

By: Senator(s) Fillingane

To: Finance

SENATE BILL NO. 2466
(As Passed the Senate)

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 THAT THE PERMITTEE HAVE AND
7 USE AN INDEPENDENT, THIRD-PARTY AGE-VERIFICATION APP ON THE
8 LICENSED PREMISES FOR THE PURPOSE OF DETERMINING WHETHER A PERSON
9 TO WHOM ALCOHOLIC BEVERAGES ARE SOLD, FURNISHED, GIVEN OR CAUSED
10 TO BE SOLD IS 21 YEARS OF AGE OR OLDER; AND FOR RELATED PURPOSES.

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

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

14 67-1-81. (1) (a) Any permittee or other person who shall
15 sell, furnish, dispose of, give, or cause to be sold, furnished,
16 disposed of, or given, any alcoholic beverage to any person under
17 the age of twenty-one (21) years shall be guilty of a misdemeanor
18 and shall be punished by a fine of not less than Five Hundred
19 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)
20 for a first offense. For a second or subsequent offense, such
21 permittee or other person shall be punished by a fine of not less
22 than One Thousand Dollars (\$1,000.00) nor more than Two Thousand



23 Dollars (\$2,000.00), or by imprisonment for not more than one (1)
24 year, or by both such fine and imprisonment in the discretion of
25 the court.

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

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

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

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

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

44 The commissioner also may require that the permittee have and
45 use an independent, third-party age-verification app on the
46 licensed premises for the purpose of determining whether a person
47 to whom alcoholic beverages are sold, furnished, given or caused



48 to be sold on the licensed premises is twenty-one (21) years of
49 age or older. The app used must have at least an eighty-five
50 percent (85%) accuracy rating according to national standards.

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

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



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

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

88 (4) If a person under the age of twenty-one (21) years is
89 convicted or enters a plea of guilty of purchasing, receiving or
90 having in his or her possession in any public place any alcoholic
91 beverages in violation of subsection (2) of this section, the
92 trial judge, in lieu of the penalties otherwise provided under
93 subsection (2) of this section, shall suspend the minor's driver's
94 license by taking and keeping it in the custody of the court for a
95 period of time not to exceed ninety (90) days. The judge so
96 ordering the suspension shall enter upon his docket "DEFENDANT'S
97 DRIVER'S LICENSE SUSPENDED FOR _____ DAYS IN LIEU OF CONVICTION"



98 and such action by the trial judge shall not constitute a
99 conviction. During the period that the minor's driver's license
100 is suspended, the trial judge shall suspend the imposition of any
101 fines or penalties that may be imposed under subsection (2) of
102 this section and may place the minor on probation subject to such
103 conditions as the judge deems appropriate. If the minor violates
104 any of the conditions of probation, then the trial judge shall
105 return the driver's license to the minor and impose the fines,
106 penalties or both, that he would have otherwise imposed, and such
107 action shall constitute a conviction.

108 **SECTION 2.** This act shall take effect and be in force from
109 and after July 1, 2024, and shall stand repealed on June 30, 2024.

