

HOUSE No. 5114

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan and Paul R. Feeney

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 alcohol license renewal relief due to COVID-19.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>9/16/2020</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>9/30/2020</i>

HOUSE No. 5114

By Representative Chan of Quincy and Senator Feeney, a joint petition (subject to Joint Rule 12) of Tackey Chan and Paul R. Feeney relative to certain businesses with alcoholic beverage licenses that cease to conduct business as a result of disruptions caused by COVID-19. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to alcohol license renewal relief due to COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediate relief to establishments adversely impacted by the ongoing global pandemic, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. (a) As used in this section, the following words shall, unless the context
2 clearly requires otherwise, have the following meanings:-

3 “Commission”, the alcohol beverages control commission, established in section 70 of
4 chapter 10 of the General Laws.

5 “Local licensing authorities”, as defined in section 1 of chapter 138 of the General Laws.

6 "Safekeeping", means a voluntary surrendering by a licensee of the privileges granted by
7 the license without surrendering the license on a permanent basis to provide for a moratorium on

8 all administrative rule and statutory licensing requirements of that license type during the time
9 the license is listed in safekeeping.

10 (b) Notwithstanding section 77 of chapter 138 of the General Laws, any holder of a
11 section 12 license issued pursuant to said chapter 138 who ceases to conduct the licensed
12 business as a result of disruptions caused by the outbreak of the 2019 novel coronavirus, also
13 known as COVID-19, may retain such license for a period of not more than 1 year upon filing
14 with the local licensing authority and the commission a statement of the reason the license
15 should be held in safekeeping and furnishing the name, address and telephone number of the
16 person to whom correspondence is to be directed while the licensed premises is closed. The
17 local licensing authority and the commission shall extend the safekeeping period for an
18 additional year, if at the end of the initial one year period the licensed premises is unavailable
19 due to fire, flood or similar natural disaster or an application is submitted to extend the
20 safekeeping period for an additional year. If the license is not reactivated, transferred or
21 approved for an extension of safekeeping period for an additional year, at the end of the initial
22 one year safekeeping period the license shall be returned to the local licensing authority.

23 (c) The commission may establish a reasonable annual safekeeping fee; provided,
24 however, a licensee who can show an inability to use the license through no fault of its own as a
25 result of fire or flood, or inability to obtain an occupancy permit shall be granted a waiver of
26 such fee. The presence of another business or the licensed business no longer being viable shall
27 not serve as sufficient reasons to justify a waiver.

28 (d) The commission shall, within 10 days of the passage of this act, promulgate
29 regulations consistent with this section and issue updated guidance to local licensing authorities.

30 (e) Nothing in this section shall prevent the commission from exercising its statutory or
31 regulatory enforcement authority over any such safekeeping license.