HOUSE BILL NO. 772

AN ACT TO AMEND SECTION 67-3-74, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE AUTHORITY OF ALCOHOLIC BEVERAGE CONTROL OFFICERS TO ENFORCE LAWS REGULATING WINE AND BEER; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 67-3-74, Mississippi Code of 1972, is amended as follows:

67-3-74. (1) In addition to peace officers within their jurisdiction, all enforcement officers of the Alcoholic Beverage Control Division of the State Tax Commission are authorized to enforce the provisions made unlawful by Sections 67-3-13, 67-3-15, 67-3-53 and 67-3-70; provided, however, that the provisions prohibiting the sale of light wine or beer to persons under the age of twenty-one (21) years shall be enforced by the division as provided for in this section.

(2) (a) The Alcoholic Beverage Control Division shall investigate violations of the laws prohibiting the sale of light wine or beer to persons under the age of twenty-one (21) years upon receipt of a complaint or information from a person stating that they have knowledge of such violation.

(b) Upon receipt of such complaint or information, the Alcoholic Beverage Control Division shall notify the permit holder of the complaint by certified mail to the primary business office of such permit holder or by hand delivery of the complaint or information to the primary business office of such holder, except in cases where the complaint or information is received from any law enforcement officer.
(c) If an enforcement officer of the Alcoholic Beverage Control Division enters the business of the holder of the permit to investigate a complaint and discovers a violation, the agent shall notify the person that committed the violation and the holder of the permit:

(i) Within ten (10) days after such violation, Sundays and holidays excluded, if the business sells light wine or beer for on-premises consumption; and

(ii) Within seventy-two (72) hours after such violation, Sundays and holidays excluded, if the business does not sell light wine or beer for on-premises consumption.

(3) The provisions of this section shall be repealed on July 1, 2004.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.