

The Commonwealth of Massachusetts

INITIATIVE PETITION OF RONALD T. MALONEY JR. AND OTHERS.

OFFICE OF THE SECRETARY.

BOSTON, JANUARY 28, 2022.

Steven T. James
Clerk of the House of Representatives
State House
Boston, Massachusetts 02133

Sir: — I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution an “Initiative Petition for a Law Relative to 21st Century Alcohol Retail Reform,” signed by ten qualified voters and filed with this department on or before December 1, 2021, together with additional signatures of qualified voters in the number of 91,382, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth.

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

HOUSE No. 4377

The Commonwealth of Massachusetts

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

An Act relative to 21st century alcohol retail reform.

Be it enacted by the People, and by their authority, as follows:

1 SECTION 1. The second sentence of section 15 of chapter 138 of the General Laws is
2 hereby amended by striking out, in each instance, the phrase “more than 9” and inserting in place
3 thereof the following phrase:- more than 12.

4 SECTION 2. The second sentence of said section 15 of said chapter 138, as amended by
5 section 1 of this Act, is hereby further amended by striking out, in each instance, the figure “12”
6 and inserting in place thereof the following figure:- 15.

7 SECTION 3. The second sentence of said section 15 of said chapter 138, as amended by
8 section 2 of this Act, is hereby further amended by striking out, in each instance, the figure “15”
9 and inserting in place thereof the following figure:- 18.

10 SECTION 4. Section 15 of chapter 138 of the General Laws is hereby further amended
11 by inserting, after the second sentence, the following new sentences:-

12 No person, firm, corporation, association, or other combination of persons, directly or
13 indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary

14 whatsoever, shall be granted, in the aggregate, more than 7 licenses for the sale of all alcoholic
15 beverages in the commonwealth, or participate in decisions regarding the purchasing of such
16 beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any
17 percentage or fee derived from gross revenues in exchange for management assistance, or
18 participate in any other action designed to effect common results of more than 7 such licensees;
19 provided, however, any person, firm, corporation, association, or other combination of persons,
20 directly or indirectly, or through any agent, employee, stockholder, officer or other person or any
21 subsidiary whatsoever, who, as of December 31, 2022, has more than 7 licenses for the sale of all
22 alcoholic beverages in the commonwealth, or who, as of December 31, 2022, participates in
23 decisions regarding the purchasing of such beverages or the purchasing of insurance or
24 accounting or bookkeeping services, or receives any percentage or fee derived from gross
25 revenues in exchange for management assistance, or participates in any other action designed to
26 effect common results of more than 7 such licensees, may continue to hold that number of all
27 alcoholic beverages licenses and participate in any actions designed to effect the common results
28 of that number of licensees. Each license for the sale of all alcoholic beverages shall be included
29 as a license for purposes of determining the total number of licenses authorized under the second
30 sentence of this section.

31 SECTION 5. Sections 1 and 4 of this Act shall take effect on January 1, 2023.

32 SECTION 6. Section 2 of this Act shall take effect on January 1, 2027.

33 SECTION 7. Section 3 of this Act shall take effect on January 1, 2031.

34 SECTION 8. Section 15 of chapter 138 of the General Laws, as so appearing, is hereby
35 further amended by inserting after the final paragraph, the following new paragraph:-

36 The in-store sale of alcoholic beverages by a licensee engaged in the sale of alcoholic
37 beverages as so authorized under the provisions of this section shall be conducted through a face-
38 to-face transaction between the customer and the licensee or between the customer and an
39 authorized employee of the licensee who has attained the age of 18 years. In-store automated or
40 self-checkout sales of alcoholic beverages by such licensees shall be prohibited.

41 SECTION 9. Section 23 of chapter 138 of the General Laws is hereby amended by
42 striking out, in the third sentence of the twelfth paragraph, the phrase “alcoholic beverage sales”
43 and inserting in place thereof the following phrase:- all retail sales.

44 SECTION 10. Section 34B of chapter 138 of the General Laws is hereby amended by
45 inserting in the first sentence of the second paragraph after the phrase “or a valid United States
46 issued military identification card,” the following phrase:- or a valid motor vehicle license issued
47 by another state.

48 SECTION 11. Section 34B of said chapter 138 is hereby further amended by inserting in
49 the second sentence of the second paragraph after the phrase “or motor vehicle license issued
50 pursuant to said section eight,” the following phrase:- or a valid motor vehicle license issued by
51 another state,

FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
Ronald T. Maloney Jr.	17 Benoni Drive	Sutton
Jennifer A. Maloney	17 Benoni Drive	Sutton
Robert Allan Mellion	6 Sonja Maria Way	Easton
Michelle Leah Mellion	6 Sonja Maria Way	Easton
Robyn A. Seymour	44 Nawrocki Drive	Chicopee
Sean Barry	6 Kennedy Drive	Hadley
Steven M. Schechterle	257 West Gill Road	Gill
Beverly R. Weiner	900 Lynnfield Street #35	Lynnfield
Benjamin L. Weiner	900 Lynnfield Street #35	Lynnfield
Maximilian P. Haivanis	158 Standard Road	Quincy

CERTIFICATE OF THE ATTORNEY GENERAL.

September 1, 2021.

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

Re: Initiative Petition No. 21-03: Initiative Petition for a Law Relative to
21st Century Alcohol Retail Reform

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

MAURA HEALEY,
Attorney General.

Summary of 21-03.

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person’s identity and age.