

**HOUSE . . . . . No. 2699**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul McMurtry***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/21/2011</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>2/4/2011</i>

**HOUSE . . . . . No. 2699**

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By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 2699) of Paul McMurtry and Stephen L. DiNatale relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities. Consumer Protection and Professional Licensure.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 138 of the General Laws is hereby amended by inserting, after  
2 section 14, the following section:-

3           Section 14A. (a) In a city or town wherein the granting of licenses to sell all alcoholic  
4 beverages or wines and malt beverages only is authorized under this chapter, special licenses for  
5 the sale of all alcoholic beverages or wines and malt beverages only, or either of them, may be  
6 issued by the local licensing authority, to the manager or concessionaire of the continuing care  
7 community or retirement community as defined by section 76 of chapter 93 or assisted living  
8 residence under chapter 19D; provided, however, that in any city or town wherein the granting of  
9 licenses to sell all alcoholic beverages is authorized under this chapter, special licenses for the  
10 sale of all alcoholic beverages or wines and malt beverages only, or any of them, may be issued  
11 by the local licensing authority to the responsible manager of any nonprofit organization that is a  
12 continuing care community or retirement community under section 76 of chapter 93. In no event

13 shall such beverages be served to persons under the age of 21. The fees for the licenses granted  
14 under this section shall be fixed from time to time by the local licensing authority and need not  
15 be uniform.

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17 A license under this section shall not be granted to any person while his application for a  
18 license under section 12 is pending before the licensing authority.

19 (b) Licenses issued under this section are restaurant liquor licenses; provided, however,  
20 that the following additional restrictions and privileges shall apply:

21 (1) Licenses issued under this section are not subject to quota restrictions

22 (2) Sales of all alcoholic beverages and wines or malt beverages may not occur from  
23 2:00 a.m. to 7:00 a.m.; provided, further, that sales may not occur prior to 1:00 p.m. or after  
24 10:00 p.m. on Sunday.

25 (3) All alcoholic beverages and wines or malt beverages sold or furnished by the  
26 licensee may be possessed anywhere within the continuing care retirement community regardless  
27 of whether that portion of the premises is licensed. However, no alcoholic beverages or wines  
28 and malt beverages sold or furnished by the licensee may be taken beyond the confines of the  
29 continuing care retirement community.

30 (4) Sales of alcoholic beverages or wines and malt beverages may occur in those  
31 portions of the premises licensed by the authority as well as in rooms that are lived in or used by  
32 residents of the continuing care retirement community. Sales of alcoholic beverages and wines  
33 and malt beverages are limited to residents of the continuing care retirement community and the

34            guests of residents in conjunction with the normal, regularly scheduled dining,  
35 entertainment or social activities of the continuing care retirement community.

36            (5) Licenses issued under this section are subject to the General Laws relating to  
37 employment of minors, with the exception that the minimum age threshold for employment on  
38 licensed premises shall be 16. The prohibition against minors under the age of 21 dispensing or  
39 serving  
40 alcoholic beverages shall remain in effect.

41            (c) Licenses issued under this section are nontransferable and if issued to a manager or  
42 concessionaire shall expire upon the termination of the contract between the continuing care  
43 retirement community and the manager or concessionaire.