

By: Representatives Banks, Bell (65th)

To: Ways and Means

HOUSE BILL NO. 1278

1 AN ACT TO REQUIRE THE HOLDER OF AN ON-PREMISES RETAILER'S
 2 PERMIT UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW TO
 3 HAVE AT LEAST ONE BREATH ANALYSIS DEVICE THAT MEASURES BLOOD
 4 ALCOHOL CONTENT, THAT, UPON REQUEST BY A PATRON, MAY BE USED TO
 5 TEST THE PATRON'S BLOOD ALCOHOL CONTENT; TO PROVIDE THAT THE
 6 HOLDER OF AN ON-PREMISES RETAILER'S PERMIT FOR THE SALE OR
 7 CONSUMPTION OF ALCOHOLIC BEVERAGES SHALL NOT BE LIABLE FOR ANY
 8 NEGATIVE READING, OR FALSE OR INCORRECT READING, AS A RESULT OF
 9 THE BLOOD ALCOHOL CONTENT TESTING; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) The holder of an on-premises retailer's
 12 permit under Section 67-1-51(c) shall have at least one (1) breath
 13 analysis device that measures blood alcohol content, that, upon
 14 request by a patron, may be used to test the patron's blood
 15 alcohol content.

16 (2) The holder of an on-premises retailer's permit under
 17 Section 67-1-51(c) shall not be liable for any negative reading,
 18 or false or incorrect reading, as a result of the blood alcohol
 19 content testing.

20 **SECTION 2.** This act shall take effect and be in force from
 21 and after July 1, 2022.

