

By: Senator(s) Parks, Simmons (13th),  
Blackmon, Simmons (12th)

To: Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2822

1 AN ACT TO AMEND SECTIONS 67-1-57 AND 67-3-19, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT A FELONY CONVICTION, OTHER THAN A  
3 CRIME OF VIOLENCE OR A VIOLATION OF STATE OR FEDERAL CONTROLLED  
4 SUBSTANCE LAWS, DOES NOT AUTOMATICALLY DISQUALIFY A PERSON FROM  
5 BEING APPROVED FOR AN ALCOHOLIC BEVERAGE PERMIT OR A PERMIT TO  
6 ENGAGE IN THE BUSINESS OF A RETAILER OF LIGHT WINE, LIGHT SPIRIT  
7 PRODUCT OR BEER; TO PROVIDE THAT, IF AT LEAST 10 YEARS HAVE  
8 ELAPSED SINCE CONVICTION, THE DEPARTMENT OF REVENUE MAY CONSIDER  
9 SUCH FELONY CONVICTIONS IN DETERMINING WHETHER ALL OTHER  
10 QUALIFICATIONS ARE MET; TO AMEND SECTION 67-1-51.1, MISSISSIPPI  
11 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 67-1-57, Mississippi Code of 1972, is  
14 amended as follows:

15 67-1-57. Before a permit is issued the department shall  
16 satisfy itself:

17 (a) That the applicant, if an individual, or if a  
18 partnership, each of the members of the partnership, or if a  
19 corporation, each of its principal officers and directors, or if a  
20 limited liability company, each member of the limited liability  
21 company, is of good moral character and, in addition, enjoys a  
22 reputation of being a peaceable, law-abiding citizen of the



community in which he resides, and is generally fit for the trust to be reposed in him, is not less than twenty-one (21) years of age, and has not been convicted of a felony in any state or federal court. However, a felony conviction, other than a crime of violence or a violation of state or federal controlled substance laws, does not automatically disqualify a person from being approved for a permit. If at least ten (10) years have elapsed since conviction, the department may consider such felony convictions in determining whether all other qualifications are met.

(b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent of any other person, and that he intends to superintend in person the management of the business or that he will designate a manager to manage the business for him. All managers must be approved by the department prior to completing any managerial tasks on behalf of the permittee and must possess all of the qualifications required of a permittee; however, a felony conviction, other than a crime of violence, does not automatically disqualify a person from being approved as a manager if the person was released from incarceration at least three (3) years prior to application for approval as a manager. A felony conviction, other



47 than a crime of violence, may be considered by the department in  
48 determining whether all other qualifications are met.

49 (c) That the applicant for a package retailer's permit,  
50 if an individual, is a resident of the State of Mississippi. If  
51 the applicant is a partnership, each member of the partnership  
52 must be a resident of the state. If the applicant is a limited  
53 liability company, each member of the limited liability company  
54 must be a resident of the state. If the applicant is a  
55 corporation, the designated manager of the corporation must be a  
56 resident of the state.

57 (d) That the place for which the permit is to be issued  
58 is an appropriate one considering the character of the premises  
59 and the surrounding neighborhood.

60 (e) That the place for which the permit is to be issued  
61 is within the corporate limits of an incorporated municipality or  
62 qualified resort area or club which comes within the provisions of  
63 this article.

64 (f) That the applicant is not indebted to the state for  
65 any taxes, fees or payment of penalties imposed by any law of the  
66 State of Mississippi or by any rule or regulation of the  
67 commission.

68 (g) That the applicant is not in the habit of using  
69 alcoholic beverages to excess and is not physically or mentally  
70 incapacitated, and that the applicant has the ability to read and  
71 write the English language.



72           (h) That the commission does not believe and has no  
73 reason to believe that the applicant will sell or knowingly permit  
74 any agent, servant or employee to unlawfully sell liquor in a dry  
75 area or in any other manner contrary to law.

76           (i) That the applicant is not residentially domiciled  
77 with any person whose permit or license has been cancelled for  
78 cause within the twelve (12) months next preceding the date of the  
79 present application for a permit.

80           (j) That the commission has not, in the exercise of its  
81 discretion which is reserved and preserved to it, refused to grant  
82 permits under the restrictions of this section, as well as under  
83 any other pertinent provision of this article.

84           (k) That there are not sufficient legal reasons to deny  
85 a permit on the ground that the premises for which the permit is  
86 sought has previously been operated, used or frequented for any  
87 purpose or in any manner that is lewd, immoral or offensive to  
88 public decency. In the granting or withholding of any permit to  
89 sell alcoholic beverages at retail, the commission in forming its  
90 conclusions may give consideration to any recommendations made in  
91 writing by the district or county attorney or county, circuit or  
92 chancery judge of the county, or the sheriff of the county, or the  
93 mayor or chief of police of an incorporated city or town wherein  
94 the applicant proposes to conduct his business and to any  
95 recommendations made by representatives of the commission.



