

By: Senator(s) Johnson (19th)

To: Judiciary

SENATE BILL NO. 2640

1 AN ACT TO AMEND SECTIONS 67-3-3 AND 67-3-53, MISSISSIPPI CODE
2 OF 1972, TO PROVIDE THAT THE HOLDER OF A PERMIT TO SELL BEER OR
3 LIGHT WINE AT RETAIL SHALL NOT ALLOW PERSONS UNDER THE AGE OF 21
4 ON THE LICENSED PREMISES IF LIGHT WINE OR BEER IS ALLOWED TO BE
5 CONSUMED ON SUCH PREMISES IF SUCH PREMISES IS NOT A RESTAURANT OR
6 HOTEL; TO PROVIDE THAT IF THE LICENSED PREMISES IS A RESTAURANT OR
7 HOTEL, THE HOLDER OF A PERMIT TO SELL LIGHT WINE OR BEER AT RETAIL
8 SHALL NOT ALLOW ANY PERSON UNDER THE AGE OF 21 TO ENTER AN AREA IN
9 SUCH RESTAURANT OR HOTEL THAT IS USED PRIMARILY AS A LOUNGE OR BAR
10 AREA AND NOT FOR THE SERVICE OF FOOD; AND FOR RELATED PURPOSES.

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

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

14 67-3-3. When used in this chapter:

15 (a) * * * "Commissioner" means the Chairman of the
16 State Tax Commission of the State of Mississippi, and his
17 authorized agents and employees;

18 (b) * * * "Person" means one or more persons, a
19 company, a corporation, a partnership, a syndicate or an
20 association;

21 (c) * * * "Manufacturer" and "retailer" includes
22 brewpubs licensed pursuant to Article 3, Chapter 71, Title 27,
23 Mississippi Code of 1972, unless otherwise clearly provided.

24 (d) "Hotel" shall have the meaning ascribed to such
25 term in Section 67-1-5.

26 (e) "Restaurant" shall have the meaning ascribed to
27 such term in Section 67-1-5.

28 SECTION 2. Section 67-3-53, Mississippi Code of 1972, is
29 amended as follows:

30 67-3-53. In addition to any act declared to be unlawful by
31 this chapter, or by Sections 27-71-301 through 27-71-347, and
32 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be
33 unlawful for the holder of a permit authorizing the sale of beer
34 or light wine at retail or for the employee of the holder of such
35 a permit:

36 (a) To sell or give to be consumed in or upon any
37 licensed premises any beer or light wine between the hours of
38 midnight and seven o'clock the following morning or during any
39 time the licensed premises may be required to be closed by
40 municipal ordinance or order of the board of supervisors;
41 provided, however, in areas where the sale of alcoholic beverages
42 is legal under the provisions of the Local Option Alcoholic
43 Beverage Control Law and the hours for selling such alcoholic
44 beverages have been extended beyond midnight for on-premises
45 permittees under Section 67-1-37, the hours for selling beer or
46 light wines are likewise extended in areas where the sale of beer
47 and light wines is legal in accordance with the provisions of this
48 chapter.

49 (b) To sell, give or furnish any beer or light wine to
50 any person visibly or noticeably intoxicated, or to any insane
51 person, or to any habitual drunkard, or to any person under the
52 age of twenty-one (21) years.

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

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

59 (e) To permit persons of ill repute, known criminals or
60 prostitutes * * * to frequent the licensed premises * * *.

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

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

68 (h) To allow anyone under the age of twenty-one (21)
69 years on the licensed premises if light wine or beer is allowed to
70 be consumed on such premises; provided, however, that this
71 paragraph shall not apply if the licensed premises is a restaurant
72 or hotel.

73 (i) If the licensed premises is a restaurant or hotel,
74 to allow any person under the age of twenty-one (21) years to
75 enter an area that is used primarily as a lounge or bar area and
76 not for the service of food. The areas of a restaurant or hotel
77 that are used primarily as a lounge or bar area and not for the
78 service of food shall be clearly marked as being off limits to
79 persons under the age of twenty-one (21) years.

80 SECTION 4. This act shall take effect and be in force from
81 and after July 1, 2001.