

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2822

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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

18 (a) That the applicant, if an individual, or if a
19 partnership, each of the members of the partnership, or if a
20 corporation, each of its principal officers and directors, or if a
21 limited liability company, each member of the limited liability
22 company, is of good moral character and, in addition, enjoys a
23 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 ten (10) years or more have elapsed since the person was discharged from confinement, imprisonment, parole, post release supervision or probation, whichever is later, the department shall not 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



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

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

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

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

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

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



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

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

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

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

87 (k) That there are not sufficient legal reasons to deny
88 a permit on the ground that the premises for which the permit is
89 sought has previously been operated, used or frequented for any
90 purpose or in any manner that is lewd, immoral or offensive to
91 public decency. In the granting or withholding of any permit to
92 sell alcoholic beverages at retail, the commission in forming its
93 conclusions may give consideration to any recommendations made in
94 writing by the district or county attorney or county, circuit or
95 chancery judge of the county, or the sheriff of the county, or the
96 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.

(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:



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

123 (b) Applicant shall not have been convicted of a
124 felony, or of pandering or of keeping or maintaining a house of
125 prostitution, or have been convicted within two (2) years of the
126 date of his application of any violation of the laws of this state
127 or the laws of the United States relating to alcoholic liquor.
128 However, a felony conviction, other than a crime of violence or a
129 violation of state or federal controlled substance laws, does not
130 automatically disqualify a person from being approved for a
131 permit. If ten (10) years or more have elapsed since the person
132 was discharged from confinement, imprisonment, parole, post
133 release supervision or probation, whichever is later, the
134 department may consider such felony convictions in determining
135 whether all other qualifications are met.

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

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



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

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

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

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

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

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



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

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 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



193 permittee holds a package retailer's permit or an on-premises
194 retailer's permit under Section 67-1-51 or a beer, light wine and
195 light spirit product retail permit under Section 67-3-19,
196 respectively;

197 (c) May use its own employees or independent
198 contractors who are at least twenty-one (21) years of age to
199 deliver such alcoholic beverages, beer, light wine or light spirit
200 product under this section, provided all delivery agents are
201 trained and certified consistent with the training program
202 submitted to the division as required by subsection (2) (d) of this
203 section. If independent contractors are used, the delivery
204 service permittee must enter into a contract with the retailer as
205 required by subsection (2) (c) of this section;

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

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



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

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

223 (h) Shall require the recipient, at the time of
224 delivery, to provide valid photo identification verifying he or
225 she is at least twenty-one (21) years of age and to sign for the
226 delivery;

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

234 (j) Shall return all alcoholic beverages, beer, light
235 wine or light spirit product to the retailer if the recipient is
236 under the age of twenty-one (21) years, appears intoxicated, fails
237 to provide proof of identification, fails or refuses to sign for
238 delivery, fails to complete the identification verification
239 process or declines to accept delivery, or if any circumstances in
240 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;



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

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

273 (e) Provide an attestation that the applicant is at
274 least twenty-one (21) years of age * * *, has not been convicted
275 of a felony in any state or federal courts in the last ten (10)
276 years, and has never been convicted in any state or federal courts
277 of a felony consisting of a crime of violence or a violation of
278 state or federal controlled substance laws;

279 (f) Shall provide proof of a general liability
280 insurance policy in an amount not less than One Million Dollars
281 (\$1,000,000.00) per occurrence; and

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

284 (3) Nothing in this section shall be construed to require a
285 technology services company to obtain a delivery service permit if
286 the company does not employ or contract with delivery agents but
287 merely provides software or a digital network application that
288 connects consumers and licensed retailers for the delivery of
289 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.

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

(6) Nothing in this section shall be construed to limit or otherwise diminish the ability of the division to enforce the



315 provisions of Chapters 1 and 3, Title 67, Mississippi Code of
316 1972, with respect to the liability of any package retailer's
317 permittee, on-premises retailer's permittee, retail permittee for
318 beer, light wine or light spirit product, or delivery service
319 permittee engaging in delivery activity authorized by this
320 section.

321 (7) Nothing in this section shall be construed to authorize
322 the direct shipment of alcoholic beverages, light wine, beer or
323 light spirit product from any manufacturer or distributor holding
324 a permit under this article, or under Title 67, Chapter 3,
325 Mississippi Code of 1972, to consumers in this state.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 CONFINEMENT, IMPRISONMENT, PAROLE, POST RELEASE
9 SUPERVISION OR PROBATION, THE DEPARTMENT OF REVENUE SHALL NOT
10 CONSIDER SUCH FELONY CONVICTIONS IN DETERMINING WHETHER ALL OTHER
11 QUALIFICATIONS ARE MET; TO AMEND SECTION 67-1-51.1, MISSISSIPPI
12 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

