3) There is levied and assessed upon the holder of a direct
600 shipper's permit, a tax in the amount of eighteen percent (18%) of
601 the sales price of each sale and shipment of wine made to a
602 resident in this state. The holder of a direct shipper's permit
603 shall file a monthly report with the department along with a copy
604 of the invoice for each sale and shipment of wine and remit any
605 taxes due; however, no report shall be required for months in



which no sales or shipments were made into this state. The
report, together with copies of the invoices and the payment of
all taxes, shall be filed with the department not later than the
twentieth day of the month following the month in which the
shipment was made. Permittees who fail to timely file and pay
taxes as required by this subsection shall pay a late fee in the
amount of Five Hundred Dollars (\$500.00), and the department shall
suspend the direct shipper's permit until all outstanding taxes
are paid in full, for a first offense. Upon a second offense, the
department shall revoke the direct shipper's permit.

SECTION 16. Section 27-71-15, Mississippi Code of 1972, is
amended as follows:

27-71-15. Except as otherwise provided in Section 67-9-1 for
the transportation of limited amounts of alcoholic beverages for
the use of an alcohol processing permittee, and in Sections 1
through 12 of this act for the sale and shipment of wine by the
holder of a direct shipper's permit, if transportation requires
passage through a county which has not authorized the sale of
alcoholic beverages, such transportation shall be by a sealed
vehicle. Such seal shall remain unbroken until the vehicle shall
reach the place of business operated by the permittee. The
operator of any vehicle transporting alcoholic beverages shall
have in his possession an invoice issued by the * * * department
at the time of the wholesale sale covering the merchandise
transported by the vehicle. The * * * department is authorized to



631 issue regulations controlling the transportation of alcoholic
632 beverages.

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

639 **SECTION 17.** Section 27-71-29, Mississippi Code of 1972, is
640 amended as follows:

641 27-71-29. (1) All taxes levied by this article shall be
642 paid to the Department of Revenue in cash or by personal check,
643 cashier's check, bank exchange, post office money order or express
644 money order and shall be deposited by the department in the State
645 Treasury on the same day collected, but no remittances other than
646 cash shall be a final discharge of liability for the tax herein
647 imposed and levied unless and until it has been paid in cash to
648 the department.

649 All taxes levied under Section 27-71-7(1) and received by the
650 department under this article shall be paid into the General Fund,
651 and the three percent (3%) levied under Section 27-71-7(2) and
652 received by the department under this article shall be paid into
653 the special fund in the State Treasury designated as the
654 "Alcoholism Treatment and Rehabilitation Fund" as required by law.
655 Any funds derived from the sale of alcoholic beverages in excess



656 of inventory requirements shall be paid not less often than
657 annually into the General Fund, except for a portion of the
658 twenty-seven and one-half percent (27-1/2%) markup provided for in
659 Section 27-71-11, as specified in subsection (2) of this section,
660 and except for fees charged by the department for the defraying of
661 costs associated with shipping alcoholic beverages. The revenue
662 derived from these fees shall be deposited by the department into
663 a special fund, hereby created in the State Treasury, which is
664 designated the "ABC Shipping Fund." The monies in this special
665 fund shall be earmarked for use by the department for any
666 expenditure made to ship alcoholic beverages. Any net proceeds
667 remaining in the special fund on August 1 of any fiscal year shall
668 lapse into the General Fund. "Net proceeds" in this section means
669 the total of all fees collected by the department to defray the
670 costs of shipping less the actual costs of shipping.

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



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

SECTION 18. Section 67-1-41, Mississippi Code of 1972, is amended as follows:

67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department, except as authorized in subsections (4), (9) and (12) of this section and Sections 1 through 12 of this act. The department may establish warehouses, and the department may purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic



706 beverages as seem right and proper in keeping with the provisions
707 or purposes of this article.

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

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

718 (4) The department may promulgate rules and regulations
719 which authorize on-premises retailers to purchase limited amounts
720 of alcoholic beverages from package retailers and for package
721 retailers to purchase limited amounts of alcoholic beverages from
722 other package retailers. The department shall develop and provide
723 forms to be completed by the on-premises retailers and the package
724 retailers verifying the transaction. The completed forms shall be
725 forwarded to the department within a period of time prescribed by
726 the department.

727 (5) The department may promulgate rules which authorize the
728 holder of a package retailer's permit to permit individual retail
729 purchasers of packages of alcoholic beverages to return, for
730 exchange, credit or refund, limited amounts of original sealed and



unopened packages of alcoholic beverages purchased by the individual from the package retailer.

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

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

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

(9) The department may promulgate rules and regulations that authorize the holder of a research permit to import and purchase



756 limited amounts of alcoholic beverages from importers, wineries
757 and distillers of alcoholic beverages or from the department. The
758 department shall develop and provide forms to be completed by the
759 research permittee verifying each transaction. The completed
760 forms shall be forwarded to the department within a period of time
761 prescribed by the department. The records and inventory of
762 alcoholic beverages shall be open to inspection at any time by the
763 Director of the Alcoholic Beverage Control Division or any duly
764 authorized agent.

765 (10) The department may promulgate rules facilitating a
766 retailer's on-site pickup of alcoholic beverages sold by the
767 department or as authorized by the department, including, but not
768 limited to, native wines and native spirits, so that those
769 alcoholic beverages may be delivered to the retailer at the
770 manufacturer's location instead of via shipment from the
771 department's warehouse.

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

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

778 (12) (a) An individual resident of this state who is at
779 least twenty-one (21) years of age may purchase wine from a winery
780 and have the purchase shipped into this state so long as it is



781 shipped to a package retailer permittee in Mississippi; however,
782 the permittee shall pay to the department all taxes, fees and
783 surcharges on the wine that are imposed upon the sale of wine
784 shipped by the department or its warehouse operator. No credit
785 shall be provided to the permittee for any taxes paid to another
786 state as a result of the transaction. Package retailers may
787 charge a service fee for receiving and handling shipments from
788 wineries on behalf of the purchasers. The department shall
789 develop and provide forms to be completed by the package retailer
790 permittees verifying the transaction. The completed forms shall
791 be forwarded to the department within a period of time prescribed
792 by the department.

