

By: Representative Hines

To: Business and Commerce;  
Judiciary A

HOUSE BILL NO. 100

1 AN ACT TO PROHIBIT CERTAIN RETAILERS AND RETAIL  
 2 ESTABLISHMENTS FROM USING EMBEDDED TECHNOLOGY PROGRAMS IN  
 3 SELF-CHECKOUT TERMINALS OR SELF-SERVICE CHECKOUTS TO SCAN  
 4 INFORMATION ON A CONSUMER'S DRIVER'S LICENSE TO VERIFY THE AGE OF  
 5 CONSUMER ATTEMPTING TO PURCHASE CERTAIN ITEMS; TO REQUIRE THE AGE  
 6 VERIFICATION BE PERFORMED BY AN EMPLOYEE OF THE RETAIL  
 7 ESTABLISHMENT WHEN AGE VERIFICATION IS NECESSARY TO COMPLETE A  
 8 PURCHASE; TO LIMIT THE USE OF SUCH TECHNOLOGY TO LAW ENFORCEMENT  
 9 AGENCIES, ITS EMPLOYEES AND OFFICERS OF THE COURT WHILE IN THE  
 10 PERFORMANCE OF THEIR OFFICIAL AUTHORIZED EMPLOYMENT DUTIES; TO  
 11 PROVIDE FOR A \$1,000.00 FINE FOR VIOLATIONS; AND FOR RELATED  
 12 PURPOSES.

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

14 **SECTION 1.** For the purpose of this act, the following terms  
 15 shall have the meanings ascribed in the section, unless context  
 16 clearly indicates otherwise:

17 (a) "General merchandise" means a tangible personal  
 18 property, which is not considered real property, that, when sold  
 19 at retail, may be taxed at a higher rate than certain types of  
 20 food, drugs, and medical appliances.

21 (b) "Grocery items" means supply items, non-food items,  
 22 foodstuffs and drinks sold solely for off-premises consumption,  
 23 including without limitation, any or all of the following:



24 (i) Dairy products, including without limitation,  
25 milk, yogurt, ice cream, cheese and any other items commonly found  
26 in the dairy section of a grocery store, retail food establishment  
27 or supermarket;

28 (ii) Produce, including without limitation,  
29 vegetables, fruits and any other items commonly found in the  
30 produce section of a grocery store retail food establishment or  
31 supermarket;

32 (iii) Coffee, including without limitation, whole  
33 bean, ground and by the cup; tea and candies, including without  
34 limitation, packaged, bulk and full service chocolates,  
35 confections and other items commonly found in a grocery store,  
36 retail food establishment or supermarket;

37 (iv) Nuts, snack mixes and other bulk food items;

38 (v) Bakery products, including without limitation,  
39 fresh breads, desserts and any other items commonly found in the  
40 bakery section of a grocery store, retail food establishment or  
41 supermarket;

42 (vi) Meat, including without limitation, beef,  
43 pork and poultry;

44 (vii) Seafood, including without limitations fish,  
45 shellfish and crustaceans;

46 (viii) Liquor, beer, wine and other alcoholic  
47 beverages;



48 (ix) Sandwich, deli and convenient meal solution  
49 items, including without limitation, sushi, deli meats and deli  
50 cheeses; and

51 (x) Vitamins, herbs and supplements.

52 (c) "Retail food establishment" shall have the same  
53 meaning ascribed in Section 69-1-18.

54 (d) "Retail Establishment" means any commercial  
55 business facility, whether for-profit or not-for-profit, that  
56 sells goods directly to consumers, including but not limited to  
57 grocery stores, pharmacies, liquor stores, convenience stores,  
58 retail stores and vendors selling clothing, food and personal  
59 items, dry cleaning services, theaters and all other food service  
60 establishments.

61 (e) "Retailer" means any person who sells, supplies or  
62 offers consumer products for sale directly to consumers.

63 (f) "Self-checkout terminals" or "self-service  
64 checkouts" are machines that provide a mechanism for customers to  
65 complete their own transaction from a retailer without the direct  
66 aid of a checkout clerk.

67 **SECTION 2.** (1) (a) It shall be unlawful for any retail  
68 establish, retail food establishment or retailer engaged in the  
69 business of selling groceries or general merchandise, which  
70 employs the use of self-checkout terminals or self-service  
71 checkouts as a means of completing purchase transactions at the  
72 final point of sale to consumers, to use any form of technology



73 programming embedded within the self-checkout terminals or  
74 self-service checkouts or equipped with bar code readers to scan  
75 the detailed identifying information or encrypted bar code on a  
76 consumer's driver's license or personal identification card to  
77 verify his or her age at the time purchases are made within the  
78 retail establishment.

79 (b) Use of such technology shall be limited to law  
80 enforcement agencies and officers of the court and the employees  
81 of such entities who are engaged in the authorized performance of  
82 their official employment obligations while acting on behalf of  
83 the law enforcement agency or court.

84 (2) At any time during a purchase transaction the  
85 self-checkout terminal or self-service checkout indicates to an  
86 employee of a business that the consumer's age needs to be  
87 verified before a particular item may be purchased by the  
88 consumer, the employee shall manually inspect the consumer's  
89 driver's license or personal identification card to verify his or  
90 her age meets the legal minimum age requirement for the purchase  
91 of such items, as indicated by the "Born on or before" date  
92 prompted on the self-checkout terminal or self-service checkout  
93 that initiates the age-verification process before the consumer is  
94 able to complete the purchase transaction.

95 (3) Any retailer, retail establishment or retail food  
96 establishment found to be in violation of this section shall be



97 subject to a fine of One Thousand Dollars (\$1,000.00) per  
98 violation.

99           **SECTION 3.** This act shall take effect and be in force from  
100 and after July 1, 2024.

