HOUSE BILL NO. 1289

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

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

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

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

(a) To sell or give to be consumed in or upon any licensed premises any beer or light wine between the hours of midnight and seven o'clock the following morning or during any time the licensed premises may be required to be closed by municipal ordinance or order of the board of supervisors; provided, however, in areas where the sale of alcoholic beverages is legal under the provisions of the Local Option Alcoholic Beverage Control Law and the hours for selling such alcoholic beverages have been extended beyond midnight for on-premises permittees under Section 67-1-37, the hours for selling beer or light wines are likewise extended in areas where the sale of beer and light wines is legal in accordance with the provisions of this chapter.
(b) To sell, give or furnish any beer or light wine to any person visibly or noticeably intoxicated, or to any insane person, or to any habitual drunkard, or to any person under the age of twenty-one (21) years.

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

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

(e) To permit persons of ill repute, known criminals, prostitutes or minors to frequent the licensed premises, except minors accompanied by parents or guardians. * * *

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

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

(h) To allow any person under the age of twenty-one (21) years upon the premises of a beer, light wine or distilled spirits licensed establishment when beer, light wine or distilled spirits are allowed by applicable permit to be consumed on the premises unless such establishment is regularly in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable seating facilities for guests and has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various times of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. No place shall qualify as a restaurant under these rules and regulations unless twenty-five percent (25%) or more of
the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of alcoholic beverages. Notwithstanding the foregoing, it shall be unlawful for a holder of a permit, or the employee of such holder, authorizing the sale of beer, light wine or distilled spirits to allow any person under twenty-one (21) years to go into any area of the premises set off as, held out to be, or used as a lounge or bar area. In those establishments where there is an area of the premises set off as, held out to be, or used as a lounge or bar area, the licensee shall mark such area in a manner that clearly defines and sets off such lounge or bar area and clearly prohibits a person under the age of twenty-one (21) years. The acts described in this section as unlawful shall be unlawful regardless of whether beer, light wine or distilled spirits is, or is not, sold or consumed on the premise at any particular time.

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