793 (b) The purchaser of wine that is to be shipped to a
794 package retailer's store shall be required to get the prior
795 approval of the package retailer before any wine is shipped to the
796 package retailer. A purchaser is limited to no more than ten (10)
797 cases of wine per year to be shipped to a package retailer. A
798 package retailer shall notify a purchaser of wine within two (2)
799 days after receiving the shipment of wine. If the purchaser of
800 the wine does not pick up or take the wine from the package
801 retailer within thirty (30) days after being notified by the
802 package retailer, the package retailer may sell the wine as part
803 of his inventory.

804 (c) Shipments of wine into this state under this
805 section shall be made by a duly licensed carrier. It shall be the



duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to package retailer permittees on behalf of consumers, to prepare and file with the department, on a schedule as determined by the department, of known wine shipments containing the name of the common or contract carrier, firm or corporation making the report, the period of time covered by said report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings.

Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two (2) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company,



831 common or contract carrier making the report resides or does
832 business.

833 Any common or contract carrier that willfully fails to make
834 reports, as provided by this section or any of the rules and
835 regulations of the department for the administration and
836 enforcement of this section, is subject to a notification of
837 violation. In the case of a continuing failure to make reports,
838 the common or contract carrier is subject to possible license
839 suspension and revocation at the department's discretion.

840 (d) A winery that ships wine under this section shall
841 be deemed to have consented to the jurisdiction of the courts of
842 this state, of the department, of any other state agency regarding
843 the enforcement of this section, and of any related law, rules or
844 regulations.

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

851 (13) If any provision of this article, or its application to
852 any person or circumstance, is determined by a court to be invalid
853 or unconstitutional, the remaining provisions shall be construed
854 in accordance with the intent of the Legislature to further limit
855 rather than expand commerce in alcoholic beverages to protect the



health, safety, and welfare of the state's residents, and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by this article upon all alcoholic beverages to curb relationships and practices calculated to stimulate sales and impair the state's policy favoring trade stability and the promotion of temperance.

SECTION 19. Section 67-1-45, Mississippi Code of 1972, is amended as follows:

67-1-45. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity. The holder of a direct shipper's permit may sell wines directly to residents in this state as authorized by Sections 1 through 12 of this act.

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



881 **SECTION 20.** Section 67-1-51, Mississippi Code of 1972, is
882 amended as follows:

883 67-1-51. (1) Permits which may be issued by the department
884 shall be as follows:

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

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

892 Class 1. Distiller's and/or rectifier's permit, which shall
893 authorize the holder thereof to operate a distillery for the
894 production of distilled spirits by distillation or redistillation
895 and/or to operate a rectifying plant for the purifying, refining,
896 mixing, blending, flavoring or reducing in proof of distilled
897 spirits and alcohol.

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

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



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

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



928 the holder of a package retailer's permit shall not be consumed on
929 the premises where sold.

930 (c) **On-premises retailer's permit.** Except as otherwise
931 provided in subsection (5) of this section, an on-premises
932 retailer's permit shall authorize the sale of alcoholic beverages,
933 including native wines and native spirits, for consumption on the
934 licensed premises only; however, a patron of the permit holder may
935 remove one (1) bottle of wine from the licensed premises if: (i)
936 the patron consumed a portion of the bottle of wine in the course
937 of consuming a meal purchased on the licensed premises; (ii) the
938 permit holder securely reseals the bottle; (iii) the bottle is
939 placed in a bag that is secured in a manner so that it will be
940 visibly apparent if the bag is opened; and (iv) a dated receipt
941 for the wine and the meal is available. Additionally, as part of
942 a carryout order, a permit holder may sell one (1) bottle of wine
943 to be removed from the licensed premises for every two (2) entrees
944 ordered. In addition, an on-premises retailer's permittee at a
945 permitted premises located on Jefferson Davis Avenue within
946 one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic
947 beverages by the glass to a patron in a vehicle using a
948 drive-through method of delivery if the permitted premises is
949 located in a leisure and recreation district established under
950 Section 67-1-101. Such a sale will be considered to be made on
951 the permitted premises. An on-premises retailer's permit shall be
952 issued only to qualified hotels, restaurants and clubs, small



craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, however, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to any establishments located therein as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote



his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

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



1002 (f) **Temporary retailer's permit.** Except as otherwise
1003 provided in subsection (5) of this section, a temporary retailer's
1004 permit shall permit the purchase and resale of alcoholic
1005 beverages, including native wines and native spirits, during legal
1006 hours on the premises described in the temporary permit only.

1007 Temporary retailer's permits shall be of the following
1008 classes:

1009 Class 1. A temporary one-day permit may be issued to bona
1010 fide nonprofit civic or charitable organizations authorizing the
1011 sale of alcoholic beverages, including native wine and native
1012 spirit, for consumption on the premises described in the temporary
1013 permit only. Class 1 permits may be issued only to applicants
1014 demonstrating to the department, by a statement signed under
1015 penalty of perjury submitted ten (10) days prior to the proposed
1016 date or such other time as the department may determine, that they
1017 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1018 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1019 Class 1 permittees shall obtain all alcoholic beverages from
1020 package retailers located in the county in which the temporary
1021 permit is issued. Alcoholic beverages remaining in stock upon
1022 expiration of the temporary permit may be returned by the
1023 permittee to the package retailer for a refund of the purchase
1024 price upon consent of the package retailer or may be kept by the
1025 permittee exclusively for personal use and consumption, subject to
1026 all laws pertaining to the illegal sale and possession of



1027 alcoholic beverages. The department, following review of the
1028 statement provided by the applicant and the requirements of the
1029 applicable statutes and regulations, may issue the permit.

