

# HOUSE . . . . . No. 27

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So much of the recommendations of the Department of the State Treasurer (House, No. 25) as relates to charity alcohol auctions. Consumer Protection and Professional Licensure.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act authorizing charity alcohol auctions.

*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 2018 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.

9           Each such temporary license shall describe the premises to which it applies and shall be  
10 granted only for the premises that are the principal place of business or headquarters of the  
11 applicant and that are legally zoned to allow such sales, or that are the premises of a licensee  
12 under section 12. The temporary license shall not be valid for more than 10 consecutive calendar

13 days and a holder of any such temporary license shall not be granted more than 2 such licenses in  
14 a calendar year. A holder of a temporary license under this subsection shall be permitted to  
15 conduct such sales on any day and at any time permitted under said section 12. Any alcoholic  
16 beverages sold under this subsection shall be donated at no charge to the license holder and any  
17 alcoholic beverages donated may be dispensed by the employees or agents of the donors  
18 of such beverages, without compensation for the dispensing services. All proceeds from such  
19 sales shall be used for the license holder's charitable purpose.

20 The fee for the temporary license shall not exceed the minimum fee provided for holders  
21 of licenses to sell alcoholic beverages. The application procedures under section 15A shall not  
22 apply to temporary licenses under this subsection; provided, however, that such applications may  
23 be granted by the local licensing authority according to the local procedures for granting licenses  
24 under section 14.

25 (b) Notwithstanding any general or special law to the contrary, the local licensing  
26 authority in a city or town that votes to authorize the granting of licenses for the sale of alcoholic  
27 beverages may grant temporary licenses for the sale of alcoholic beverages to be drunk on the  
28 premises, to joint applicants that consist of not less than 1 nonprofit charitable corporation  
29 organized under chapter 180 and registered with the non-profit organizations and public charities  
30 division of the office of the attorney general and a licensee under section 12.

31 The temporary license shall describe the premises to which it applies and shall be granted  
32 only for the premises of the joint applicant that is a licensee under said section 12. The temporary  
33 license shall not be valid for more than 10 consecutive calendar days and a holder of any such  
34 temporary license shall not be granted more than 2 such licenses in a calendar year. A holder of a

temporary license under this subsection shall be permitted to conduct such sales on any day and at any time permitted under said section 12. Any alcoholic beverages sold under this section shall be donated at no charge to the license holder and any alcoholic beverages donated may be dispensed by the employees or agents of the donor of such beverages without compensation for the dispensing services. A majority of the proceeds from such sales shall be used for the charitable corporation license holder's charitable purposes.

The fee for such temporary license shall not exceed the minimum fee provided for holders of licenses to sell alcoholic beverages at retail. The application procedures under section 15A shall not apply to such temporary licenses under this subsection; provided, however, that such applications may be granted by the local licensing authority according to the local procedures for granting licenses under section 14.

SECTION 2. Section 14 of said chapter 138, as so appearing, is hereby amended by striking the second paragraph in its entirety.

SECTION 3. Chapter 138 of the General Laws is hereby amended by striking out section 14A, as appearing in the 2018 Official Edition, and inserting in place thereof the following section:-

Section 14A. (a) Notwithstanding any general or special law to the contrary, the licensing authority in any city or town that votes to authorize the sale of alcoholic beverages may grant licenses for the sale of alcoholic beverages at auctions, not to be drunk on the premises, to an applicant that is licensed as an auctioneer pursuant to chapter 100 for not less than 10 years. Each license shall describe the premises to which it applies and shall be granted only for the premises which are either the principal place of business or headquarters of the applicant and legally

zoned to allow such sales or which are the premises of a licensee under section 12 or section 15.  
The fee for the license shall not exceed the minimum fee for holders of licenses under section 14.  
A holder of a license for the sale of alcoholic beverages at auctions may conduct any such  
auction on any day and at any time permitted under section 12. Applications shall be granted by  
the licensing authority according to the local procedure for granting licenses under said section  
14.

A licensee who holds a license under this section may provide, without charge, on-  
premises sample alcoholic beverages tastings for prospective customers if such beverages shall  
be available for sale at auction on those premises; provided, however, that no single serving of  
wine shall exceed 1 ounce, no single serving of malt beverages shall exceed 3 ounces and no  
single serving of distilled spirits shall exceed 1/4 of an ounce; and provided further, that the  
licensee shall control the dispensing of the alcoholic beverages.

