

By: Representatives Powell, Harness, Hulum

To: Ways and Means

HOUSE BILL NO. 384

1 AN ACT TO AMEND SECTION 67-1-83, MISSISSIPPI CODE OF 1972, TO
2 ALLOW ANY COUNTY, MUNICIPALITY, TRIBE OR OTHER POLITICAL
3 SUBDIVISION OF THE STATE THAT IS WET UNDER THE LOCAL OPTION
4 ALCOHOLIC BEVERAGE CONTROL LAW TO AUTHORIZE PERMITTED PACKAGE
5 RETAILERS TO ENGAGE IN PACKAGE RETAIL SALES ON SUNDAY IN A MANNER
6 SET FORTH UNDER LOCAL REFERENDUM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 67-1-83, Mississippi Code of 1972, is
9 amended as follows:

10 67-1-83. (1) It shall be unlawful for any permittee or any
11 employee or agent thereof to sell or furnish any alcoholic
12 beverage to any person who is visibly intoxicated, or to any
13 person who is known to habitually drink alcoholic beverages to
14 excess, or to any person who is known to be an habitual user of
15 narcotics or other habit-forming drugs. It shall also be unlawful
16 for the holder of any package retailer's permit to sell any
17 alcoholic beverages except by delivery in person to the purchaser
18 at the place of business of the permittee, unless the holder of a
19 package retailer's permit also holds a delivery service permit or
20 uses a delivery service permittee to effect delivery.



21 (2) It shall be unlawful for any permittee or any employee
22 or agent thereof to sell or furnish any alcoholic beverage to any
23 person to whom the department has, after investigation, decided to
24 prohibit the sale of those beverages because of an appeal to the
25 department so to do by the husband, wife, father, mother, brother,
26 sister, child, or employer of the person. The interdiction in
27 those cases shall last until removed by the department, but no
28 person shall be held to have violated this subsection unless he
29 has been informed by the department, by registered letter, that it
30 is forbidden to sell to that individual or unless that fact is
31 otherwise known to the permittee or its employee or agent.

32 (3) It shall be unlawful for any holder of a package
33 retailer's permit, or any employee or agent thereof, engaged
34 solely in the business of package retail sales under this article
35 to sell or furnish any alcoholic beverage before 10:00 a.m. and
36 after 10:00 p.m. or to sell alcoholic beverages on Sunday, except
37 as provided under subsection (5) of this section, and Christmas
38 Day.

39 (4) Any person who violates any of the provisions of this
40 section shall be guilty of a misdemeanor and, upon conviction,
41 shall be punished by a fine of not more than Five Hundred Dollars
42 (\$500.00) or by imprisonment in the county jail for a term of not
43 more than six (6) months, or by both that fine and imprisonment,
44 in the discretion of the court. In addition to any other
45 penalties prescribed by law, the commission may immediately revoke



46 the permit of any permittee who violates the provisions of this
47 section.

48 (5) Any county, municipality, tribe or other political
49 subdivision of the state that is wet under this article may
50 authorize permitted package retailers to engage in the business of
51 package retail sales on Sunday in a manner set forth under local
52 referendum. No permitted package retailer impacted under this
53 subsection shall be required to engage in sales on Sunday and
54 shall maintain the right to limit operations to Monday through
55 Saturday.

56 **SECTION 2.** This act shall take effect and be in force from
57 and after July 1, 2023.