(1) That the applicant and the applicant's key employees, as determined by the commission, do not have a disqualifying criminal record. In order to obtain a criminal record history check, the applicant shall submit to the commission a set of fingerprints from any local law enforcement agency for each person for whom the records check is required. The commission shall forward the fingerprints to the Mississippi Department of Public Safety. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. Costs for processing the set or sets of fingerprints shall be borne by the applicant. The commission shall not deny employment to an employee of the applicant prior to the identification of a disqualifying record or other disqualifying information.

**SECTION 2.** Section 67-3-19, Mississippi Code of 1972, is amended as follows:

67-3-19. Where application is made for a permit to engage in the business of a retailer of light wine, light spirit product or beer, the applicant shall show in his application that he possesses the following qualifications:

(a) Applicant must be a person at least twenty-one (21) years of age, of good moral character and a resident of the State of Mississippi.



(b) Applicant shall not have been convicted of a felony, or of pandering or of keeping or maintaining a house of prostitution, or have been convicted within two (2) years of the date of his application of any violation of the laws of this state or the laws of the United States relating to alcoholic liquor. However, a felony conviction, other than a crime of violence or a violation of state or federal controlled substance laws, does not automatically disqualify a person from being approved for a permit. If at least ten (10) years have elapsed since conviction, the department may consider such felony convictions in determining whether all other qualifications are met.

(c) Applicant shall not have had revoked, except for a violation of Section 67-3-52, within two (2) years next preceding his application, any license or permit issued to him pursuant to the laws of this state, or any other state, to sell alcoholic liquor of any kind.

(d) Applicant shall be the owner of the premises for which the permit is sought or the holder of an existing lease thereon.

(e) Applicant shall not be residentially domiciled with any person whose permit has been revoked for cause, except for a violation of Section 67-3-52, within two (2) years next preceding the date of the present application for a permit.

(f) The applicant has not had any license or permit to sell beer, light spirit product or light wine at retail revoked,



145 within five (5) years next preceding his application, due to a  
146 violation of Section 67-3-52.

147 (g) Applicant shall not employ any person whose permit  
148 has been revoked when such person owned or operated the business  
149 on the premises for which a permit is sought or allow such person  
150 to have any financial interest in the business of the applicant,  
151 until such person is qualified to obtain a permit in his own name.

152 (h) The applicant is not indebted to the State of  
153 Mississippi for any taxes.

154 (i) If applicant is a partnership, all members of the  
155 partnership must be qualified to obtain a permit. Each member of  
156 the partnership must be a resident of the State of Mississippi.

157 (j) If applicant is a corporation, all officers and  
158 directors thereof, and any stockholder owning more than five  
159 percent (5%) of the stock of such corporation, and the person or  
160 persons who shall conduct and manage the licensed premises for the  
161 corporation shall possess all the qualifications required herein  
162 for any individual permittee. However, the requirements as to  
163 residence shall not apply to officers, directors and stockholders  
164 of such corporation.

165 Any misstatement or concealment of fact in an application  
166 shall be grounds for denial of the application or for revocation  
167 of the permit issued thereon.

168 The commissioner may refuse to issue a permit to an applicant  
169 for a place that is frequented by known criminals, prostitutes, or



other law violators or troublemakers who disturb the peace and quietude of the community and frequently require the assistance of peace officers to apprehend such law violators or to restore order. The burden of proof of establishing the foregoing shall rest upon the commissioner.

**SECTION 3.** Section 67-1-51.1, Mississippi Code of 1972, is amended as follows:

67-1-51.1. (1) The holder of a delivery service permit under Section 67-1-51:

(a) May contract with the holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or the holder of a beer, light wine and light spirit product retail permit under Section 67-3-19 for the purpose of intrastate delivery of alcoholic beverages or beer, light wine and light spirit product, as authorized to be sold under the respective permits;

(b) May deliver alcoholic beverages or beer, light wine and light spirit product without a delivery contract, if the permittee holds a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or a beer, light wine and light spirit product retail permit under Section 67-3-19, respectively;

(c) May use its own employees or independent contractors who are at least twenty-one (21) years of age to deliver such alcoholic beverages, beer, light wine or light spirit





product under this section, provided all delivery agents are trained and certified consistent with the training program submitted to the division as required by subsection (2) (d) of this section. If independent contractors are used, the delivery service permittee must enter into a contract with the retailer as required by subsection (2) (c) of this section;

(d) May facilitate orders by telephone, internet or other electronic means for the sale and delivery of alcoholic beverages, beer, light wine or light spirit product under this section. The full amount of each order must be handled in a manner that gives the retail permittee control over the ultimate receipt of payment from the consumer. The retail permittee shall remain responsible for the proper remittance of all applicable taxes on the sale of the product;

(e) May deliver only sealed containers of alcoholic beverages, beer, light wine or light spirit product to an individual in Mississippi;

(f) Shall obtain from the customer a confirmation that he or she is at least twenty-one (21) years of age at the time the order is placed;

