

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2466

BY: Committee

**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.

45 3. For a third offense occurring on the
46 licensed premises within a twelve-month period, suspension of the



47 permit for not more than three (3) weeks or revocation of the
48 permit.

49 4. For a fourth or subsequent offense
50 occurring on the licensed premises within a twelve-month period,
51 revocation of the permit.

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

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



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

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

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



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

109 **SECTION 2.** This act shall take effect and be in force from
110 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.

