

**SENATE . . . . . No. 768**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael J. Rodrigues***

*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 related to educational courses in wine tasting at a qualified institution of higher education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/23/2019</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/29/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/1/2019</i>

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By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 768) of Michael J. Rodrigues, Paul A. Schmid, III, Alan Silvia, Sal N. DiDomenico and others for legislation related to educational courses in wine tasting at a qualified institution of higher education. Higher Education.

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**The Commonwealth of Massachusetts**

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

An Act related to educational courses in wine tasting at a qualified institution of higher education.

*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\_\_\_\_. Chapter 138 of the General Laws is hereby amended by inserting after  
2 section 34A the following section:-

3           Section 34A ½. (a) For the purposes of this section, the following terms have the  
4 following meanings:

5           “Qualified academic institution”, an institution within the public system of higher  
6 education as defined in section 5 of chapter 15A, or any other post-secondary institution that  
7 offers or seeks to offer courses for credit or courses leading to an academic degree in  
8 Massachusetts, accredited by a national or regional accrediting association recognized by the  
9 United States Secretary of Education.

10           “Qualified student”, a student enrolled in a qualified academic institution who (i) is at  
11   least 18 years of age; (ii) is participating in associate’s degree or bachelor’s degree program in  
12   culinary arts, food service, restaurant management, enology or brewing; and (iii) has been  
13   certified in training and intervention procedures for servers of alcohol (TIPS). “

14           Taste”, means to draw an alcoholic beverage into the mouth, but does not imbibe,  
15   swallow or otherwise consume the alcoholic beverage.

16           “TIPS”, Training and Intervention Procedures for Servers of alcohol

17           (b) A qualified student may taste an alcoholic beverage, and both the student and the  
18   qualified academic institution in which the student is enrolled shall not be subject to punishment  
19   under sections 34 and 34A, if all of the following are met:

20           (1) The qualified student tastes the alcoholic beverage while enrolled in a qualified  
21   academic institution.

22           (2) The qualified academic institution has established an associate’s degree or bachelor’s  
23   degree program in culinary arts, food service, restaurant management, enology or brewing that is  
24   designed to train industry professionals in the production of wine or beer.

25           (3) The qualified student tastes the alcoholic beverage for educational purposes as part of  
26   the instruction in a course required for an associate’s degree or bachelor’s degree in culinary arts,  
27   food service, restaurant management, enology or brewing; and

28           (4) The alcoholic beverage remains in the control of an authorized TIPS instructor of the  
29   qualified academic institution who is at least 21 years of age and is employed by the qualified  
30   academic institution.

31           (c) Nothing in this section shall be construed to allow and furnish an alcoholic beverage  
32 or alcohol to a student under 21 years of age unless it is delivered as part of the student's  
33 curriculum requirements. For the purpose of this section the word "furnish" shall mean to  
34 knowingly or intentionally supply, give, or provide alcoholic beverages or alcohol to a person  
35 under 21 years of age.

36           (d) Notwithstanding any other provision of this chapter, a local licensing authority may  
37 issue a license to be held by a qualified academic institution engaging in the educational  
38 activities authorized by this section; provided, however an extra fee or charge shall not be  
39 imposed for the alcoholic beverages tasted or on the qualified academic institution engaging in  
40 the educational activities pursuant to this section.