SENATE BILL NO. 2640

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

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

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

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

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

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

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

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

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

SECTION 2. 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 or prostitutes * * * to frequent the licensed premises * * *.

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

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

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