

## House Amendments to Senate Bill No. 2466

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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. The commissioner also may  
38 require that the permittee have and use an independent,  
39 third-party age-verification app on the licensed premises for the  
40 purpose of determining whether a person to whom alcoholic  
41 beverages are sold, furnished, given or caused to be sold on the  
42 licensed premises is twenty-one (21) years of age or older. The  
43 app used must have at least an eighty-five percent (85%) accuracy  
44 rating according to national standards. In the case of a  
45 permittee using such an age-verification app, it shall be a  
46 defense to an alleged violation of paragraph (a) of this  
47 subsection (1) if the permittee used the age-verification app  
48 prior to selling, furnishing, giving, or causing to be sold,  
49 furnished or given, any alcoholic beverages to a person and the  
50 app incorrectly indicated the person to be twenty-one (21) years  
51 of age or older.

52           3. For a third offense occurring on the  
53 licensed premises within a twelve-month period, suspension of the  
54 permit for not more than three (3) weeks or revocation of the  
55 permit.

56                                   4. For a fourth or subsequent offense  
57 occurring on the licensed premises within a twelve-month period,  
58 revocation of the permit.

59           A violation of paragraph (a) of this subsection (1) shall be  
60 sufficient to impose the administrative penalties and any other  
61 requirement authorized under this paragraph (b), and any  
62 expunction of conviction shall have no effect on any  
63 administrative penalty or other requirement imposed against a  
64 permittee under this paragraph (b).

65           (2) Any person under the age of twenty-one (21) years who  
66 purchases, receives, or has in his or her possession in any public  
67 place, any alcoholic beverages, shall be guilty of a misdemeanor  
68 and shall be punished by a fine of not less than Two Hundred  
69 Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).  
70 Provided, that clearing or busing tables that have glasses or  
71 other containers that contain or did contain alcoholic beverages,  
72 or stocking, bagging or otherwise handling purchases of alcoholic  
73 beverages shall not be deemed possession of alcoholic beverages  
74 for the purposes of this section. Provided further, that a person  
75 who is at least eighteen (18) years of age but under the age of  
76 twenty-one (21) years who waits on tables by taking orders for or  
77 delivering orders of alcoholic beverages shall not be deemed to  
78 unlawfully possess or furnish alcoholic beverages if in the scope  
79 of his employment by the holder of an on-premises retailer's  
80 permit. This exception shall not authorize a person under the age  
81 of twenty-one (21) to tend bar or act in the capacity of

82 bartender. Any person under the age of twenty-one (21) who  
83 knowingly makes a false statement to the effect that he or she is  
84 twenty-one (21) years old or older or presents any document that  
85 indicates he or she is twenty-one (21) years of age or older for  
86 the purpose of purchasing alcoholic beverages from any person  
87 engaged in the sale of alcoholic beverages shall be guilty of a  
88 misdemeanor and shall be punished by a fine of not less than Two  
89 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars  
90 (\$500.00), and a sentence to not more than thirty (30) days'  
91 community service.

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

96 (4) If a person under the age of twenty-one (21) years is  
97 convicted or enters a plea of guilty of purchasing, receiving or  
98 having in his or her possession in any public place any alcoholic  
99 beverages in violation of subsection (2) of this section, the  
100 trial judge, in lieu of the penalties otherwise provided under  
101 subsection (2) of this section, shall suspend the minor's driver's  
102 license by taking and keeping it in the custody of the court for a  
103 period of time not to exceed ninety (90) days. The judge so  
104 ordering the suspension shall enter upon his docket "DEFENDANT'S  
105 DRIVER'S LICENSE SUSPENDED FOR \_\_\_\_ DAYS IN LIEU OF CONVICTION"  
106 and such action by the trial judge shall not constitute a  
107 conviction. During the period that the minor's driver's license

108 is suspended, the trial judge shall suspend the imposition of any  
109 fines or penalties that may be imposed under subsection (2) of  
110 this section and may place the minor on probation subject to such  
111 conditions as the judge deems appropriate. If the minor violates  
112 any of the conditions of probation, then the trial judge shall  
113 return the driver's license to the minor and impose the fines,  
114 penalties or both, that he would have otherwise imposed, and such  
115 action shall constitute a conviction.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 21, THAT FOR A  
6 SECOND OFFENSE OCCURRING WITHIN A TWELVE-MONTH PERIOD, THE  
7 COMMISSIONER OF REVENUE MAY REQUIRE THAT THE PERMITTEE HAVE AND  
8 USE AN INDEPENDENT, THIRD-PARTY AGE-VERIFICATION APP ON THE  
9 LICENSED PREMISES FOR THE PURPOSE OF DETERMINING WHETHER A PERSON  
10 TO WHOM ALCOHOLIC BEVERAGES ARE SOLD, FURNISHED, GIVEN OR CAUSED  
11 TO BE SOLD IS 21 YEARS OF AGE OR OLDER; AND FOR RELATED PURPOSES.

HR43\SB2466PH.J

Andrew Ketchings  
Clerk of the House of Representatives