35-II-3-5. Permit Transfer

100   No permit or any beneficial interest in a permit shall be transferred by any permittee to any other person or any other place except with the written consent of the Department. A permit shall not be eligible for transfer if it is the subject of an ongoing administrative disciplinary action, including any action under appeal.

101   Notice of the intended transfer of location or beneficial interest must be published for two consecutive issues in a newspaper having general circulation in the city or town in which the transfer applicant's place of business is located. In instances where the business is not located within a city or town, publication should occur in a newspaper of general circulation in the county where the business is located. Proof of publication must be filed with the application to transfer location or interest.

102   This chapter shall not be construed to require publication of a mere change in trade name or the officers of a corporation where there is no change in the ownership. However, any such contemplated changes must be submitted to the Department for prior approval.

103   An applicant for transfer of ownership of a permit for which there exists an exemption from distance requirements as provided for in Miss. Code Ann. Section 67-1-51 (3) must submit an updated waiver from the funeral home or church. If the funeral home or church refuses to sign a new waiver, a transfer may not be initiated.

104   All original applicants for permits and/or proposed recipients of beneficial interest in such permits must be not less than 21 years of age and may not have been convicted of a felony in any state or federal court. An individual who is an applicant for a package retailer's permit must be a resident of the State of Mississippi. If the applicant is a partnership, each member of the partnership must be a resident of the state. If the applicant is a corporation or LLC, the designated manager must be a resident of the state.

105   (Reserved)

35.II.3.05 revised effective December 1, 2020