1030 Class 2. A temporary permit, not to exceed seventy (70)
1031 days, may be issued to prospective permittees seeking to transfer
1032 a permit authorized in paragraph (c) of this subsection. A Class
1033 2 permit may be issued only to applicants demonstrating to the
1034 department, by a statement signed under the penalty of perjury,
1035 that they meet the qualifications of Sections 67-1-5(1), (m), (n),
1036 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and
1037 67-1-59. The department, following a preliminary review of the
1038 statement provided by the applicant and the requirements of the
1039 applicable statutes and regulations, may issue the permit.

1040 Class 2 temporary permittees must purchase their alcoholic
1041 beverages directly from the department or, with approval of the
1042 department, purchase the remaining stock of the previous
1043 permittee. If the proposed applicant of a Class 1 or Class 2
1044 temporary permit falsifies information contained in the
1045 application or statement, the applicant shall never again be
1046 eligible for a retail alcohol beverage permit and shall be subject
1047 to prosecution for perjury.

1048 Class 3. A temporary one-day permit may be issued to a
1049 retail establishment authorizing the complimentary distribution of
1050 wine, including native wine, to patrons of the retail
1051 establishment at an open house or promotional event, for



1052 consumption only on the premises described in the temporary
1053 permit. A Class 3 permit may be issued only to an applicant
1054 demonstrating to the department, by a statement signed under
1055 penalty of perjury submitted ten (10) days before the proposed
1056 date or such other time as the department may determine, that it
1057 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)
1058 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.
1059 A Class 3 permit holder shall obtain all alcoholic beverages from
1060 the holder(s) of a package retailer's permit located in the county
1061 in which the temporary permit is issued. Wine remaining in stock
1062 upon expiration of the temporary permit may be returned by the
1063 Class 3 temporary permit holder to the package retailer for a
1064 refund of the purchase price, with consent of the package
1065 retailer, or may be kept by the Class 3 temporary permit holder
1066 exclusively for personal use and consumption, subject to all laws
1067 pertaining to the illegal sale and possession of alcoholic
1068 beverages. The department, following review of the statement
1069 provided by the applicant and the requirements of the applicable
1070 statutes and regulations, may issue the permit. No retailer may
1071 receive more than twelve (12) Class 3 temporary permits in a
1072 calendar year. A Class 3 temporary permit shall not be issued to
1073 a retail establishment that either holds a merchant permit issued
1074 under paragraph (1) of this subsection, or holds a permit issued
1075 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing



1076 the holder to engage in the business of a retailer of light wine
1077 or beer.

1078 (g) **Caterer's permit.** A caterer's permit shall permit
1079 the purchase of alcoholic beverages by a person engaging in
1080 business as a caterer and the resale of alcoholic beverages by
1081 such person in conjunction with such catering business. No person
1082 shall qualify as a caterer unless forty percent (40%) or more of
1083 the revenue derived from such catering business shall be from the
1084 serving of prepared food and not from the sale of alcoholic
1085 beverages and unless such person has obtained a permit for such
1086 business from the Department of Health. A caterer's permit shall
1087 not authorize the sale of alcoholic beverages on the premises of
1088 the person engaging in business as a caterer; however, the holder
1089 of an on-premises retailer's permit may hold a caterer's permit.
1090 When the holder of an on-premises retailer's permit or an
1091 affiliated entity of the holder also holds a caterer's permit, the
1092 caterer's permit shall not authorize the service of alcoholic
1093 beverages on a consistent, recurring basis at a separate, fixed
1094 location owned or operated by the caterer, on-premises retailer or
1095 affiliated entity and an on-premises retailer's permit shall be
1096 required for the separate location. All sales of alcoholic
1097 beverages by holders of a caterer's permit shall be made at the
1098 location being catered by the caterer, and, except as otherwise
1099 provided in subsection (5) of this section, such sales may be made
1100 only for consumption at the catered location. The location being



1101 catered may be anywhere within a county or judicial district that
1102 has voted to come out from under the dry laws or in which the sale
1103 and distribution of alcoholic beverages is otherwise authorized by
1104 law. Such sales shall be made pursuant to any other conditions
1105 and restrictions which apply to sales made by on-premises retail
1106 permittees. The holder of a caterer's permit or his employees
1107 shall remain at the catered location as long as alcoholic
1108 beverages are being sold pursuant to the permit issued under this
1109 paragraph (g), and the permittee shall have at the location the
1110 identification card issued by the Alcoholic Beverage Control
1111 Division of the department. No unsold alcoholic beverages may be
1112 left at the catered location by the permittee upon the conclusion
1113 of his business at that location. Appropriate law enforcement
1114 officers and Alcoholic Beverage Control Division personnel may
1115 enter a catered location on private property in order to enforce
1116 laws governing the sale or serving of alcoholic beverages.

1117 (h) **Research permit.** A research permit shall authorize
1118 the holder thereof to operate a research facility for the
1119 professional research of alcoholic beverages. Such permit shall
1120 authorize the holder of the permit to import and purchase limited
1121 amounts of alcoholic beverages from the department or from
1122 importers, wineries and distillers of alcoholic beverages for
1123 professional research.

1124 (i) **Alcohol processing permit.** An alcohol processing
1125 permit shall authorize the holder thereof to purchase, transport



1126 and possess alcoholic beverages for the exclusive use in cooking,
1127 processing or manufacturing products which contain alcoholic
1128 beverages as an integral ingredient. An alcohol processing permit
1129 shall not authorize the sale of alcoholic beverages on the
1130 premises of the person engaging in the business of cooking,
1131 processing or manufacturing products which contain alcoholic
1132 beverages. The amounts of alcoholic beverages allowed under an
1133 alcohol processing permit shall be set by the department.

1134 (j) **Hospitality cart permit.** A hospitality cart permit
1135 shall authorize the sale of alcoholic beverages from a mobile cart
1136 on a golf course that is the holder of an on-premises retailer's
1137 permit. The alcoholic beverages sold from the cart must be
1138 consumed within the boundaries of the golf course.

