

Chapter 25 Alcohol Delivery

- 100 A retailer may offer home delivery of alcohol ordered by its patrons based on the type of alcohol permit it has. A retailer with a beer permit will be able to offer delivery of beer, light wine and/or light spirits products. A retailer with a package retailer permit will be able to offer delivery of sealed alcoholic beverages. A retailer with an on-premises permit will be able to offer delivery of one bottle of wine for every two entrees ordered.
- 101 Retailers can accept orders on-line, in-person, or over the phone.
- 102 A retailer must obtain a delivery service permit in order to deliver alcohol to patrons. If a retailer wishes to pay a service to deliver, it must enter into a contract with a delivery company that has a delivery service permit.
- 103 Deliveries cannot be made to any location more than 30 miles from the retailer's premises. This distance shall be measured in a straight line, such as air line distance, rather than the usual route of traffic travel.
- 104 Deliveries cannot be made in areas that are dry for the sale of alcoholic beverages as indicated by the Wet/Dry map located on the Department's website. Delivery is available to any residences located in qualified resort areas as listed in any subsection of Miss. Code Section 67-1-5(o)(iii).
- 105 Deliveries must be made during legal hours of sale for alcoholic beverages.
- 106 Alcohol cannot be delivered to anyone under the age of 21, to anyone who is visibly intoxicated, to other retailers, or for resale.
- 107 Before providing alcohol to the recipient, the deliverer must first confirm the age of the recipient using a scanning software system approved by the Division on the recipient's drivers' license or military identification card. The Division will approve a scanning software system only if it has at least a 95% efficacy rate of successfully determining whether an identification card is valid. The Division will be responsible for determining the efficacy rate. The Division may request additional information before approving a system and may test the system before determining whether it should be approved. The system must also collect the recipient's name and date of birth. The deliverer must maintain this information for twelve (12) months and be subject to review by the Division upon request.
- 108 The deliverer shall return all alcohol to the retailer if:
1. The recipient is under the age of 21, presents identification that is not his or hers, refuses to present identification, or refuses to accept delivery; or

2. The deliverer determines the presence of illegal conduct, overconsumption of alcohol or determines that the environment is unsafe for consumption of alcohol.
- 109 Alcohol may be ordered from the retailer as authorized by law. Beer, light wine, and light spirit products may be delivered in bottles or cans. Such products may also be delivered by draft or glass so long as the product is delivered in a sealed container. Alcoholic beverages may be delivered from package retailers in closed, sealed bottles. Restaurants may only deliver one bottle of wine per two entrees ordered and cannot deliver any distilled spirits of any type containing more than 6% alcohol by weight (including, but not limited to, bottles, shots or mixed drinks using distilled spirits).
- 110 Delivery to consumers is only available for retailers. Wholesalers, distributors, and manufacturers (including, but not limited to, distilleries, native distilleries, wineries, native wineries, breweries, small craft breweries and microbreweries) cannot deliver alcohol to consumers. Delivery is only available for individual consumption. Alcohol cannot be delivered to retailers, wholesalers, distributors or manufacturers under a delivery permit. Package Retailers who have a wholesale permit may continue to deliver alcoholic beverages to licensed package retailer and on-premises permittees.
- 111 (Reserved)

35.II.2.25 effective July 28, 2021

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