

By: Senator(s) Polk

To: Finance

## SENATE BILL NO. 2845

1 AN ACT TO AMEND SECTIONS 67-1-71 AND 67-3-29, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE THE SUSPENSION OF A PERMIT TO SELL  
3 ALCOHOLIC BEVERAGES, BEER, LIGHT WINES OR LIGHT SPIRIT PRODUCTS  
4 FOR CONSUMPTION ON THE PREMISES, IF THE PREMISES HAVE BEEN THE  
5 SITE OF TWO DEATHS FROM VIOLENT CAUSES, AS DETERMINED FROM THE  
6 POLICE REPORT, WITHIN 365 DAYS OF ONE ANOTHER; TO REQUIRE THE  
7 REVOCATION OF THE PERMIT IF A THIRD SUCH DEATH SHALL HAVE BEEN  
8 COMMITTED ON THE PREMISES WITHIN 365 DAYS OF REINSTATEMENT OF THE  
9 PERMIT AFTER ITS SUSPENSION UNDER THIS ACT; TO PROHIBIT THE  
10 PREMISES THAT WERE THE SUBJECT OF A REVOKED PERMIT FROM BEING  
11 ISSUED AN ON-PREMISES RETAILER'S PERMIT, REGARDLESS OF THE  
12 IDENTITY OF THE APPLICANT, FOR ONE YEAR FROM THE DATE OF  
13 REVOCATION; TO PROHIBIT A PERSON OR ENTITY WHOSE PERMIT HAS BEEN  
14 REVOKED FROM OBTAINING AN ON-PREMISES RETAILER'S PERMIT FOR ANY  
15 LOCATION AT ANY TIME IN THE FUTURE; TO AMEND SECTIONS 67-1-57 AND  
16 67-3-19, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED  
17 PURPOSES.

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

19 **SECTION 1.** Section 67-1-71, Mississippi Code of 1972, is  
20 amended as follows:

21 67-1-71. The department may revoke or suspend any permit  
22 issued by it for a violation by the permittee of any of the  
23 provisions of this article or of the regulations promulgated under  
24 it by the department.



Permits must be revoked or suspended for the following causes:

(a) Conviction of the permittee for the violation of any of the provisions of this article;

(b) Willful failure or refusal by any permittee to comply with any of the provisions of this article or of any rule or regulation adopted pursuant thereto;

(c) The making of any materially false statement in any application for a permit;

(d) Conviction of one or more of the clerks, agents or employees of the permittee, of any violation of this article upon the premises covered by such permit within a period of time as designated by the rules or regulations of the department;

(e) The possession on the premises of any retail permittee of any alcoholic beverages upon which the tax has not been paid;

(f) The willful failure of any permittee to keep the records or make the reports required by this article, or to allow an inspection of such records by any duly authorized person;

(g) The suspension or revocation of a permit issued to the permittee by the federal government, or conviction of violating any federal law relating to alcoholic beverages;

(h) The failure to furnish any bond required by Section 27-71-21 within fifteen (15) days after notice from the department; \* \* \*



50 (i) The conducting of any form of illegal gambling on  
51 the premises of any permittee or on any premises connected  
52 therewith or the presence on any such premises of any gambling  
53 device with the knowledge of the permittee \* \* \*; and

54 (j) The premises covered by an on-premises retailer's  
55 permit, or adjacent areas on the same property, including, but not  
56 limited to, lawns and parking lots, having been the site of two  
57 (2) deaths from violent causes within three hundred sixty-five  
58 (365) days of one another, in which case the permit shall be  
59 suspended, or a third such death within three hundred sixty-five  
60 (365) days of permit reinstatement after its suspension under this  
61 paragraph (j), in which case the permit shall be revoked and no  
62 such permit may be issued for the premises, regardless of the  
63 identity of the applicant, for one (1) year from the date of  
64 revocation. A person or entity whose permit has been revoked  
65 under this paragraph (j), including any person who was an officer  
66 or director of an entity whose permit was revoked, and including  
67 any entity with an officer or director whose permit was revoked,  
68 either individually or as an officer or director of an entity, may  
69 not obtain an on-premises retailer's permit for any location at  
70 any time in the future. For purposes of this paragraph, whether a  
71 death is from violent causes shall be determined from the details  
72 of the police report.

