

**SENATE . . . . . No. 128**

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**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.