(g) Shall place a stamp, print or label on the outside of the sealed package to indicate that the sealed package contains alcoholic beverages, beer, light wine or light spirit product;

(h) Shall require the recipient, at the time of delivery, to provide valid photo identification verifying he or



she is at least twenty-one (21) years of age and to sign for the delivery;

(i) Shall possess identification scanning software technology or a state-of-the-art alternative at the point of delivery to verify the recipient is at least twenty-one (21) years of age and to collect the recipient's name and date of birth. Records relating to this verification shall be maintained for at least ninety (90) days and shall be subject to review by the division;

(j) Shall return all alcoholic beverages, beer, light wine or light spirit product to the retailer if the recipient is under the age of twenty-one (21) years, appears intoxicated, fails to provide proof of identification, fails or refuses to sign for delivery, fails to complete the identification verification process or declines to accept delivery, or if any circumstances in the delivery environment indicate illegal conduct, overconsumption of alcohol, or an otherwise unsafe environment for the consumption of alcohol;

(k) May not deliver any alcoholic beverage, beer, light wine or light spirit product to any person located within a jurisdiction that is dry for that product, as provided by the division's wet-dry map;

(l) May not deliver any alcoholic beverage, beer, light wine or light spirit product in a jurisdiction during times prohibited for lawful sale in that jurisdiction;



(m) May not deliver any alcoholic beverage, beer, light wine or light spirit product more than thirty (30) miles from the retailer's licensed premises;

(n) Shall permit the division to perform an audit of the licensee's records upon request and with sufficient notification; and

(o) Shall be deemed to have consented to the jurisdiction of the division or any law enforcement agency and the Mississippi courts concerning enforcement of this section and any related laws or rules.

(2) In order to receive a delivery service permit, an applicant shall:

(a) File an application with the division;

(b) Pay the privilege license tax of Five Hundred Dollars (\$500.00) as provided in Section 27-71-5;

(c) Provide to the division a sample contract that the applicant intends to enter into with a retailer for the delivery of alcoholic beverages, beer, light wine or light spirit product, unless the applicant is the retailer;

(d) Submit to the division an outline of an internal or external training and certification program for delivery service personnel that addresses topics such as identifying underage persons, intoxicated persons, and fake or altered identification;

(e) Provide an attestation that the applicant is at least twenty-one (21) years of age \* \* \*, has not been convicted



of a felony in any state or federal courts in the last ten (10)  
years, and has never been convicted in any state or federal courts  
of a felony consisting of a crime of violence or a violation of  
state or federal controlled substance laws;

(f) Shall provide proof of a general liability  
insurance policy in an amount not less than One Million Dollars  
(\$1,000,000.00) per occurrence; and

(g) Shall be properly registered to conduct business in  
Mississippi.

(3) Nothing in this section shall be construed to require a  
technology services company to obtain a delivery service permit if  
the company does not employ or contract with delivery agents but  
merely provides software or a digital network application that  
connects consumers and licensed retailers for the delivery of  
alcoholic beverages from the licensed retailer. However, the act  
of connecting consumers to licensed retailers shall serve to grant  
jurisdiction to the State of Mississippi.

(4) The division may enforce the requirements of this  
section by the same administrative proceedings that apply to other  
alcoholic beverage licenses or permits, including, without  
limitation, any disciplinary action applicable to the package  
retailer's permittee, on-premises retailer's permittee, retail  
permittee for beer, light wine or light spirit product, or  
delivery service permittee resulting from any unlawful sale to a  
minor.



295           (5) The division may enforce the requirements of this  
296 section against the package retailer's permittee, on-premises  
297 retailer's permittee, retail permittee for beer, light wine or  
298 light spirit product, or delivery service permittee, and any  
299 employee or independent contractor of such permittee. If a  
300 package retailer permittee, an on-premises retailer's permittee,  
301 or a retail permittee for beer, light wine or light spirit product  
302 is also a delivery permittee, a violation of alcohol law by its  
303 employee or independent contractor during delivery will subject  
304 both the retailer permit and the delivery service permit to  
305 disciplinary action for the violation. Delivery to a minor shall  
306 be treated as furnishing to a minor and shall result in any  
307 applicable disciplinary action.

308           (6) Nothing in this section shall be construed to limit or  
309 otherwise diminish the ability of the division to enforce the  
310 provisions of Chapters 1 and 3, Title 67, Mississippi Code of  
311 1972, with respect to the liability of any package retailer's  
312 permittee, on-premises retailer's permittee, retail permittee for  
313 beer, light wine or light spirit product, or delivery service  
314 permittee engaging in delivery activity authorized by this  
315 section.

316           (7) Nothing in this section shall be construed to authorize  
317 the direct shipment of alcoholic beverages, light wine, beer or  
318 light spirit product from any manufacturer or distributor holding



319 a permit under this article, or under Title 67, Chapter 3,  
320 Mississippi Code of 1972, to consumers in this state.

321       **SECTION 4.** This act shall take effect and be in force from  
322 and after July 1, 2025.