73 The provisions of paragraph (i) of this section shall not  
74 apply to gambling or the presence of any gambling devices, with



75 knowledge of the permittee, on board a cruise vessel in the waters  
76 within the State of Mississippi, which lie adjacent to the State  
77 of Mississippi south of the three (3) most southern counties in  
78 the State of Mississippi, or on any vessel as defined in Section  
79 27-109-1 whenever such vessel is on the Mississippi River or  
80 navigable waters within any county bordering on the Mississippi  
81 River. The department may, in its discretion, issue on-premises  
82 retailer's permits to a common carrier of the nature described in  
83 this paragraph.

84 The provisions of paragraph (i) of this section shall not  
85 apply to the operation of any game or lottery authorized by  
86 Chapter 115, Title 27.

87 No permit shall be suspended or revoked until after the  
88 permittee has been provided reasonable notice of the charges  
89 against him for which suspension or revocation is sought and the  
90 opportunity to a hearing before the Board of Tax Appeals to  
91 contest such charges and the suspension or revocation proposed.  
92 Opportunity to a hearing is provided without an actual hearing if  
93 the permittee, after receiving reasonable notice, including notice  
94 of his right to a hearing, fails to timely request a hearing. The  
95 permittee may also at any time waive his rights to reasonable  
96 notice and/or to the opportunity to a hearing by agreeing to a  
97 suspension or revocation offered by the department.  
98 Notwithstanding the requirement above that a permit may not be  
99 suspended without notice and opportunity to a hearing, sales of



100 alcoholic beverages by a permittee under a permit for which the  
101 bond under Section 27-71-21 has been cancelled shall be suspended  
102 from and after issuance of the notice provided in paragraph (h)  
103 above and shall continue to be suspended until the bond is  
104 reinstated, a new bond is posted or sufficient cash or securities  
105 as provided under Section 27-71-21 are deposited with the State  
106 Treasurer for this permit.

107       In addition to the causes specified in this section and other  
108 provisions of this article, the department shall be authorized to  
109 suspend the permit of any permit holder for being out of  
110 compliance with an order for support, as defined in Section  
111 93-11-153. The procedure for suspension of a permit for being out  
112 of compliance with an order for support, and the procedure for the  
113 reissuance or reinstatement of a permit suspended for that  
114 purpose, and the payment of any fees for the reissuance or  
115 reinstatement of a permit suspended for that purpose, shall be  
116 governed by Section 93-11-157 or 93-11-163, as the case may be.  
117 If there is any conflict between any provision of Section  
118 93-11-157 or 93-11-163 and any provision of this article, the  
119 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
120 shall control.

121       **SECTION 2.** Section 67-3-29, Mississippi Code of 1972, is  
122 amended as follows:

123       67-3-29. (1) The commissioner, or a hearing officer or the  
124 board of review, as designated by the commissioner, after a show



125 cause hearing, shall revoke or suspend any permit granted by  
126 authority of this chapter to any person who shall violate any of  
127 the provisions of this chapter or the revenue laws of this state  
128 relating to engaging in transporting, storing, selling,  
129 distributing, possessing, receiving or manufacturing of wines or  
130 beers, or any person who shall hereafter be convicted of the  
131 unlawful sale of intoxicating liquor, or any person who shall  
132 allow or permit any form of illegal gambling or immorality on the  
133 premises described in such permit. The commissioner shall not  
134 revoke or suspend a permit of a retailer for the sale of light  
135 wine, light spirit product or beer to a person under the age of  
136 twenty-one (21) years until there has been a conviction of the  
137 permit holder or an employee of the permit holder for such  
138 violation.

139 (2) If any person exercising any privilege taxable under the  
140 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,  
141 shall willfully neglect or refuse to comply with the provisions of  
142 such chapter, or any rules or regulations promulgated by the  
143 commissioner under authority of such chapter, or the provisions of  
144 this chapter, including maintaining the qualifications of an  
145 applicant under Section 67-3-19, during the permit period, the  
146 commissioner shall be authorized to revoke or suspend the permit  
147 theretofore issued to the person. Any person whose permit shall  
148 have been revoked by the commissioner shall be thereafter  
149 prohibited from exercising any privilege under the provisions of



Chapter 71 of Title 27, Mississippi Code of 1972, for a period of two (2) years from the date of the revocation. The commissioner may, however, for good cause shown, grant a new permit upon such conditions as the commissioner may prescribe. Any person whose permit shall have been suspended by the commissioner shall be prohibited from exercising any privilege under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, during the period of the suspension. Failure of the person to comply with the terms of the suspension shall be cause for revocation of his permit, in addition to the other penalties provided by law.

