

By: Representative Steverson

To: Judiciary A

HOUSE BILL NO. 923

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

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

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

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



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

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

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

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

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

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

46 After a third or subsequent offense, the commissioner also
47 may require that the permittee have and use an independent,
48 third-party age-verification app on the licensed premises for the



49 purpose of determining whether a person to whom alcoholic
50 beverages are sold, furnished, given or caused to be sold on the
51 licensed premises is twenty-one (21) years of age or older. The
52 app used must have at least an eighty-five percent (85%) accuracy
53 rating according to national standards. The commissioner may
54 promulgate rules and regulations for determining the length of
55 time a permittee shall be required to use the app.

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

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



74 delivering orders of alcoholic beverages shall not be deemed to
75 unlawfully possess or furnish alcoholic beverages if in the scope
76 of his employment by the holder of an on-premises retailer's
77 permit. This exception shall not authorize a person under the age
78 of twenty-one (21) to tend bar or act in the capacity of
79 bartender. Any person under the age of twenty-one (21) who
80 knowingly makes a false statement to the effect that he or she is
81 twenty-one (21) years old or older or presents any document that
82 indicates he or she is twenty-one (21) years of age or older for
83 the purpose of purchasing alcoholic beverages from any person
84 engaged in the sale of alcoholic beverages shall be guilty of a
85 misdemeanor and shall be punished by a fine of not less than Two
86 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars
87 (\$500.00), and a sentence to not more than thirty (30) days'
88 community service.

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

93 (4) If a person under the age of twenty-one (21) years is
94 convicted or enters a plea of guilty of purchasing, receiving or
95 having in his or her possession in any public place any alcoholic
96 beverages in violation of subsection (2) of this section, the
97 trial judge, in lieu of the penalties otherwise provided under
98 subsection (2) of this section, shall suspend the minor's driver's



99 license by taking and keeping it in the custody of the court for a
100 period of time not to exceed ninety (90) days. The judge so
101 ordering the suspension shall enter upon his docket "DEFENDANT'S
102 DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION"
103 and such action by the trial judge shall not constitute a
104 conviction. During the period that the minor's driver's license
105 is suspended, the trial judge shall suspend the imposition of any
106 fines or penalties that may be imposed under subsection (2) of
107 this section and may place the minor on probation subject to such
108 conditions as the judge deems appropriate. If the minor violates
109 any of the conditions of probation, then the trial judge shall
110 return the driver's license to the minor and impose the fines,
111 penalties or both, that he would have otherwise imposed, and such
112 action shall constitute a conviction.

113 **SECTION 2.** This act shall take effect and be in force from
114 and after July 1, 2025.

