

By: Representative Bain

To: Ways and Means;
Judiciary B

HOUSE BILL NO. 403

1 AN ACT TO AMEND SECTION 67-1-81, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE HOLDERS OF A PACKAGE RETAIL PERMIT TO HAVE AN INDEPENDENT
3 THIRD-PARTY AGE VERIFICATION SERVICE AVAILABLE ON THE PROPERTY OF
4 THE LOCATION IN WHICH ALCOHOLIC BEVERAGES ARE SOLD; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 67-1-81, Mississippi Code of 1972, is
8 amended as follows:

9 67-1-81. (1) (a) Any permittee or other person who shall
10 sell, furnish, dispose of, give, or cause to be sold, furnished,
11 disposed of, or given, any alcoholic beverage to any person under
12 the age of twenty-one (21) years shall be guilty of a misdemeanor
13 and shall be punished by a fine of not less than Five Hundred
14 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)
15 for a first offense. For a second or subsequent offense, such
16 permittee or other person shall be punished by a fine of not less
17 than One Thousand Dollars (\$1,000.00) nor more than Two Thousand
18 Dollars (\$2,000.00), or by imprisonment for not more than one (1)



19 year, or by both such fine and imprisonment in the discretion of
20 the court.

21 (b) (i) If a permittee, or any employee of a
22 permittee, violates paragraph (a) of this subsection (1), then, in
23 addition to any other penalty provided for by law, the
24 commissioner may impose the following penalties against the
25 permittee on whose premises the alcoholic beverages were sold,
26 given or furnished:

27 1. For the first offense on the licensed
28 premises, suspension of the permit for not more than one (1) week.

29 2. For a second offense occurring on the
30 licensed premises within a twelve-month period, suspension of the
31 permit for not more than two (2) weeks.

32 3. For a third offense occurring on the
33 licensed premises within a twelve-month period, suspension of the
34 permit for not more than three (3) weeks or revocation of the
35 permit.

36 4. For a fourth or subsequent offense
37 occurring on the licensed premises within a twelve-month period,
38 revocation of the permit.

39 A violation of paragraph (a) of this subsection (1) shall be
40 sufficient to impose the administrative penalties authorized under
41 this paragraph (b), and any expunction of conviction shall have no
42 effect on any administrative penalty imposed against a permittee
43 under this paragraph (b).



44 (2) Any person under the age of twenty-one (21) years who
45 purchases, receives, or has in his or her possession in any public
46 place, any alcoholic beverages, shall be guilty of a misdemeanor
47 and shall be punished by a fine of not less than Two Hundred
48 Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).
49 Provided, that clearing or busing tables that have glasses or
50 other containers that contain or did contain alcoholic beverages,
51 or stocking, bagging or otherwise handling purchases of alcoholic
52 beverages shall not be deemed possession of alcoholic beverages
53 for the purposes of this section. Provided further, that a person
54 who is at least eighteen (18) years of age but under the age of
55 twenty-one (21) years who waits on tables by taking orders for or
56 delivering orders of alcoholic beverages shall not be deemed to
57 unlawfully possess or furnish alcoholic beverages if in the scope
58 of his employment by the holder of an on-premises retailer's
59 permit. This exception shall not authorize a person under the age
60 of twenty-one (21) to tend bar or act in the capacity of
61 bartender. Any person under the age of twenty-one (21) who
62 knowingly makes a false statement to the effect that he or she is
63 twenty-one (21) years old or older or presents any document that
64 indicates he or she is twenty-one (21) years of age or older for
65 the purpose of purchasing alcoholic beverages from any person
66 engaged in the sale of alcoholic beverages shall be guilty of a
67 misdemeanor and shall be punished by a fine of not less than Two
68 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars



69 (\$500.00), and a sentence to not more than thirty (30) days'
70 community service.

71 (3) The term "community service" as used in this section
72 shall mean work, projects or services for the benefit of the
73 community assigned, supervised and recorded by appropriate public
74 officials.

75 (4) If a person under the age of twenty-one (21) years is
76 convicted or enters a plea of guilty of purchasing, receiving or
77 having in his or her possession in any public place any alcoholic
78 beverages in violation of subsection (2) of this section, the
79 trial judge, in lieu of the penalties otherwise provided under
80 subsection (2) of this section, shall suspend the minor's driver's
81 license by taking and keeping it in the custody of the court for a
82 period of time not to exceed ninety (90) days. The judge so
83 ordering the suspension shall enter upon his docket "DEFENDANT'S
84 DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION"
85 and such action by the trial judge shall not constitute a
86 conviction. During the period that the minor's driver's license
87 is suspended, the trial judge shall suspend the imposition of any
88 fines or penalties that may be imposed under subsection (2) of
89 this section and may place the minor on probation subject to such
90 conditions as the judge deems appropriate. If the minor violates
91 any of the conditions of probation, then the trial judge shall
92 return the driver's license to the minor and impose the fines,



93 penalties or both, that he would have otherwise imposed, and such
94 action shall constitute a conviction.

95 (5) Any holder of a package retailer's permit shall have an
96 independent, third-party age verification service available on the
97 premises in which alcoholic beverages are sold for the purpose of
98 obtaining the purchaser's full name and date of birth and
99 comparing the information available from public records to the
100 personal information entered by the package retailer that can
101 establish whether the purchaser is twenty-one (21) years of age or
102 older. The third party verification system used shall have at
103 least a ninety-five percent (95%) accuracy rating according to
104 national standards in order to be in compliance with the
105 identification requirements of this section.

106 **SECTION 2.** This act shall take effect and be in force from
107 and after its passage.

