

By: Representative Reeves

To: Ways and Means

HOUSE BILL NO. 1289

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; AND FOR
4 RELATED PURPOSES.

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

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

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

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

27 (b) To sell, give or furnish any beer or light wine to
28 any person visibly or noticeably intoxicated, or to any insane
29 person, or to any habitual drunkard, or to any person under the
30 age of twenty-one (21) years.

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

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

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

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 premises of a beer, light wine or distilled
49 spirits licensed establishment when beer, light wine or distilled
50 spirits are allowed by applicable permit to be consumed on the
51 premises unless such establishment is regularly in a bona fide
52 manner used and kept open for the serving of meals to guests for
53 compensation and which has suitable seating facilities for guests
54 and has suitable kitchen facilities connected therewith for
55 cooking an assortment of foods and meals commonly ordered at
56 various times of the day; the service of such food as sandwiches
57 and salads only shall not be deemed in compliance with this
58 requirement. No place shall qualify as a restaurant under these
59 rules and regulations unless twenty-five percent (25%) or more of

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

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