

By: Senator(s) Blackwell

To: Municipalities

SENATE BILL NO. 2144

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 (1) calendar year.



70 **SECTION 2.** This act shall take effect and be in force from
71 and after July 1, 2023.