1139 (k) **Special service permit.** A special service permit
1140 shall authorize the holder to sell commercially sealed alcoholic
1141 beverages to the operator of a commercial or private aircraft for
1142 en route consumption only by passengers. A special service permit
1143 shall be issued only to a fixed-base operator who contracts with
1144 an airport facility to provide fueling and other associated
1145 services to commercial and private aircraft.

1146 (l) **Merchant permit.** Except as otherwise provided in
1147 subsection (5) of this section, a merchant permit shall be issued
1148 only to the owner of a spa facility, an art studio or gallery, or
1149 a cooking school, and shall authorize the holder to serve
1150 complimentary by the glass wine only, including native wine, at



1151 the holder's spa facility, art studio or gallery, or cooking
1152 school. A merchant permit holder shall obtain all wine from the
1153 holder of a package retailer's permit.

1154 (m) **Temporary alcoholic beverages charitable auction**
1155 **permit.** A temporary permit, not to exceed five (5) days, may be
1156 issued to a qualifying charitable nonprofit organization that is
1157 exempt from taxation under Section 501(c)(3) or (4) of the
1158 Internal Revenue Code of 1986. The permit shall authorize the
1159 holder to sell alcoholic beverages for the limited purpose of
1160 raising funds for the organization during a live or silent auction
1161 that is conducted by the organization and that meets the following
1162 requirements: (i) the auction is conducted in an area of the
1163 state where the sale of alcoholic beverages is authorized; (ii) if
1164 the auction is conducted on the premises of an on-premises
1165 retailer's permit holder, then the alcoholic beverages to be
1166 auctioned must be stored separately from the alcoholic beverages
1167 sold, stored or served on the premises, must be removed from the
1168 premises immediately following the auction, and may not be
1169 consumed on the premises; (iii) the permit holder may not conduct
1170 more than two (2) auctions during a calendar year; (iv) the permit
1171 holder may not pay a commission or promotional fee to any person
1172 to arrange or conduct the auction.

1173 (n) **Event venue retailer's permit.** An event venue
1174 retailer's permit shall authorize the holder thereof to purchase
1175 and resell alcoholic beverages, including native wines and native



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

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and



1201 native spirits, to patrons of the theatre during performances and
1202 productions at the theatre facility for consumption during such
1203 performances and productions on the premises of the facility
1204 described in the permit. A temporary theatre permit holder shall
1205 obtain all alcoholic beverages from package retailers located in
1206 the county in which the permit is issued. Alcoholic beverages
1207 remaining in stock upon expiration of the temporary theatre permit
1208 may be returned by the permittee to the package retailer for a
1209 refund of the purchase price upon consent of the package retailer
1210 or may be kept by the permittee exclusively for personal use and
1211 consumption, subject to all laws pertaining to the illegal sale
1212 and possession of alcoholic beverages.

1213 (p) **Charter ship operator's permit.** Subject to the
1214 provisions of this paragraph (p), a charter ship operator's permit
1215 shall authorize the holder thereof and its employees to serve,
1216 monitor, store and otherwise control the serving and availability
1217 of alcoholic beverages to customers of the permit holder during
1218 private charters under contract provided by the permit holder. A
1219 charter ship operator's permit shall authorize such action by the
1220 permit holder and its employees only as to alcoholic beverages
1221 brought onto the permit holder's ship by customers of the permit
1222 holder as part of such a private charter. All such alcoholic
1223 beverages must be removed from the charter ship at the conclusion
1224 of each private charter. A charter ship operator's permit shall
1225 not authorize the permit holder to sell, charge for or otherwise



1226 supply alcoholic beverages to customers, except as authorized in
1227 this paragraph (p). For the purposes of this paragraph (p),
1228 "charter ship operator" means a common carrier that (i) is
1229 certified to carry at least one hundred fifty (150) passengers
1230 and/or provide overnight accommodations for at least fifty (50)
1231 passengers, (ii) operates only in the waters within the State of
1232 Mississippi, which lie adjacent to the State of Mississippi south
1233 of the three (3) most southern counties in the State of
1234 Mississippi, and (iii) provides charters under contract for tours
1235 and trips in such waters.

1236 (q) **Distillery retailer's permit.** The holder of a
1237 Class 1 manufacturer's permit may obtain a distillery retailer's
1238 permit. A distillery retailer's permit shall authorize the holder
1239 thereof to sell at retail alcoholic beverages to consumers for
1240 on-premises consumption, or to consumers by the sealed and
1241 unopened bottle from a retail location at the distillery for
1242 off-premises consumption. The holder may only sell product
1243 manufactured by the manufacturer at the distillery described in
1244 the permit. However, when selling to consumers for on-premises
1245 consumption, a holder of a distillery retailer's permit may add
1246 other beverages, alcoholic or not, so long as the total volume of
1247 other beverage components containing alcohol does not exceed
1248 twenty percent (20%). Hours of sale shall be the same as those
1249 authorized for on-premises permittees in the city or county in
1250 which the distillery retailer is located.



1251 The holder shall not sell at retail more than ten percent
1252 (10%) of the alcoholic beverages produced annually at its
1253 distillery. The holder shall not make retail sales of more than
1254 two and twenty-five one-hundredths (2.25) liters, in the
1255 aggregate, of the alcoholic beverages produced at its distillery
1256 to any one (1) individual for consumption off the premises of the
1257 distillery within a twenty-four-hour period. The hours of sale
1258 shall be the same as those hours for package retailers under this
1259 article. The holder of a distillery retailer's permit is not
1260 required to purchase the alcoholic beverages authorized to be sold
1261 by this paragraph from the department's liquor distribution
1262 warehouse; however, if the holder does not purchase the alcoholic
1263 beverages from the department's liquor distribution warehouse, the
1264 holder shall pay to the department all taxes, fees and surcharges
1265 on the alcoholic beverages that are imposed upon the sale of
1266 alcoholic beverages shipped by the department or its warehouse
1267 operator. In addition to alcoholic beverages, the holder of a
1268 distillery retailer's permit may sell at retail promotional
1269 products from the same retail location, including shirts, hats,
1270 glasses, and other promotional products customarily sold by
1271 alcoholic beverage manufacturers.

