

SENATE No. 128

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

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 authorizing temporary liquor licenses to benefit charities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>

SENATE No. 128

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 128) of Julian Cyr and David Henry Argosky LeBoeuf for legislation relative to authorizing temporary liquor licenses to benefit charities. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act relative to authorizing temporary liquor licenses to benefit charities.

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, as appearing in the 2016 Official Edition,
2 is hereby amended by inserting the following section:-

3 Section 12D. (a) Notwithstanding any general or special law to the contrary, the local
4 licensing authority in a city or town that votes to authorize the granting of licenses for the sale of
5 alcoholic beverages may grant temporary licenses for the sale of alcoholic beverages to be drunk
6 on the premises to applicants that are nonprofit charitable corporations organized under chapter
7 180 and registered with the non-profit organizations and public charities division of the office of
8 the attorney general. Each such temporary license shall describe the premises to which it applies
9 and shall be granted only for the premises that are the principal place of business or headquarters
10 of the applicant and that are legally zoned to allow such sales, or that are the premises of a
11 licensee under section 12. The temporary license shall not be valid for more than 10 consecutive
12 calendar days and a holder of any such temporary license shall not be granted more than 2 such

13 licenses in a calendar year. A holder of a temporary license under this subsection shall be
14 permitted to conduct such sales on any day and at any time permitted under said section 12. Any
15 alcoholic beverages sold under this subsection shall be donated at no charge to the license holder
16 and any alcoholic beverages donated may be dispensed by the employees or agents of the donors
17 of such beverages, without compensation for the dispensing services. All proceeds from such
18 sales shall be used for the license holder's charitable purpose. The fee for the temporary license
19 shall not exceed the minimum fee provided for holders of licenses to sell alcoholic beverages.
20 The application procedures under section 15A shall not apply to temporary licenses under this
21 subsection; provided, however, that such applications may be granted by the local licensing
22 authority according to the local procedures for granting licenses under section 14.(b)
23 Notwithstanding any general or special law to the contrary, the local licensing authority in a city
24 or town that votes to authorize the granting of licenses for the sale of alcoholic beverages may
25 grant temporary licenses for the sale of alcoholic beverages to be drunk on the premises, to joint
26 applicants that consist of not less than 1 nonprofit charitable corporation organized under chapter
27 180 and registered with the non-profit organizations and public charities division of the office of
28 the attorney general and a licensee under section 12. The temporary license shall describe the
29 premises to which it applies and shall be granted only for the premises of the joint applicant that
30 is a licensee under said section 12. The temporary license shall not be valid for more than 10
31 consecutive calendar days and a holder of any such temporary license shall not be granted more
32 than 2 such licenses in a calendar year. A holder of a temporary license under this
33 subsection shall be permitted to conduct such sales on any day and at any time permitted under
34 said section 12. Any alcoholic beverages sold under this section shall be donated at no charge to
35 the license holder and any alcoholic beverages donated may be dispensed by the employees or

36 agents of the donor of such beverages without compensation for the dispensing services. A
37 majority of the proceeds from such sales shall be used for the charitable corporation license
38 holder's charitable purposes. The fee for such temporary license shall not exceed the minimum
39 fee provided for holders of licenses to sell alcoholic beverages at retail. The application
40 procedures under section 15A shall not apply to such temporary licenses under this subsection;
41 provided, however, that such applications may be granted by the local licensing authority
42 according to the local procedures for granting licenses under section 14.

43 SECTION2. Section 14 of said chapter 138, as so appearing, is hereby amended by
44 striking the second paragraph in its entirety.

45 SECTION3. Chapter 138 of the General Laws is hereby amended by striking out section
46 14A,as appearing in the 2016 Official Edition,and inserting in place thereof the following
47 section:-

48 Section 14A. (a) Notwithstanding any general or special law to the contrary, the licensing
49 authority in any city or town that votes to authorize the sale of alcoholic beverages may grant
50 licenses for the sale of alcoholic beverages at auctions, not to be drunk on the premises, to an
51 applicant that is licensed as an auctioneer pursuant to chapter 100 for not less than 10 years. Each
52 license shall describe the premises to which it applies and shall be granted only for the premises
53 which are either the principal place of business or headquarters of the applicant and legally
54 zoned to allow such sales or which are the premises of a licensee under section 12 or section 15.
55 The fee for the license shall not exceed the minimum fee for holders of licenses under section 14.
56 A holder of a license for the sale of alcoholic beverages at auctions may conduct any such
57 auction on any day and at any time permitted under section 12. Applications shall be granted by

