

By: Senator(s) Blackwell

To: Municipalities; County  
Affairs

SENATE BILL NO. 2196

1 AN ACT TO PROHIBIT ANY LOCAL GOVERNMENTAL ENTITY FROM  
2 REQUIRING A LICENSE OR PERMIT FOR CERTAIN BUSINESSES THAT ARE  
3 OPERATED ON AN OCCASIONAL BASIS BY A MINOR; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** (1) The Legislature hereby finds and declares  
7 that:

8 (a) In the absence of common sense relief, laws imposed  
9 and administered at the local level requiring businesses to obtain  
10 permits or licenses to operate, with the distinct possibility of  
11 criminal or civil penalties for noncompliance, may be used to  
12 ensnare minors wanting to operate small-scale businesses on a very  
13 limited basis; and

14 (b) These laws impose inordinate and heavy-handed  
15 regulatory burdens on minor entrepreneurs who are not seeking to  
16 compete with fully established commercial entities operated by  
17 adults, frustrate and thwart entrepreneurial activity minors have  
18 undertaken from the founding of the republic as a means to learn  
19 about business and economic principles and to make money, and



20 divert law enforcement resources of local governments from  
21 investigating and prosecuting more serious criminal or civil  
22 matters.

23       (2) By enacting this act, the Legislature intends to provide  
24 a uniform ban on the imposition and administration of such  
25 licensing and permitting laws across the state, avoid the  
26 inconsistent application of licensing and permitting laws  
27 depending upon the political subdivision in which a minor's  
28 business is being operated, and give every minor entrepreneur  
29 across the state an even playing field within which to gain  
30 practical experience in business and economic matters and an  
31 opportunity to make money by operating a business on a limited  
32 basis that does not intend to compete with permanent, ongoing  
33 commercial entities operated by adults. Toward this end, the  
34 Legislature further declares that the matters discussed in this  
35 section are matters of statewide concern. Notwithstanding the  
36 enactment of this act and the protections it affords minor  
37 entrepreneurs, the Legislature encourages minor entrepreneurs to  
38 understand that, in order to successfully compete as adults in the  
39 business world, they will need to fully comply with the existing  
40 regulatory and legal environment.

41       (3) Notwithstanding any other provision of law, a local  
42 governmental entity, or any unit of a local governmental entity,  
43 shall not require a license or permit for a business that is:

44           (a) Operated on an occasional basis by a minor; and



45           (b) Located a sufficient distance from a commercial  
46 entity, determined by the local governmental entity, that is  
47 required to obtain a permit or license from the local governmental  
48 entity, or a unit of the local governmental entity, to prevent the  
49 minor's business from becoming a direct economic competitor of the  
50 commercial entity.

51           (4) Nothing in this act prohibits a local governmental  
52 entity from enacting and enforcing local laws under the local  
53 governmental entity's general police power in regard to the manner  
54 in which a business may be conducted by a minor with the exception  
55 of a requirement that the minor obtain a permit or license before  
56 engaging in the business.

57           (5) For purposes of this section, the following terms have  
58 the meanings set forth below:

59           (a) "Business" means any enterprise carried on for the  
60 purpose of gain or economic profit; except that the act of  
61 employees rendering services to employers are not included in this  
62 definition.

63           (b) "Local governmental entity" means any county,  
64 municipality, school district, public hospital or other political  
65 subdivision of the state.

66           (c) "Minor" means a person under the age of eighteen  
67 (18) years.

68           (d) "Occasional basis" means a business that does not  
69 operate more than ninety (90) days in any one calendar year.



70           **SECTION 3.** This act shall take effect and be in force from  
71 and after July 1, 2020.

