

SENATE No. 1714

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 the fair taxation of alcoholic beverages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/31/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/7/2019</i>

SENATE No. 1714

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1714) of Jason M. Lewis, Michael O. Moore and Jack Patrick Lewis for legislation relative to the fair taxation of alcoholic beverages. Revenue.

The Commonwealth of Massachusetts

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

An Act relative to the fair taxation of alcoholic beverages.

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 21 of Chapter 138, as appearing in the 2016 Official Edition, is hereby amended
2 by striking the section in its entirety, and inserting in place thereof the following section:-

3 “Section 21. Every licensed manufacturer of alcoholic beverages or alcohol as defined in
4 this chapter, and every winegrower under section nineteen B, and every farmer-brewer under
5 section 19C, and every pub brewer under section 19D, and every holder of a wholesaler's and
6 importer's license for the sale and importation of alcoholic beverages, and every licensee under
7 sections 18C and 76 shall, in addition to the license fees elsewhere provided in this chapter, be
8 liable for and pay to the commonwealth an excise, for the privilege enjoyed by him as such
9 manufacturer, winegrower, farmer-brewer wholesaler and importer, or licensee under sections
10 18C and 76, to be levied on sales within the commonwealth of alcoholic beverages or alcohol,
11 other than wines to be used for sacramental purposes only and other than malt beverages

12 imported into the commonwealth, and to be levied on importations of malt beverages into the
13 commonwealth, as follows:

14 (a) For each barrel of thirty-one gallons, or fractional part of a barrel, aforesaid, of malt
15 beverages, at the rate of ten dollars and seventy three cents per barrel aforesaid;

16 (b) For each wine gallon, or fractional part thereof, of cider containing more than three
17 per cent but not more than six per cent of alcohol by weight at sixty degrees Fahrenheit, at the
18 rate of five and one quarter cents per wine gallon;

19 (c) For each wine gallon, or fractional part thereof, of still wine, other than cider
20 containing more than three per cent but not more than six per cent of alcohol as aforesaid,
21 including vermouth, at the rate of ninety six cents per wine gallon;

22 (d) For each wine gallon, or fractional part thereof, of champagne and all other sparkling
23 wines, at the rate of one dollar and twenty two cents per wine gallon;

24 (e) For each wine gallon, or fractional part thereof, of all other alcoholic beverages
25 containing fifteen per cent or less of alcohol by volume at sixty degrees Fahrenheit, at the rate
26 one dollar and ninety two cents per wine gallon;

27 (f) For each wine gallon, or fractional part thereof, of all other alcoholic beverages
28 containing more than fifteen per cent but not more than fifty per cent of alcohol by volume at
29 sixty degrees Fahrenheit, at the rate of seven dollars and fifty one cents per wine gallon;

30 (g) For each proof gallon, or fractional part thereof, of all other alcoholic beverages
31 containing more than fifty per cent of alcohol by volume at sixty degrees Fahrenheit, or alcohol
32 at the rate of seven dollars and fifty one cents per proof gallon. The words "proof gallon" when

33 used in this section with reference to an alcoholic beverage, shall be held to be a gallon of the
34 alcoholic beverage which contains one half its volume of alcohol of a specific gravity of seven
35 thousand nine hundred and thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit. Every
36 person subject to this section shall keep a true and accurate account of all alcoholic beverages or
37 alcohol sold by him other than malt beverages imported into the commonwealth by him, and a
38 like account of all malt beverages imported into the commonwealth by him. The excise imposed
39 by this section shall be paid to the commissioner of revenue at the time provided for filing the
40 return required by section sixteen of chapter sixty-two C. The state tax commission by rule or
41 regulation shall provide for the waiver of payment of the excise in respect to any alcoholic
42 beverages or alcohol if it appears that an excise has already been paid under the provisions of
43 this section in respect thereto; provided, however, that alcoholic beverages or alcohol
44 manufactured within or imported into the commonwealth and exported therefrom shall be
45 exempt from such excise. Alcohol for the purpose of this section shall not include alcohol sold
46 for scientific, chemical, mechanical, manufacturing, industrial, culinary, pharmaceutical or
47 medical purposes in containers greater in capacity than one wine gallon, and shall not include
48 absolute alcohol, so-called, sold for such purposes in any containers. The taxes imposed by this
49 section shall also be applicable to sales of alcoholic beverages, upon which an excise has not
50 already been paid under the provisions of this section, made by railroad or car corporations or the
51 owner or operator of any vessel or shipping company licensed to sell alcoholic beverages under
52 the provisions of section thirteen.

53 Any person who shall knowingly purchase, sell or possess any alcoholic beverages or
54 alcohol not manufactured in, produced in or imported into the commonwealth by a licensed
55 manufacturer, a winegrower or a holder of a wholesaler's and importer's license for the sale and

56 importation thereof or a licensee under section seventy-six, or a railroad or car corporation or the
57 owner or operator of any vessel or shipping company licensed under section thirteen, or a person
58 holding a permit for importation under section twenty-two A, or any person specifically
59 exempted by section two, shall, in addition to any other penalties provided for violation of any
60 provisions of this chapter, be subject to a fine equal to double the amount of the excise which
61 would have been payable by a licensee subject to this section if such alcoholic beverages or
62 alcohol had been imported or sold by such licensee. The state police and all local police
63 authorities shall have authority to enforce, and shall, at the request of the commissioner or his
64 duly authorized agent, enforce the provisions of this paragraph.

65 The administration of the tax imposed by this section shall be vested in the commissioner
66 of revenue and governed by the provisions of chapter sixty-two C. The commissioner shall every
67 five years adjust for inflation the figures in paragraphs (a) through (g) inclusive and shall
68 promulgate regulations to impose the additional excise, if any, on said sales within the
69 commonwealth of alcoholic beverages or alcohol.

70 All sums received under this section, including all sums received as penalties, forfeitures,
71 interest, costs of suits and fines, less all amounts allowed as refunds and abatements under this
72 section, shall be credited as follows:

73 (a) Nine per cent shall be credited to the Commonwealth's Pension Liability Fund for the
74 accumulation of assets in advance of the payment of retirement allowances and used solely for
75 the purposes of offsetting the anticipated future cost of funding the contributory retirement
76 systems of the state employees and teachers as defined in section one of chapter thirty-two.

77 (b) Fifty per cent shall be expended for public health and wellness purposes, including
78 but not limited to substance misuse prevention and domestic violence prevention.

79 (c) The balance shall be credited to the General Fund.”