

By: Representative Steverson

To: Ways and Means

HOUSE BILL NO. 659

1 AN ACT TO AMEND SECTION 67-1-81, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT IN ADDITION TO OTHER PENALTIES AUTHORIZED AGAINST A
 3 PERMITTEE UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW
 4 FOR THE UNLAWFUL SALE, FURNISHING, GIVING OR CAUSING TO BE SOLD OF
 5 ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF TWENTY-ONE, THE
 6 COMMISSIONER OF REVENUE MAY REQUIRE THAT THE PERMITTEE HAVE AND
 7 USE AN INDEPENDENT, THIRD-PARTY AGE VERIFICATION APP/APPLICATION
 8 ON THE LICENSED PREMISES FOR THE PURPOSE OF DETERMINING WHETHER A
 9 PERSON TO WHOM ALCOHOLIC BEVERAGES ARE SOLD, FURNISHED, GIVEN OR
 10 CAUSED TO BE SOLD IS TWENTY-ONE YEARS OF AGE OR OLDER; AND FOR
 11 RELATED PURPOSES.

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

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

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



23 than One Thousand Dollars (\$1,000.00) nor more than Two Thousand
24 Dollars (\$2,000.00), or by imprisonment for not more than one (1)
25 year, or by both such fine and imprisonment in the discretion of
26 the court.

27 (b) (i) If a permittee, or any employee of a
28 permittee, violates paragraph (a) of this subsection (1), then, in
29 addition to any other penalty provided for by law, the
30 commissioner may impose the following penalties against the
31 permittee on whose premises the alcoholic beverages were sold,
32 given or furnished:

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

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

38 3. For a third offense occurring on the
39 licensed premises within a twelve-month period, suspension of the
40 permit for not more than three (3) weeks or revocation of the
41 permit.

42 4. For a fourth or subsequent offense
43 occurring on the licensed premises within a twelve-month period,
44 revocation of the permit.

45 The commissioner also may require that the permittee have and
46 use an independent, third-party age verification app/application
47 on the licensed premises for the purpose of determining whether a



48 person to whom alcoholic beverages are sold, furnished, given or
49 caused to be sold on the licensed premises is twenty-one (21)
50 years of age or older. The app/application used must have at
51 least an eighty-five percent (85%) accuracy rating according to
52 national standards.

53 A violation of paragraph (a) of this subsection (1) shall be
54 sufficient to impose the administrative penalties and any other
55 requirement authorized under this paragraph (b), and any
56 expunction of conviction shall have no effect on any
57 administrative penalty or other requirement imposed against a
58 permittee under this paragraph (b).

59 (2) Any person under the age of twenty-one (21) years who
60 purchases, receives, or has in his or her possession in any public
61 place, any alcoholic beverages, shall be guilty of a misdemeanor
62 and shall be punished by a fine of not less than Two Hundred
63 Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).
64 Provided, that clearing or busing tables that have glasses or
65 other containers that contain or did contain alcoholic beverages,
66 or stocking, bagging or otherwise handling purchases of alcoholic
67 beverages shall not be deemed possession of alcoholic beverages
68 for the purposes of this section. Provided further, that a person
69 who is at least eighteen (18) years of age but under the age of
70 twenty-one (21) years who waits on tables by taking orders for or
71 delivering orders of alcoholic beverages shall not be deemed to
72 unlawfully possess or furnish alcoholic beverages if in the scope



73 of his employment by the holder of an on-premises retailer's
74 permit. This exception shall not authorize a person under the age
75 of twenty-one (21) to tend bar or act in the capacity of
76 bartender. Any person under the age of twenty-one (21) who
77 knowingly makes a false statement to the effect that he or she is
78 twenty-one (21) years old or older or presents any document that
79 indicates he or she is twenty-one (21) years of age or older for
80 the purpose of purchasing alcoholic beverages from any person
81 engaged in the sale of alcoholic beverages shall be guilty of a
82 misdemeanor and shall be punished by a fine of not less than Two
83 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars
84 (\$500.00), and a sentence to not more than thirty (30) days'
85 community service.

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

90 (4) If a person under the age of twenty-one (21) years is
91 convicted or enters a plea of guilty of purchasing, receiving or
92 having in his or her possession in any public place any alcoholic
93 beverages in violation of subsection (2) of this section, the
94 trial judge, in lieu of the penalties otherwise provided under
95 subsection (2) of this section, shall suspend the minor's driver's
96 license by taking and keeping it in the custody of the court for a
97 period of time not to exceed ninety (90) days. The judge so



98 ordering the suspension shall enter upon his docket "DEFENDANT'S
99 DRIVER'S LICENSE SUSPENDED FOR _____ DAYS IN LIEU OF CONVICTION"
100 and such action by the trial judge shall not constitute a
101 conviction. During the period that the minor's driver's license
102 is suspended, the trial judge shall suspend the imposition of any
103 fines or penalties that may be imposed under subsection (2) of
104 this section and may place the minor on probation subject to such
105 conditions as the judge deems appropriate. If the minor violates
106 any of the conditions of probation, then the trial judge shall
107 return the driver's license to the minor and impose the fines,
108 penalties or both, that he would have otherwise imposed, and such
109 action shall constitute a conviction.

110 **SECTION 2.** This act shall take effect and be in force from
111 and after July 1, 2024.