1272 (r) **Festival Wine Permit.** Any wine manufacturer or
1273 native wine producer permitted by Mississippi or any other state
1274 is eligible to obtain a Festival Wine Permit. This permit
1275 authorizes the entity to transport product manufactured by it to



1276 festivals held within the State of Mississippi and sell sealed,
1277 unopened bottles to festival participants. The holder of this
1278 permit may provide samples at no charge to participants.

1279 "Festival" means any event at which three (3) or more vendors are
1280 present at a location for the sale or distribution of goods. The
1281 holder of a Festival Wine Permit is not required to purchase the
1282 alcoholic beverages authorized to be sold by this paragraph from
1283 the department's liquor distribution warehouse. However, if the
1284 holder does not purchase the alcoholic beverages from the
1285 department's liquor distribution warehouse, the holder of this
1286 permit shall pay to the department all taxes, fees and surcharges
1287 on the alcoholic beverages sold at such festivals that are imposed
1288 upon the sale of alcoholic beverages shipped by the Alcoholic
1289 Beverage Control Division of the Department of Revenue.

1290 Additionally, the entity shall file all applicable reports and
1291 returns as prescribed by the department. This permit is issued
1292 per festival and provides authority to sell for two (2)
1293 consecutive days during the hours authorized for on-premises
1294 permittees' sales in that county or city. The holder of the
1295 permit shall be required to maintain all requirements set by Local
1296 Option Law for the service and sale of alcoholic beverages. This
1297 permit may be issued to entities participating in festivals at
1298 which a Class 1 temporary permit is in effect.

1299 This paragraph (r) shall stand repealed from and after July
1300 1, 2026.



1301 (s) **Charter vessel operator's permit.** Subject to the
1302 provisions of this paragraph (s), a charter vessel operator's
1303 permit shall authorize the holder thereof and its employees to
1304 sell and serve alcoholic beverages to passengers of the permit
1305 holder during public tours, historical tours, ecological tours and
1306 sunset cruises provided by the permit holder. The permit shall
1307 authorize the holder to only sell alcoholic beverages, including
1308 native wines, to passengers of the charter vessel operator during
1309 public tours, historical tours, ecological tours and sunset
1310 cruises provided by the permit holder aboard the charter vessel
1311 operator for consumption during such tours and cruises on the
1312 premises of the charter vessel operator described in the permit.
1313 For the purposes of this paragraph (s), "charter vessel operator"
1314 means a common carrier that (i) is certified to carry at least
1315 forty-nine (49) passengers, (ii) operates only in the waters
1316 within the State of Mississippi, which lie south of Interstate 10
1317 in the three (3) most southern counties in the State of
1318 Mississippi, and lie adjacent to the State of Mississippi south of
1319 the three (3) most southern counties in the State of Mississippi,
1320 extending not further than one (1) mile south of such counties,
1321 and (iii) provides vessel services for tours and cruises in such
1322 waters as provided in this paragraph(s).

1323 (t) **Native spirit retailer's permit.** Except as
1324 otherwise provided in subsection (5) of this section, a native
1325 spirit retailer's permit shall be issued only to a holder of a



1326 Class 4 manufacturer's permit, and shall authorize the holder
1327 thereof to make retail sales of native spirits to consumers for
1328 on-premises consumption or to consumers in originally sealed and
1329 unopened containers at an establishment located on the premises of
1330 or in the immediate vicinity of a native distillery. When selling
1331 to consumers for on-premises consumption, a holder of a native
1332 spirit retailer's permit may add to the native spirit alcoholic
1333 beverages not produced on the premises, so long as the total
1334 volume of foreign beverage components does not exceed twenty
1335 percent (20%) of the mixed beverage. Hours of sale shall be the
1336 same as those authorized for on-premises permittees in the city or
1337 county in which the native spirit retailer is located.

1338 (u) **Delivery service permit.** Any individual, limited
1339 liability company, corporation or partnership registered to do
1340 business in this state is eligible to obtain a delivery service
1341 permit. Subject to the provisions of Section 67-1-51.1, this
1342 permit authorizes the permittee, or its employee or an independent
1343 contractor acting on its behalf, to deliver alcoholic beverages,
1344 beer, light wine and light spirit product from a licensed retailer
1345 to a person in this state who is at least twenty-one (21) years of
1346 age for the individual's use and not for resale. This permit does
1347 not authorize the delivery of alcoholic beverages, beer, light
1348 wine or light spirit product to the premises of a location with a
1349 permit for the manufacture, distribution or retail sale of
1350 alcoholic beverages, beer, light wine or light spirit product.



1351 The holder of a package retailer's permit or an on-premises
1352 retailer's permit under Section 67-1-51 or of a beer, light wine
1353 and light spirit product permit under Section 67-3-19 is
1354 authorized to apply for a delivery service permit as a privilege
1355 separate from its existing retail permit.

1356 (v) **Food truck permit.** A food truck permit shall
1357 authorize the holder of an on-premises retailer's permit to use a
1358 food truck to sell alcoholic beverages off its premises to guests
1359 who must consume the beverages in open containers. For the
1360 purposes of this paragraph (v), "food truck" means a fully encased
1361 food service establishment on a motor vehicle or on a trailer that
1362 a motor vehicle pulls to transport, and from which a vendor,
1363 standing within the frame of the establishment, prepares, cooks,
1364 sells and serves food for immediate human consumption. The term
1365 "food truck" does not include a food cart that is not motorized.
1366 Food trucks shall maintain such distance requirements from
1367 schools, churches, kindergartens and funeral homes as are required
1368 for on-premises retailer's permittees under this article, and all
1369 sales must be made within a valid leisure and recreation district
1370 established under Section 67-1-101. Food trucks cannot sell or
1371 serve alcoholic beverages unless also offering food prepared and
1372 cooked within the food truck, and permittees must maintain a
1373 twenty-five percent (25%) food sale revenue requirement based on
1374 the food sold from the food truck alone. The hours allowed for
1375 sale shall be the same as those for on-premises retailer's



1376 permittees in the location. This permit will not be required for
1377 the holder of a caterer's permit issued under this article to
1378 cater an event as allowed by law. Permittees must provide notice
1379 of not less than forty-eight (48) hours to the department of each
1380 location at which alcoholic beverages will be sold.