58 the licensing authority according to the local procedure for granting licenses under said section
59 14.A licensee who holds a license under this section may provide, without charge, on-premises
60 sample alcoholic beverages tastings for prospective customers if such beverages shall be
61 available for sale at auction on those premises; provided, however, that no single serving of wine
62 shall exceed 1 ounce, no single serving of malt beverages shall exceed 3 ounces and no single
63 serving of distilled spirits shall exceed 1/4 of an ounce; and provided further, that the licensee
64 shall control the dispensing of the alcoholic beverages.(b) The local licensing authority in a city
65 or town that votes to authorize the granting of licenses for the sale of alcoholic beverages may
66 grant temporary licenses

67 for the sale of alcoholic beverages at auction not to be drunk on the premises to
68 applicants that are nonprofit charitable corporations organized under chapter 180 and registered
69 with the non-profit organizations and public charities division of the office of the attorney
70 general.Each such temporary license shall describe the premises to which the license applies and
71 shall be granted only for premises that are the principal place of business or headquarters of the
72 applicant,or a location owned or leased by the applicant from which the applicant regularly
73 conducts business and which are legally zoned to allow such sales,or which are the premises of a
74 licensee under section 12 or 15.No such temporary licenses shall be valid for more than 10
75 consecutive calendar days and a holder of a temporary license shall not be granted more than 5
76 licenses in a calendar year. A holder of a temporary license under this subsection may conduct
77 such auctions on any day and at any time permitted under said section12. Any alcoholic
78 beverages sold under this section shall be donated at no charge to the license holder and all
79 proceeds from such sales shall be used for the license holder's charitable purposes.The fee for a
80 temporary license under this subsection shall not exceed the minimum fee provided for holders

81 of licenses to sell alcoholic beverages at retail. The application procedures under section 15A
82 shall not apply to temporary licenses under this subsection; provided, however, that such
83 applications may be granted by the local licensing authority according to the local procedures for
84 the granting licenses under section 14.(c) Notwithstanding any general or special law to the
85 contrary, the local licensing authority in a city or town which votes to authorize the granting of
86 licenses for the sale of alcoholic beverages may grant temporary licenses for the sale of alcoholic
87 beverages at auctions, not to be drunk on the premises, to applicants that are licensees under
88 section 15 of chapter 138. Each such temporary license shall describe the premises to which it
89 applies and shall be granted only for premises that are the principal place of business or
90 headquarters of the applicant and which are legally zoned to allow such sales or which are the
91 premises of a licensee under said section 15. The temporary license shall not be valid for more
92 than 10 consecutive calendar days and a holder of any such temporary license shall not be
93 granted more than 2 such temporary licenses in a calendar year. A holder of a temporary license
94 under this subsection shall be permitted to conduct such auctions on any day and at any time
95 permitted under said section 15. The fee for the temporary license shall not exceed the minimum
96 fee provided for holders of licenses to sell alcoholic beverages at retail. The application
97 procedures under section 15A shall not apply to temporary licenses under this subsection;

98 provided, however, that such applications may be granted by the local licensing authority
99 according to the local procedures for granting licenses under section 14.(d) Notwithstanding any
100 general or special law to the contrary, the local licensing authority in a city or town which votes
101 to authorize the granting of licenses for the sale of an alcoholic beverage may grant temporary
102 licenses for the sale of alcoholic beverages at auction not to be drunk on the premises to joint
103 applicants which consist of not less than 1 nonprofit charitable corporation organized under

104 chapter 180 and registered with the non-profit organizations and public charities division of the
105 office of the attorney general and a licensee under section 12 or 15. The temporary license shall
106 describe the premises to which it applies and shall be granted only for the premises of the joint
107 applicant that is a licensee under said section 12 or 15. The temporary license shall not be valid
108 for more than 10 consecutive calendar days and a holder of any such temporary license shall not
109 be granted more than 2 such licenses in a calendar year. A holder of a temporary license under
110 this subsection shall be permitted to conduct such sales on any day and at any time permitted
111 under said section 12. Any alcoholic beverages sold under this subsection shall be donated at no
112 charge to the license holder. A majority of the proceeds from such sales shall be used for the
113 charitable corporation license holder's charitable purposes. The fee for such temporary license
114 shall not exceed the minimum fee provided for holders of licenses to alcoholic beverages at
115 retail. The application procedures under section 15A shall not apply to such temporary licenses
116 under this subsection; provided, however, that such applications may be granted by the local
117 licensing authority according to the local procedures for granting licenses under section 14.

118 SECTION 4. Chapter 153 of the acts of 1997, as most recently amended by chapter 405
119 of the acts of 2012, is hereby repealed.