SENATE DOCKET, NO. 157 FILED ON: 1/15/2021

SENATE . . . . . No. 526

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 expanding the sale of products by farmer breweries and pub brewers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
James B. Eldridge	*Middlesex and Worcester*	
Kate Hogan	*3rd Middlesex*	*2/1/2021*
Michael J. Barrett	*Third Middlesex*	*2/25/2021*
Michael O. Moore	*Second Worcester*	*3/9/2021*

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SENATE . . . . . No. 526

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 526) of James B. Eldridge, Kate Hogan, Michael J. Barrett and Michael O. Moore for legislation to expand the sale of products by farmer breweries. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *461* OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act expanding the sale of products by farmer breweries and pub brewers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 138 of the General Laws is hereby amended by striking out section 15F, as appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

Section 15F. Notwithstanding any other provision of this chapter, the local licensing authority of any city or town in which the granting of licenses to sell alcoholic beverages is authorized under this chapter may issue to an applicant a special license to sell: (i) wine produced by or for the applicant at an indoor or outdoor agricultural event if the wine is in sealed containers for off-premises consumption and the applicant is authorized to operate a farmer-winery under section 19B; or (ii) malt beverages produced by or for the applicant at an indoor or outdoor agricultural event if the malt beverages are in sealed containers for off-premises consumption and the applicant is authorized to operate a farmer-brewery under section 19C or a

pub brewery under section 19D. For the purposes of this section, “agricultural event” shall be limited to those events certified by the department of agricultural resources as set forth in this section.

Sales of alcoholic beverages under this section shall be conducted by the licensee or by an agent, representative or solicitor of the licensee to customers who are not less than 21 years of age. A licensee under this section may provide samples of its alcoholic beverages to prospective customers at an indoor or outdoor agricultural event without charge; provided, however, that any such sample shall be served by the licensee or by an agent, representative or solicitor of the licensee to individuals who are not less than 21 years of age and shall be consumed in the presence of the licensee or an agent, representative or solicitor of the licensee; provided further, that a sample of wine shall not exceed 1 ounce and a sample of malt beverages shall not exceed 2 ounces; and provided further, that not more than 5 samples shall be served to an individual prospective customer.

An applicant for a special license under this section shall first submit a plan to the department of agricultural resources that shall demonstrate that the event is an agricultural event. The plan shall include: (i) a description of the event; (ii) the date, time and location of the event; (iii) a copy of the operational guidelines or rules for the event; (iv) written proof that the prospective licensee has been approved as a vendor at the event, including the name and contact information of the on-site manager; (v) and a plan depicting the premises and the specific location where the license shall be exercised.

Upon review of the plan, the department may certify that the event is an agricultural event; provided, however, that in making that determination, the department shall consider: (i)

operation as a farmers' market or agricultural fair approved or inspected by the department; (ii) the frequency and regularity of the event, including dates, times and locations; (iii) the number of vendors; (iv) the terms of vendor agreements; (v) the presence of an on-site manager; (vi) the training of the on-site manager; (vii) any operational guidelines or rules, which shall include vendor eligibility and produce source; (viii) the focus of the event on local agricultural products grown or produced within the market area; (ix) the types of shows or exhibits, including those described in subsection (f) of section 2 of chapter 128; and (x) the event's sponsorship or operation by an agricultural or horticultural society organized under the laws of the commonwealth or by a local grange organization or association that has a primary purpose of promoting agriculture and its allied industries. The department of agricultural resources may promulgate rules and regulations necessary for the operation, oversight, approval and inspection of agricultural events under this section.

In addition to its application, an applicant for a special license under this section shall file with the local licensing authority proof of certification from the department of agricultural resources that the event is an agricultural event. A special license under this section shall designate the specific premises and the dates and times covered. A special license may be granted for an indoor or outdoor agricultural event that takes place on multiple dates or times during a single calendar year but a special license shall not be granted for an agricultural event if it will not take place within 1 calendar year.

The special license shall be conspicuously displayed at the licensed premises. A copy of a special license granted by the local licensing authority shall be submitted by the authority to the commission not less than 7 days before the date the agricultural event is first scheduled to begin. The local licensing authority may charge a fee for each special license granted but such fee shall

not exceed $50. A special license granted under this section shall be nontransferable to any other person, corporation or organization and shall be clearly marked “nontransferable” on its face.

A special license under this section may be granted by a local licensing authority for a portion of premises that are licensed under section 12; provided, however, that: (i) the holder of the special license shall document the legal basis for use of the premises; (ii) the area in which the special license is to be approved shall be physically delineated from the area remaining under the control of the holder of the license granted under said section 12; (iii) the holder of the special license shall be solely liable for all activities that arise out of the special license; and (iv) the holder of the special license shall not pay any consideration, directly or indirectly, to the holder of the license granted under said section 12 for the access to or use of the premises.

The commission may promulgate rules and regulations as it deems appropriate to effectuate this section.