

**Title 35, Part II,
Subpart 2, Chapter 05**

Purchase and Sale of Distilled Alcoholic Beverages by On-Premises Permittees

- 100 All sales of alcoholic beverages by on-premises permitted places of business shall be made by the drink, EXCEPT
1. Bottles of distilled alcoholic beverages may be sold as follows:
 - a. At such businesses being operated in connection with hotels and motels which may sell such beverages in bottles for delivery to and consumption in rooms of registered guests; and
 - b. On-premises retailer clubs may sell exclusively to its members such beverages in bottles for delivery and consumption only upon the club's permitted premises. Each bottle must clearly reflect the club member's name that purchases the bottle.
 2. Wine and champagne may be sold by any on-premises permittee by the bottle for consumption exclusively in the permitted place.
 3. A patron may remove one bottle of wine from the permitted premises into a wet area when:
 - a. The patron consumed a portion of the bottle of wine in the course of a meal purchased on the licensed premises;
 - b. The permittee securely reseals the bottle;
 - c. The bottle is placed in a bag that is secured in a way as to be visibly apparent when the bag is opened; and
 - d. A dated receipt for the purchase of the wine and meal is available.
- 101 All sales of alcoholic beverages by on-premises permittees shall be for consumption in the licensed premises only, unless otherwise expressly authorized by law or regulation. The licensed premises shall consist of the area designated in the floor plan. In the event that a permittee has multiple permits for a business establishment and there is controlled access to all areas of the establishment, the permittee may submit an all-inclusive floor plan of the entire enclosed area. The Department shall have the discretion to allow the consumption of alcoholic beverages throughout the permitted area regardless of where on the premises the beverages are purchased as long as the Department is satisfied that the permittee is the actual owner of the entire premises and that there is sufficient controlled access to the premises.
- 102 An on-premises permittee may request to temporarily increase or decrease the area designated in its floor plan as its licensed premises by filing a written request with the Chief of Enforcement at least 10 days prior to the desired temporary change. Regardless of whether the area is decreased or increased, the on-premises permittee will remain responsible for maintaining all ABC requirements on its temporarily decreased or increased premises. For a proposed increase, the request must clearly show the boundaries of the newly expanded floor plan. For a proposed decrease, the request must clearly show the portion of the existing floor plan that will temporarily no longer be under the on-premises permittee's control and state the duration of the temporary decrease. A temporary decrease in a premises will only be granted if done to allow an unaffiliated holder of a Class I temporary permit to sell and distribute alcoholic beverages within the portion of the area

temporarily no longer under the on-premises permittee's control. For both a decrease and an increase, the request must state the dates that the requested decrease or increase will be in effect.

- 103 A permittee must maintain sufficient control over its premises to prohibit patrons from entering or leaving the permitted premises with alcoholic beverages except as authorized by law or regulation. In instances where a fence, rope, barrier or gate is used to prohibit exit or entrance onto the premises, such fence, rope, barrier, or gate must be a height of at least three (3) feet from the ground.
- 104 If the permitted premises is located within a Leisure Recreation District, the on-premises permittee may allow patrons to leave its premises with alcoholic beverages as provided by applicable statutes dealing with Leisure Recreation Districts. Further, an on-premises permittee may allow its patrons to remove a bottle of wine into a wet area from its permitted premises as provided by Section 100 above.
- 105 No on-premises permittee shall sell or allow consumption of alcoholic beverages inside the premises where the business is conducted, such as the lounge, bar or restaurant except during hours when alcoholic beverages may be legally sold and/or consumed, as set forth in Title 35, Part II, Subpart 02 Chapter 4 of the Mississippi Administrative Code. However, alcoholic beverages may be consumed during other hours at a permittee sponsored Christmas party for his employees or on Sunday after 1:00 p.m., in a privately leased banquet room of a permittee with prior written approval from the Department. An application, in writing, stating the date, beginning and ending time of the event, the number of employees (or persons, when applicable) anticipated to attend, and a copy of the lease agreement (when applicable) must be submitted to the Chief of Enforcement by the permittee two weeks prior to the Christmas party or lease agreement. Christmas parties are restricted to permittee, employees and their guest. No requests will be approved unless the permittee is in compliance with all rules and regulations of the Department.
- 106 No on-premises permittee shall allow alcoholic beverages to be brown-bagged by a consumer/customer on the permitted premises. However, this restriction does not apply to privately leased banquet rooms or privately leased hospitality suites. If a private banquet room or hospitality suite is leased to an individual and said individual desires to bring his own alcoholic beverages (brown-bagging), the permittee is strictly prohibited from providing or serving alcoholic beverage inside the lease area. On Sundays, when the Department specifically authorizes consumption as described above, a consumer may ONLY brown-bag alcoholic beverages previously obtained from a package retailer in the State. All alcoholic beverages remaining in a leased banquet room or hospitality suite after the expiration of the lease shall be destroyed by the permittee.
- 107 On-premises permittees operating a hotel or motel that elect to place mini bars in the rooms of registered guests are held responsible for keeping the mini bars locked with the issuance of keys restricted to guests who present a valid identification card verifying that he or she is over 21 years of age.

- 108 No permittee may refill any alcoholic beverage container with an alcoholic beverage.
- 109 When a patron requests a specific brand of alcoholic beverage, no permittee may dispense an alternate brand of alcoholic beverage without first notifying the customer that the requested brand is not available.
- 110 (Reserved)

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