1381 (w) **On-premises tobacco permit.** An on-premises tobacco
1382 permit shall authorize the permittee to sell alcoholic beverages
1383 for consumption on the licensed premises. In addition to all
1384 other requirements to obtain an alcoholic beverage permit, the
1385 permittee must obtain and maintain a tobacco permit issued by the
1386 State of Mississippi, and have a capital investment of not less
1387 than Five Hundred Thousand Dollars (\$500,000.00) in the premises
1388 for which the permit is issued. In addition to alcoholic
1389 beverages, the permittee is authorized to sell only cigars,
1390 cheroots, tobacco pipes, pipe tobacco, and/or stogies.
1391 Additionally, seventy-five percent (75%) of the permittee's annual
1392 gross revenue must be derived from the sale of cigars, cheroots,
1393 tobacco pipes, pipe tobacco, and/or stogies. No food sales shall
1394 be required, but food may be sold on the premises. The issuance
1395 of this permit does not remove any obligation a permittee may have
1396 to follow local ordinances or actions prohibiting the use of
1397 tobacco products.

1398 (x) **Direct shipper's permit.** A direct shipper's permit
1399 shall authorize the holder to sell and ship wine directly to
1400 residents in this state in accordance with the provisions of



Sections 1 through 12 of this act, without being required to transact the sale and shipment of those wines through the Alcoholic Beverage Control Division of the department.

(y) **Wine Fulfillment Provider Permit.** A wine fulfillment provider permit shall authorize the holder to only provide logistics services of warehousing, packaging, order fulfillment, and shipment of wine for a direct shipper permittee for which the wine fulfillment provider permittee is the bailee of the wine under Sections 1 through 12 of this act. Wine held in bailment by a wine fulfillment provider permittee shall remain the property of the direct shipper permittee until loaded on conveyance for direct shipment to a Mississippi resident.

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

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

(b) A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing



1426 issuance by the department of a permit, pursuant to subsection (1)
1427 of this section, to authorize activity relating to the
1428 manufacturing, sale or storage of alcoholic beverages which would
1429 otherwise be prohibited under the minimum distance criterion.
1430 Such waiver shall be in written form from the owner, the governing
1431 body, or the appropriate officer of the church or funeral home
1432 having the authority to execute such a waiver, and the waiver
1433 shall be filed with and verified by the department before becoming
1434 effective.

1435 (c) The distance restrictions imposed in this
1436 subsection shall not apply to the sale or storage of alcoholic
1437 beverages at a bed and breakfast inn listed in the National
1438 Register of Historic Places or to the sale or storage of alcoholic
1439 beverages in a historic district that is listed in the National
1440 Register of Historic Places, is a qualified resort area and is
1441 located in a municipality having a population greater than one
1442 hundred thousand (100,000) according to the latest federal
1443 decennial census.

1444 (d) The distance restrictions imposed in this
1445 subsection shall not apply to the sale or storage of alcoholic
1446 beverages at a qualified resort area as defined in Section
1447 67-1-5(o)(iii)32.

1448 (e) The distance restrictions imposed in this
1449 subsection shall not apply to the sale or storage of alcoholic
1450 beverages at a licensed premises in a building formerly owned by a



1451 municipality and formerly leased by the municipality to a
1452 municipal school district and used by the municipal school
1453 district as a district bus shop facility.

1454 (f) The distance restrictions imposed in this
1455 subsection shall not apply to the sale or storage of alcoholic
1456 beverages at a licensed premises in a building consisting of at
1457 least five thousand (5,000) square feet and located approximately
1458 six hundred (600) feet from the intersection of Mississippi
1459 Highway 15 and Mississippi Highway 4.

1460 (g) The distance restrictions imposed in this
1461 subsection shall not apply to the sale or storage of alcoholic
1462 beverages at a licensed premises in a building located at or near
1463 the intersection of Ward and Tate Streets and adjacent properties
1464 in the City of Senatobia, Mississippi.

1465 (h) The distance restrictions imposed in this
1466 subsection shall not apply to the sale or storage of alcoholic
1467 beverages at a theatre facility that features plays and other
1468 theatrical performances and productions and (i) is capable of
1469 seating more than seven hundred fifty (750) people, (ii) is owned
1470 by a municipality which has a population greater than ten thousand
1471 (10,000) according to the latest federal decennial census, (iii)
1472 was constructed prior to 1930, (iv) is on the National Register of
1473 Historic Places, and (v) is located in a historic district.

1474 (i) The distance restrictions imposed in this
1475 subsection shall not apply to the sale or storage of alcoholic



1476 beverages at a licensed premises in a building located
1477 approximately one and six-tenths (1.6) miles north of the
1478 intersection of Mississippi Highway 15 and Mississippi Highway 4
1479 on the west side of Mississippi Highway 15.

1480 (4) No person, either individually or as a member of a firm,
1481 partnership, limited liability company or association, or as a
1482 stockholder, officer or director in a corporation, shall own or
1483 control any interest in more than one (1) package retailer's
1484 permit, nor shall such person's spouse, if living in the same
1485 household of such person, any relative of such person, if living
1486 in the same household of such person, or any other person living
1487 in the same household with such person own any interest in any
1488 other package retailer's permit; however, in the case of a person
1489 holding a package retailer's permit issued before July 1, 2024,
1490 such a person may own one (1) additional package retailer's permit
1491 if the additional permit is issued for a premises with a minimum
1492 capital investment of Twenty Million Dollars (\$20,000,000.00) that
1493 is part of a major retail development project and located in one
1494 (1) of the three (3) most southern counties in the State of
1495 Mississippi, and not within one hundred (100) miles of another
1496 location in the State of Mississippi, for which the permittee
1497 holds such a permit.