(3) In addition to the reasons specified in this section and other provisions of this chapter, the commissioner shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.



(4) In the case of establishments selling beer, light wines or light spirit products for consumption on the premises, the commissioner shall suspend the permit of any permit holder whose premises, or adjacent areas on the same property, including, but not limited to, lawns and parking lots, have been the site of two (2) deaths from violent causes within three hundred sixty-five (365) days of one another. If a third such death shall have occurred on the premises, or adjacent areas on the same property, including, but not limited to, lawns and parking lots, within three hundred sixty-five (365) days of reinstatement of the permit after its suspension under this subsection, the commissioner shall revoke the permit, and no such permit may be issued for the premises, regardless of the identity of the applicant, for one (1) year from the date of revocation. A person or entity whose permit has been revoked under this subsection (4), including any person who was an officer or director of an entity whose permit was revoked, and including any entity with an officer or director whose permit was revoked, either individually or as an officer or director of an entity, may not obtain an on-premises retailer's permit for any location at any time in the future. For purposes of this subsection, whether a death is from violent causes shall be determined from the details of the police report.

**SECTION 3.** Section 67-1-57, Mississippi Code of 1972, is amended as follows:





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

(a) That the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers and directors, or if a limited liability company, each member of the limited liability company, is of good moral character and, in addition, enjoys a 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.

(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



223 application for approval as a manager. A felony conviction, other  
224 than a crime of violence, may be considered by the department in  
225 determining whether all other qualifications are met.

226 (c) That the applicant for a package retailer's permit,  
227 if an individual, is a resident of the State of Mississippi. If  
228 the applicant is a partnership, each member of the partnership  
229 must be a resident of the state. If the applicant is a limited  
230 liability company, each member of the limited liability company  
231 must be a resident of the state. If the applicant is a  
232 corporation, the designated manager of the corporation must be a  
233 resident of the state.

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

237 (e) That the place for which the permit is to be issued  
238 is within the corporate limits of an incorporated municipality or  
239 qualified resort area or club which comes within the provisions of  
240 this article.

241 (f) That the applicant is not indebted to the state for  
242 any taxes, fees or payment of penalties imposed by any law of the  
243 State of Mississippi or by any rule or regulation of the  
244 commission.

245 (g) That the applicant is not in the habit of using  
246 alcoholic beverages to excess and is not physically or mentally



incapacitated, and that the applicant has the ability to read and write the English language.

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

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

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

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



the applicant proposes to conduct his business and to any recommendations made by representatives of the commission.

(l) 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.

(m) That the applicant has not owned or operated an establishment selling alcoholic beverages, beer, light wines or light spirit products for on-premises consumption whose premises, or adjacent areas on the same property, including, but not limited to, lawns and parking lots, were the site of more than one (1) death from violent causes within the past three hundred sixty-five (365) days. For purposes of this paragraph, whether a death is



from violent causes shall be determined from the details of the  
police report.

**SECTION 4.** 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.

(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.



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

323 (f) The applicant has not had any license or permit to  
324 sell beer, light spirit product or light wine at retail revoked,  
325 within five (5) years next preceding his application, due to a  
326 violation of Section 67-3-52.

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

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

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

337 (j) If applicant is a corporation, all officers and  
338 directors thereof, and any stockholder owning more than five  
339 percent (5%) of the stock of such corporation, and the person or  
340 persons who shall conduct and manage the licensed premises for the  
341 corporation shall possess all the qualifications required herein  
342 for any individual permittee. However, the requirements as to



residence shall not apply to officers, directors and stockholders of such corporation.

(k) That the applicant has not owned or operated an establishment selling alcoholic beverages, beer, light wines or light spirit products for on-premises consumption whose premises, or adjacent areas on the same property, including, but not limited to, lawns and parking lots, were the site of more than one (1) death from violent causes within the past three hundred sixty-five (365) days. For purposes of this paragraph, whether a death is from violent causes shall be determined from the details of the police report.

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

The commissioner may refuse to issue a permit to an applicant 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 5.** This act shall take effect and be in force from and after July 1, 2025.

