

By: Senator(s) White

To: Finance

SENATE BILL NO. 2118

1 AN ACT TO AMEND SECTION 67-3-53, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT IT SHALL BE UNLAWFUL FOR THE HOLDER OF A PERMIT TO  
 3 SELL BEER OR LIGHT WINE AT RETAIL TO ALLOW PERSONS UNDER THE AGE  
 4 OF 21 NOT IN THE COMPANY OF A PARENT, GUARDIAN OR SPOUSE WHO IS AT  
 5 LEAST 21 YEARS OF AGE ON THE LICENSED PREMISES OF AN ESTABLISHMENT  
 6 WHERE LIGHT WINE, BEER OR DISTILLED SPIRITS ARE ALLOWED TO BE  
 7 CONSUMED ON THE PREMISES UNLESS SUCH ESTABLISHMENT IS REGULARLY  
 8 USED FOR THE SERVING OF MEALS TO GUESTS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 67-3-53, Mississippi Code of 1972, is  
 11 amended as follows:

12 67-3-53. In addition to any act declared to be unlawful by  
 13 this chapter, or by Sections 27-71-301 through 27-71-347, and  
 14 Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be  
 15 unlawful for the holder of a permit authorizing the sale of beer  
 16 or light wine at retail or for the employee of the holder of such  
 17 a permit:

18 (a) To sell or give to be consumed in or upon any  
 19 licensed premises any beer or light wine between the hours of  
 20 midnight and seven o'clock the following morning or during any  
 21 time the licensed premises may be required to be closed by  
 22 municipal ordinance or order of the board of supervisors;  
 23 provided, however, in areas where the sale of alcoholic beverages  
 24 is legal under the provisions of the Local Option Alcoholic  
 25 Beverage Control Law and the hours for selling such alcoholic  
 26 beverages have been extended beyond midnight for on-premises  
 27 permittees under Section 67-1-37, the hours for selling beer or  
 28 light wines are likewise extended in areas where the sale of beer  
 29 and light wines is legal in accordance with the provisions of this  
 30 chapter.

31 (b) To sell, give or furnish any beer or light wine to  
32 any person visibly or noticeably intoxicated, or to any insane  
33 person, or to any habitual drunkard, or to any person under the  
34 age of twenty-one (21) years.

35 (c) To permit in the premises any lewd, immoral or  
36 improper entertainment, conduct or practices.

37 (d) To permit loud, boisterous or disorderly conduct of  
38 any kind upon the premises or to permit the use of loud musical  
39 instruments if either or any of the same may disturb the peace and  
40 quietude of the community wherein such business is located.

41 (e) To permit persons of ill repute, known criminals,  
42 prostitutes or minors to frequent the licensed premises, except  
43 minors accompanied by parents or guardians, or under proper  
44 supervision.

45 (f) To permit or suffer illegal gambling or the  
46 operation of illegal games of chance upon the licensed premises.

47 (g) To receive, possess or sell on the licensed  
48 premises any beverage of any kind or character containing more  
49 than five percent (5%) of alcohol by weight unless the licensee  
50 also possesses an on-premises permit under the Local Option  
51 Alcoholic Beverage Control Law.

52 (h) To allow any person under the age of twenty-one  
53 (21) years upon the licensed premises of an establishment where  
54 beer, light wine or distilled spirits are allowed to be consumed  
55 on the premises unless: (i) the establishment is regularly used  
56 and kept open for the serving of meals to guests for compensation  
57 and which has suitable seating facilities for guests; or (ii) the  
58 person is accompanied by a parent, guardian or spouse who is at  
59 least twenty-one (21) years of age.

60 **SECTION 2.** This act shall take effect and be in force from  
61 and after July 1, 2005.