1498 (5) (a) In addition to any other authority granted under
1499 this section, the holder of a permit issued under subsection
1500 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may



1501 sell or otherwise provide alcoholic beverages and/or wine to a
1502 patron of the permit holder in the manner authorized in the permit
1503 and the patron may remove an open glass, cup or other container of
1504 the alcoholic beverage and/or wine from the licensed premises and
1505 may possess and consume the alcoholic beverage or wine outside of
1506 the licensed premises if: (i) the licensed premises is located
1507 within a leisure and recreation district created under Section
1508 67-1-101 and (ii) the patron remains within the boundaries of the
1509 leisure and recreation district while in possession of the
1510 alcoholic beverage or wine.

1511 (b) Nothing in this subsection shall be construed to
1512 allow a person to bring any alcoholic beverages into a permitted
1513 premises except to the extent otherwise authorized by this
1514 article.

1515 **SECTION 21.** Section 67-1-53, Mississippi Code of 1972, is
1516 amended as follows:

1517 67-1-53. (1) Application for permits shall be in such form
1518 and shall contain such information as shall be required by the
1519 regulations of the * * * department; however, no regulation of
1520 the * * * department shall require personal financial information
1521 from any officer of a corporation applying for an on-premises
1522 retailer's permit to sell alcoholic beverages unless such officer
1523 owns ten percent (10%) or more of the stock of such corporation.

1524 (2) Every applicant for each type of permit authorized by
1525 Section 67-1-51 shall give notice of such application by



1526 publication for two (2) consecutive issues in a newspaper of
1527 general circulation published in the city or town in which
1528 applicant's place of business is located. However, in instances
1529 where no newspaper is published in the city or town, then the
1530 notice shall be published in a newspaper of general circulation
1531 published in the county where the applicant's business is located.
1532 If no newspaper is published in the county, the notice shall be
1533 published in a qualified newspaper which is published in the
1534 closest neighboring county and circulated in the county of
1535 applicant's residence. The notice shall be printed in ten-point
1536 black face type and shall set forth the type of permit to be
1537 applied for, the exact location of the place of business, the name
1538 of the owner or owners thereof, and if operating under an assumed
1539 name, the trade name together with the names of all owners, and if
1540 a corporation, the names and titles of all officers. The cost of
1541 such notice shall be borne by the applicant. The provisions of
1542 this subsection (2) shall not apply to applications for a direct
1543 shipper's permit under Sections 1 through 12 of this act.

1544 (3) Each application or filing made under this section shall
1545 include the social security number(s) of the applicant in
1546 accordance with Section 93-11-64, Mississippi Code of 1972.

1547 **SECTION 22.** Section 67-1-55, Mississippi Code of 1972, is
1548 amended as follows:

1549 67-1-55. No permit of any type shall be issued by the * * *
1550 department until the applicant has first filed with the * * *



1551 department a sworn statement disclosing all persons who are
1552 financially involved in the operation of the business for which
1553 the permit is sought. If an applicant is an individual, he will
1554 swear that he owns one hundred percent (100%) of the business for
1555 which he is seeking a permit. If the applicant is a partnership,
1556 all partners and their addresses shall be disclosed and the extent
1557 of their interest in the partnership shall be disclosed. If the
1558 applicant is a corporation, the total stock in the corporation
1559 shall be disclosed and each shareholder and his address and the
1560 amount of stock in the corporation owned by him shall be
1561 disclosed. If the applicant is a limited liability company, each
1562 member and their addresses shall be disclosed and the extent of
1563 their interest in the limited liability company shall be
1564 disclosed. If the applicant is a trust, the trustee and all
1565 beneficiaries and their addresses shall be disclosed. If the
1566 applicant is a combination of any of the above, all information
1567 required to be disclosed above shall be required.

1568 All the disclosures shall be in writing and kept on file at
1569 the * * * department and shall be available to the public.

1570 Every applicant must, when applying for a renewal of his
1571 permit, disclose any change in the ownership of the business or
1572 any change in the beneficiaries of the income from the business.

1573 Any person who willfully fails to fully disclose the
1574 information required by this section, or who gives false
1575 information, shall be guilty of a misdemeanor and, upon conviction



thereof, shall be fined a sum not to exceed Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or both, and the person or applicant shall never again be eligible for any permit pertaining to alcoholic beverages.

The provisions of this section shall not apply to persons applying for a direct shipper's permit under Sections 1 through 12 of this act.

SECTION 23. Section 67-1-57, Mississippi Code of 1972, is amended as follows:

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

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

(b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the



1601 agent of any other person, and that he intends to superintend in
1602 person the management of the business or that he will designate a
1603 manager to manage the business for him. Except for managers
1604 employed by the holder of a direct shipper's permit, all managers
1605 must be approved by the department prior to completing any
1606 managerial tasks on behalf of the permittee and must possess all
1607 of the qualifications required of a permittee; however, a felony
1608 conviction, other than a crime of violence, does not automatically
1609 disqualify a person from being approved as a manager if the person
1610 was released from incarceration at least three (3) years prior to
1611 application for approval as a manager. A felony conviction, other
1612 than a crime of violence, may be considered by the department in
1613 determining whether all other qualifications are met.

1614 (c) That the applicant for a package retailer's permit,
1615 if an individual, is a resident of the State of Mississippi. If
1616 the applicant is a partnership, each member of the partnership
1617 must be a resident of the state. If the applicant is a limited
1618 liability company, each member of the limited liability company
1619 must be a resident of the state. If the applicant is a
1620 corporation, the designated manager of the corporation must be a
1621 resident of the state.

1622 (d) That the place for which the permit is to be issued
1623 is an appropriate one considering the character of the premises
1624 and the surrounding neighborhood.



1625 (e) That the place for which the permit is to be issued
1626 is within the corporate limits of an incorporated municipality or
1627 qualified resort area or club which comes within the provisions of
1628 this article.

