

SENATE No. 168

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 creation of additional business opportunities for alcohol retailers.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

SENATE No. 168

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 168) of William N. Brownsberger for legislation to create additional business opportunities for alcohol retailers. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act relative to the creation of additional business opportunities for alcohol retailers.

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. Section 15 of chapter 138 of the General Laws is hereby amended by
2 adding the following sentence to the end thereof:- Any holder of a license under this section
3 shall be permitted to make sales of wine or malt beverages to be shipped directly to customers, in
4 any state, provided they obtain the correct state registrations or rights to do so. Retail licensees
5 shipping wine and malt beverages must hold a shipper’s license pursuant to section 22 and
6 ensure they are in compliance at all times.

7 SECTION 2. Chapter 138 of the General Laws is hereby further amended by adding the
8 following new section:-

9 Section 15G. The commission shall make available licenses annually for the operation of
10 online wine and malt beverages stores, which shall have a physical address but need not have a
11 storefront in the commonwealth. The commission shall promulgate regulations for the operation
12 of such businesses and the issuance of such licenses to effectuate this section.

13 SECTION 3. Section 22 of chapter 138, as so appearing, is hereby amended by striking
14 the section in its entirety and inserting in place thereof the following:-

15 Section 22. Any person may, but only for his own use and that of his family and guests,
16 transport alcoholic beverages or alcohol, without any license or permit, but not exceeding in
17 amount, at any one time, twenty gallons of malt beverages, three gallons of any other alcoholic
18 beverage, or one gallon of alcohol, or their measured equivalent; provided, that any person may,
19 without any license or permit, transport from his place of residence to a new place of residence
20 established by him alcoholic beverages manufactured by him for his own private use.

21 Licensees for the sale of alcoholic beverages or alcohol, as the case may be, may
22 transport and deliver anywhere in or outside of the commonwealth alcoholic beverages or
23 alcohol lawfully bought or sold by them, in vehicles owned or leased by them or their
24 employees, if each vehicle used for such transportation and delivery is covered by a permit
25 issued by the commission; provided, however, that vehicles owned or leased by holders of
26 permits under section nineteen A may be used only for the transportation of samples or of no
27 more than twenty-four gallons of alcoholic beverages or alcohol; provided, further, that the
28 salesperson possesses the proper invoice and that a record of these deliveries is kept available by
29 the wholesaler for commission inspection. The permit fee for each vehicle shall be \$150.

30 Any railroad or car corporation or the owner or operator of any vessel or shipping
31 company or any common carrier by air may, if authorized by a permit issued by the commission,
32 transport and deliver alcoholic beverages or alcohol; and the fee for such a permit covering all
33 the cars, vessels or aircraft thereof shall be \$1,500.

34 Any individual, partnership or corporation regularly and lawfully conducting a general
35 express or trucking business or regularly and lawfully engaged in the business of leasing trucks
36 for hire, with or without drivers, may, if authorized by a permit issued by the commission,
37 transport and deliver alcoholic beverages or alcohol. The fee for such a permit shall be \$150. No
38 holder of such a permit shall be granted a permit under section nineteen A.

39 Certified copies of any permit issued under this section shall be furnished at \$50 each.

40 The commission may make and enforce rules and regulations governing the
41 transportation and delivery of alcoholic beverages and alcohol under permits granted under this
42 section.

43 Every person operating a vehicle when engaged in such transportation or delivery shall
44 carry the vehicle permit or a certified copy thereof; provided, however, that no permit shall be
45 required if during such transportation there has not been a pickup or delivery of such beverages
46 within or outside of the commonwealth and shall, upon demand of any constable, policeman,
47 member of the state police or any investigator of the commission produce such permit or copy
48 for inspection; and failure to produce such permit or copy shall be prima facie evidence of
49 unlawful transportation and shall, in the discretion of the commission, be sufficient cause for the
50 suspension, cancellation, revocation or forfeiture of such permit.

51 Whoever knowingly transports within or outside the commonwealth any alcoholic
52 beverages or alcohol except as authorized by this section shall be punished by a fine of not more
53 than two thousand five hundred dollars or by imprisonment for not more than six months, or
54 both.

55 Notwithstanding any other provision of this section, any individual, partnership, or
56 corporation, regularly and lawfully conducting a parcel delivery service, or a general express or
57 trucking business, or regularly and lawfully engaged in the business of leasing trucks for hire,
58 with or without drivers, may, if authorized by a permit issued by the commission, transport or
59 deliver the products sold at retail by licensees under sections 15, 15G, 19B, 19C and 19F to the
60 ultimate consumers of such products. There shall be a fee for such permit, and persons operating
61 a vehicle when engaged in such transportation or delivery shall be required to carry such permit
62 or certified copy thereof. Parcels transported or delivered under this paragraph shall be clearly
63 labeled with words that indicate that the package contains alcohol and that the signature of a
64 person, age 21 years or older, is required for delivery. Receipts for delivery of such parcels shall
65 contain a check box next to the recipient's signature where he shall certify that he is not under 21
66 years of age and a check box where the delivery person shall certify that valid identification
67 showing that the recipient is not under 21 years of age was presented by the recipient upon
68 delivery. Notwithstanding the foregoing, a delivery company may use an electronic device to
69 receive the signature of a person accepting delivery of a parcel under this section and to certify
70 that the person has displayed a valid identification as so required. No such delivery shall exceed
71 108 liters.

72 Upon application by an operator of a catering business, the commission is authorized to
73 issue and may issue a permit, to be renewed annually, to such operator to receive alcoholic
74 beverages or alcohol on behalf of, and transport and deliver such alcoholic beverages or alcohol
75 to, any of such operator's customers if such receipt, transportation and delivery is in the ordinary
76 course of such operator's business.

77 Any such operator of a catering business may store such alcoholic beverage or alcohol if
78 such storage is reasonably incidental to such receipt, transportation and delivery. Said permit
79 shall not authorize the resale of such beverages.

80 SECTION 4. The commission shall promulgate regulations to effectuate section 2 of this
81 Act by December 31, 2021.

82 SECTION 5. Section 2 of this Act will take effect on December 31, 2021.