

By: Representative Banks

To: Ways and Means

HOUSE BILL NO. 934

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, 2023.

