

By: Representatives Reeves, Chism,
Fillingane, Wells-Smith

To: Ways and Means

HOUSE BILL NO. 841

1 AN ACT TO AMEND SECTION 67-3-53, MISSISSIPPI CODE OF 1972, TO
2 REVISE UNLAWFUL ACTS RELATING TO THE SALE AND CONSUMPTION OF
3 ALCOHOLIC BEVERAGES IN NONRESTAURANT ESTABLISHMENTS.

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

5 SECTION 1. Section 67-3-53, Mississippi Code of 1972, is
6 amended as follows:

7 67-3-53. In addition to any act declared to be unlawful by
8 this chapter, or by Sections 27-71-301 through 27-71-347, and
9 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be
10 unlawful for the holder of a permit authorizing the sale of beer
11 or light wine at retail or for the employee of the holder of such
12 a permit:

13 (a) To sell or give to be consumed in or upon any
14 licensed premises any beer or light wine between the hours of
15 midnight and seven o'clock the following morning or during any
16 time the licensed premises may be required to be closed by
17 municipal ordinance or order of the board of supervisors;
18 provided, however, in areas where the sale of alcoholic beverages
19 is legal under the provisions of the Local Option Alcoholic
20 Beverage Control Law and the hours for selling such alcoholic
21 beverages have been extended beyond midnight for on-premises
22 permittees under Section 67-1-37, the hours for selling beer or
23 light wines are likewise extended in areas where the sale of beer
24 and light wines is legal in accordance with the provisions of this
25 chapter.

26 (b) To sell, give or furnish any beer or light wine to
27 any person visibly or noticeably intoxicated, or to any insane

28 person, or to any habitual drunkard, or to any person under the
29 age of twenty-one (21) years.

30 (c) To permit in the premises any lewd, immoral or
31 improper entertainment, conduct or practices.

32 (d) To permit loud, boisterous or disorderly conduct of
33 any kind upon the premises or to permit the use of loud musical
34 instruments if either or any of the same may disturb the peace and
35 quietude of the community wherein such business is located.

36 (e) To permit persons of ill repute, known criminals,
37 prostitutes or minors to frequent the licensed premises, except
38 minors accompanied by parents or guardians, or under proper
39 supervision.

40 (f) To permit or suffer illegal gambling or the
41 operation of illegal games of chance upon the licensed premises.

42 (g) To receive, possess or sell on the licensed
43 premises any beverage of any kind or character containing more
44 than five percent (5%) of alcohol by weight unless the licensee
45 also possesses an on-premises permit under the Local Option
46 Alcoholic Beverage Control Law.

47 (h) To allow any person under the age of twenty-one
48 (21) years upon the licensed premises of an establishment where
49 beer, light wine or distilled spirits are allowed to be consumed
50 on the premises unless such establishment is regularly used and
51 kept open for the serving of meals to guests for compensation and
52 which has suitable seating facilities for guests. Such
53 establishment must have suitable kitchen facilities for cooking an
54 assortment of foods and meals commonly ordered at various times of
55 the day. The service of such food as sandwiches and salads only
56 shall not be deemed in compliance with this requirement. No place
57 shall qualify as a restaurant under this section unless
58 twenty-five percent (25%) or more of the revenue derived from such
59 place shall be from the preparation, cooking and serving of meals
60 and not from the sale of alcoholic beverages. Notwithstanding the

61 foregoing, it shall be unlawful for a holder of a permit, or the
62 employee of such holder, authorizing the sale of beer, light wine
63 or distilled spirits to allow any person under twenty-one (21)
64 years to go into any area of the premises set off as, held out to
65 be, or used as a lounge or bar area. In those establishments
66 where there is an area of the premises set off as, held out to be,
67 or used as a lounge or bar area, the licensee shall mark such area
68 in a manner that clearly defines and sets off such lounge or bar
69 area and clearly prohibits a person under the age of twenty-one
70 (21) years. The acts described in this paragraph as unlawful
71 shall be unlawful regardless of whether beer, light wine or
72 distilled spirits is, or is not, sold or consumed on the premise
73 at any particular time.

74 SECTION 2. This act shall take effect and be in force from
75 and after July 1, 2001.