1629 (f) That the applicant is not indebted to the state for
1630 any taxes, fees or payment of penalties imposed by any law of the
1631 State of Mississippi or by any rule or regulation of the * * *
1632 department.

1633 (g) That the applicant is not in the habit of using
1634 alcoholic beverages to excess and is not physically or mentally
1635 incapacitated, and that the applicant has the ability to read and
1636 write the English language.

1637 (h) That the * * * department does not believe and has
1638 no reason to believe that the applicant will sell or knowingly
1639 permit any agent, servant or employee to unlawfully sell liquor in
1640 a dry area or in any other manner contrary to law.

1641 (i) That the applicant is not residentially domiciled
1642 with any person whose permit or license has been cancelled for
1643 cause within the twelve (12) months next preceding the date of the
1644 present application for a permit.

1645 (j) That the * * * department has not, in the exercise
1646 of its discretion which is reserved and preserved to it, refused
1647 to grant permits under the restrictions of this section, as well
1648 as under any other pertinent provision of this article.



1649 (k) That there are not sufficient legal reasons to deny
1650 a permit on the ground that the premises for which the permit is
1651 sought has previously been operated, used or frequented for any
1652 purpose or in any manner that is lewd, immoral or offensive to
1653 public decency. In the granting or withholding of any permit to
1654 sell alcoholic beverages at retail, the * * * department in
1655 forming its conclusions may give consideration to any
1656 recommendations made in writing by the district or county attorney
1657 or county, circuit or chancery judge of the county, or the sheriff
1658 of the county, or the mayor or chief of police of an incorporated
1659 city or town wherein the applicant proposes to conduct his
1660 business and to any recommendations made by representatives of
1661 the * * * department.

1662 (l) That the applicant and the applicant's key
1663 employees, as determined by the * * * department, do not have a
1664 disqualifying criminal record. In order to obtain a criminal
1665 record history check, the applicant shall submit to the commission
1666 a set of fingerprints from any local law enforcement agency for
1667 each person for whom the records check is required. The * * *
1668 department shall forward the fingerprints to the Mississippi
1669 Department of Public Safety. If no disqualifying record is
1670 identified at the state level, the Department of Public Safety
1671 shall forward the fingerprints to the Federal Bureau of
1672 Investigation for a national criminal history record check. Costs
1673 for processing the set or sets of fingerprints shall be borne by



1674 the applicant. The department may waive the fingerprint
1675 requirement in the case of an applicant for a direct shipper's
1676 permit. The * * * department shall not deny employment to an
1677 employee of the applicant prior to the identification of a
1678 disqualifying record or other disqualifying information.

1679 **SECTION 24.** Section 67-1-73, Mississippi Code of 1972, is
1680 amended as follows:

1681 67-1-73. (1) Except as otherwise provided in subsection (3)
1682 of this section, every manufacturer, including native wine or
1683 native spirit producers, within or without the state, and every
1684 other shipper of alcoholic beverages who sells any alcoholic
1685 beverage, including native wine or native spirit, within the
1686 state, shall, at the time of making such sale, file with the
1687 department a copy of the invoice of such sale showing in detail
1688 the kind of alcoholic beverage sold, the quantities of each, the
1689 size of the container and the weight of the contents, the
1690 alcoholic content, and the name and address of the person to whom
1691 sold.

1692 (2) Except as otherwise provided in subsection (3) of this
1693 section, every person transporting alcoholic beverages, including
1694 native wine or native spirit, within this state to a point within
1695 this state, whether such transportation originates within or
1696 without this state, shall, within five (5) days after delivery of
1697 such shipment, furnish the department a copy of the bill of lading
1698 or receipt, showing the name or consignor or consignee, date,



1699 place received, destination, and quantity of alcoholic beverages
1700 delivered. Upon failure to comply with the provisions of this
1701 section, such person shall be deemed guilty of a misdemeanor and,
1702 upon conviction thereof, shall be fined in the sum of Fifty
1703 Dollars (\$50.00) for each offense.

1704 (3) Information regarding the sales, shipment, delivery and
1705 transportation of wine in this state by the holder of a direct
1706 shipper's permit under Sections 1 through 12 of this act shall be
1707 in such form and content as prescribed by the department.

1708 **SECTION 25.** Section 97-31-47, Mississippi Code of 1972, is
1709 amended as follows:

1710 97-31-47. It shall be unlawful for any transportation
1711 company, or any agent, employee, or officer of such company, or
1712 any other person, or corporation to transport into or deliver in
1713 this state in any manner or by any means any spirituous, vinous,
1714 malt, or other intoxicating liquors or drinks, or for any such
1715 person, company, or corporation to transport any spirituous, malt,
1716 vinous, or intoxicating liquors or drinks from one place within
1717 this state to another place within the state, or from one (1)
1718 point within this state to any point without the state, except in
1719 cases where this chapter * * *, Section 67-9-1, or Sections 1
1720 through 12 of this act authorizes the transportation.

1721 **SECTION 26.** Section 97-31-49, Mississippi Code of 1972, is
1722 amended as follows:



1723 97-31-49. Except as otherwise provided in Sections 1 through
1724 12 of this act, it shall be unlawful for any person, firm or
1725 corporation in this state, in person, by letter, circular, or
1726 other printed or written matter, or in any other manner, to
1727 solicit or take order in this state for any liquors, bitters or
1728 drinks prohibited by the laws of this state to be sold, bartered,
1729 or otherwise disposed of. The inhibition of this section shall
1730 apply to such liquors, bitters and drinks, whether the parties
1731 intend that the same shall be shipped into this state from outside
1732 of the state, or from one (1) point in this state to another point
1733 in this state. If such order be in writing, parol evidence
1734 thereof is admissible without producing or accounting for the
1735 absence of the original; and the taking or soliciting of such
1736 orders is within the inhibition of this section, although the
1737 orders are subject to approval by some other person, and no part
1738 of the price is paid, nor any part of the goods is delivered when
1739 the order is taken.

1740 **SECTION 27.** This act shall take effect and be in force from
1741 and after July 1, 2025.

