

35.II.2.20. Sales of Alcoholic Beverages by Approved Package Retailers to Other Retailers; Shipping of Wine from Wineries to Package Retailers for Sale

- 100 Pursuant to all Federal requirements and Miss. Code Ann. Section 67-1-41, permittees may purchase alcoholic beverages from a package retailer holding applicable Federal wholesale permits and who have been approved by the Department to make wholesale sales of alcoholic beverages. In order to buy at wholesale from a package retailer, an on-premise retailer must present a permit identification card, which will be issued by the Division.
- 101 Any qualified package retailer may apply with the Department for approval to engage in wholesale transactions with permittees. The permittee must meet all federal permit requirements and must maintain all state permit qualifications as set forth in Miss. Code Ann. Section 67-1-57 in order to qualify for approval by the Department. The package retailer's authorization to make wholesale sales may be suspended or revoked for any violation of the Local Option laws, or the rules and regulations.
- 102 Each package retailer authorized to sell at wholesale shall use invoices provided by the Division for sales to other permittees and shall maintain copies of said invoices for a period of three years. Each sales invoice must reflect all requested information at the time of delivery to the purchaser.
- 103 Purchases made from authorized package retailers must be completed between the hours of 10:00 a.m. and 10:00 p.m., Monday through Saturday, provided such sales are not otherwise prohibited. New permit holders must make their initial order of alcoholic beverages with the Alcoholic Beverage Control before making a purchase from an approved wholesaler.
- 104 An authorized wholesale package retailer may deliver product to permittees between the hours of 10:00 a.m. and 10:00 p.m., Monday through Saturday, provided such sales are not otherwise prohibited. Product must be delivered in a concealed cargo area of a vehicle or sufficiently covered so as to not be visible by the public.
- 105 Upon completion of the wholesale transaction or upon delivery of product to the purchaser, the seller must provide a copy of the sales invoice to the purchaser, and the invoice must remain with the seller or purchaser while transporting the purchased beverages to the purchaser's permitted location. The purchaser's copy of the sales invoice shall be maintained by the purchaser at his place of business for a period of three (3) years and, upon request, must be immediately provided to the Division or other law enforcement agency requesting same.
- 106 A package retailer authorized to make said wholesale sales shall electronically file a form with the Division showing the on-premises sales for each given month. This information must be filed electronically by the 20th day of the month following the sale. Information reflecting wholesale sales made to other package retailers shall not be included on the form. The seller shall maintain a copy of all sales transactions (on premises and package retailers)

for a period of three (3) years. Upon request of the Division or other law enforcement agency, the retailer shall immediately produce said sales invoice to the requesting agency.

- 107 All purchases made by on premise permittees under this regulation shall be included in the calculation of the additional privilege fee levied pursuant to Miss. Code Ann. Section 27-71-5. For purposes of calculating the additional privilege fee, the price shall not be less than the price of the alcoholic beverages as listed in the Division's price book in effect at the time of the sale.
- 108 Transaction reports submitted to the Division shall be in a standard reporting format unless prior approval for business generated forms is given. Permittees that hold a wholesale permit and make no sales during the preceding period must file a report indicating no sales for that period.
- 109 A package retail permittee may receive wine from a winery under the procedure outlined in and for the purposes stated in Miss. Code Section 67-1-41.

35.II.2.20 revised effective March 8, 2021