(b) The local licensing authority in a city or town that votes to authorize the granting of  
licenses for the sale of alcoholic beverages may grant temporary licenses for the sale of alcoholic  
beverages at auction not to be drunk on the premises to applicants that are nonprofit charitable  
corporations organized under chapter 180 and registered with the non-profit organizations and  
public charities division of the office of the attorney general.

Each such temporary license shall describe the premises to which the license applies and  
shall be granted only for premises that are the principal place of business or headquarters of the  
applicant, or a location owned or leased by the applicant from which the applicant regularly  
conducts business and which are legally zoned to allow such sales, or which are the premises of a  
licensee under section 12 or 15.

79 No such temporary licenses shall be valid for more than 10 consecutive calendar days and  
80 a holder of a temporary license shall not be granted more than 5 licenses in a calendar year. A  
81 holder of a temporary license under this subsection may conduct such auctions on any day and at  
82 any time permitted under said section 12. Any alcoholic beverages sold under this section shall  
83 be donated at no charge to the license holder and all proceeds from such sales shall be used for  
84 the license holder's charitable purposes.

85 The fee for a temporary license under this subsection shall not exceed the minimum fee  
86 provided for holders of licenses to sell alcoholic beverages at retail. The application procedures  
87 under section 15A shall not apply to temporary licenses under this subsection; provided,  
88 however, that such applications may be granted by the local licensing authority according to the  
89 local procedures for the granting licenses under section 14.

90 (c) Notwithstanding any general or special law to the contrary, the local licensing  
91 authority in a city or town which votes to authorize the granting of licenses for the sale of  
92 alcoholic beverages may grant temporary licenses for the sale of alcoholic beverages at auctions,  
93 not to be drunk on the premises, to applicants that are licensees under section 15 of chapter 138.

94 Each such temporary license shall describe the premises to which it applies and shall be  
95 granted only for premises that are the principal place of business or headquarters of the applicant  
96 and which are legally zoned to allow such sales or which are the premises of a licensee under  
97 said section 15. The temporary license shall not be valid for more than 10 consecutive calendar  
98 days and a holder of any such temporary license shall not be granted more than 2 such temporary  
99 licenses in a calendar year. A holder of a temporary license under this subsection shall be  
100 permitted to conduct such auctions on any day and at any time permitted under said section 15.

101           The fee for the temporary license shall not exceed the minimum fee provided for holders  
102 of licenses to sell alcoholic beverages at retail. The application procedures under section 15A  
103 shall not apply to temporary licenses under this subsection; provided, however, that such  
104 applications may be granted by the local licensing authority according to the local procedures for  
105 granting licenses under section 14.

106           (d) Notwithstanding any general or special law to the contrary, the local licensing  
107 authority in a city or town which votes to authorize the granting of licenses for the sale of an  
108 alcoholic beverage may grant temporary licenses for the sale of alcoholic beverages at auction  
109 not to be drunk on the premises to joint applicants which consist of not less than 1 nonprofit  
110 charitable corporation organized under chapter 180 and registered with the non-profit  
111 organizations and public charities division of the office of the attorney general and a licensee  
112 under section 12 or 15.

113           The temporary license shall describe the premises to which it applies and shall be granted  
114 only for the premises of the joint applicant that is a licensee under said section 12 or 15. The  
115 temporary license shall not be valid for more than 10 consecutive calendar days and a holder of  
116 any such temporary license shall not be granted more than 2 such licenses in a calendar year. A  
117 holder of a temporary license under this subsection shall be permitted to conduct such sales on  
118 any day and at any time permitted under said section 12. Any alcoholic beverages sold under this  
119 subsection shall be donated at no charge to the license holder. A majority of the proceeds from  
120 such sales shall be used for the charitable corporation license holder's charitable purposes.

121           The fee for such temporary license shall not exceed the minimum fee provided for  
122 holders of licenses to alcoholic beverages at retail. The application procedures under section 15A

123 shall not apply to such temporary licenses under this subsection; provided, however, that such  
124 applications may be granted by the local licensing authority according to the local procedures for  
125 granting licenses under section 14.

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