

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Marc R. Pacheco, (BY REQUEST)***

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*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 to control alcohol like marijuana (CALM Act).**

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Peter C. Bernard, Massachusetts Grower  
Advocacy Council*

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

By Mr. Pacheco (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Peter C. Bernard, Massachusetts Grower Advocacy Council for legislation to control alcohol like marijuana (CALM Act). Consumer Protection and Professional Licensure.

**The Commonwealth of Massachusetts**

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

An Act to control alcohol like marijuana (CALM Act).

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

1           WHEREAS:

2           The abuse of beverage alcohol has been and continues to be a significant threat to the  
3 public health and public safety, evidenced by the facts, among others, that:

4           •       Nearly 33 percent of admissions to rehab in 2017 were due to alcohol abuse and  
5 addiction; and

6           •       Over 52,000 of substance abuse admissions in Massachusetts admitted to abusing  
7 alcohol in the months leading up to treatment; and

8           •       Individuals ages 18-25 have the highest rate of alcohol use in Massachusetts, at  
9 over 66 percent; and

10          •       Nearly 30 percent of people in Massachusetts reported binge drinking within the  
11 last month; and

12 Conventional prevention and education efforts have not succeeded in abating the damage;  
13 and

14 In November 2016, Massachusetts voters approved Question 4, An Act to Regulate and  
15 Tax Marijuana, sponsored by the Campaign to Regulate Marijuana Like Alcohol in  
16 Massachusetts, providing an alternative structure for the control of psychoactive substances; and

17 Said Act established the Cannabis Control Commission, granting to it authority to make  
18 and enforce regulations regarding the legal production, distribution and public consumption of  
19 marijuana, including but not limited to potency, serving size, distribution to minors, public use,  
20 packaging, transportation, and measures to prevent access to minors; and

21 In 2017, the legislature made significant changes to the voter-enacted law, including rules  
22 relating to signage, advertising, host community agreements, packaging and labeling of  
23 marijuana products, waste disposal, licensing of operator and other matters; and

24 Despite expectations to the contrary, the replacement of marijuana prohibition with  
25 regulation has not given rise to any measurable increase in highway crashes or fatalities, hospital  
26 admissions, spousal abuse, child abandonment, professional or educational failures attributable  
27 to marijuana abuse; and

28 The absence of such consequences demonstrates that regulating beverage alcohol like  
29 marijuana may reduce the level of beverage alcohol abuse; and

30 The urgency of protecting the public health and safety, and families, from the  
31 consequences of beverage alcohol abuse demands immediate, evidence-based measures,  
32 employing all possible lessons from marijuana regulation.

33 NOW, THEREFORE,

34 The governor and the representatives of the people of Massachusetts do hereby ordain  
35 and enact this Act to Control Alcohol Like Marijuana.

36 SECTION 1. The purpose of this act is to control the commercial distribution of beverage  
37 alcohol similar to that of commercial marijuana distribution, so as to reduce the instance of  
38 alcohol abuse and better protect the public health and safety.

39 SECTION 2. This act is titled the “Control Alcohol Like Marijuana Act” and may be  
40 referred to as the CALM act.

41 SECTION 3. Chapter 138 of the general laws, the alcoholic beverage control act, is  
42 hereby amended by adding the following six sections:

43 Section 79. Definitions.

44 Abuse: use of alcohol or other substances to the extent that it impairs personal  
45 development or achievement, endangers public safety, violates the rights of others, or causes a  
46 dereliction of personal or professional duty.

47 Alcohol Establishment: an individual or other entity engaged in the licensed, commercial  
48 production and distribution of beverage alcohol, including but not limited to vineyards,  
49 distilleries, breweries, package stores, bars, taverns grocery and convenience stores. Also  
50 referred to as a beverage alcohol establishment.

51 Alcohol/beverage alcohol: a substance containing ethanol, C<sub>2</sub>H<sub>6</sub>O, also known as ethyl  
52 alcohol, grain alcohol, or drinking alcohol.

53 Bar: a facility where adults are allowed to consume beverage alcohol in the clear and  
54 open presence of others; also known as a tavern.

55 Commission: The Alcoholic Beverage Control Commission.

56 Drink: A single serving of beverage alcohol.

57 Ethanol: C<sub>2</sub>H<sub>6</sub>O, the active ingredient in beverage alcohol.

58 Paraphernalia: Articles and equipment used in the consumption of beverage alcohol,  
59 including, but not limited to glassware, barware, stirrers, and embellishments aimed at marketing  
60 or enhancing the visual appeal of beverage alcohol, including, without limitation, miniature  
61 plastic swords and paper umbrellas.

62 Serving: a beverage containing beverage alcohol of no greater than 40 proof, or 20%  
63 alcohol by volume.

64 Vault: a secured, limited-access storage room within an alcohol establishment that is  
65 outfitted with adequate security features for the purposes of storing beverage alcohol or cash. A  
66 vault must be adequately sized to store inventory that is not being actively handled or displayed  
67 for purposes of sale, packaging, processing or transportation.

68 Section 80. Host Community Agreement. An alcohol establishment seeking to operate in  
69 any municipality which permits such operation shall execute an agreement with the host  
70 community whereby the establishment may be required to pay up to 3% of its gross revenue to  
71 the municipality, without deduction and regardless of the actual impact of its operation on the  
72 municipality, in addition to making contributions to such charities or causes that may be  
73 designated by the municipality.

74 Section 81. Community Outreach Meeting. Prior to licensure as an alcohol establishment,  
75 an applicant shall conduct a community outreach meeting, notice of which shall be published in a  
76 newspaper of general circulation in the city or town in which the applicant proposes to operate.  
77 As part of its application, the applicant shall document that the meeting was duly noticed and  
78 held, and that the applicant provided information to establish that

79 A. The location will be maintained securely; and

80 B. Steps will be taken to prevent diversion of alcohol to minors; and

81 C. The establishment has adopted a plan to positively impact the community;

82 D. The location will not constitute a nuisance as defined by law; and

83 E. Community members were permitted to ask questions and receive answers from  
84 representatives of the alcohol establishment.

85 Section 82. Protective measures. Notwithstanding the provisions of Chapter 138 of the  
86 General Laws, or any local law, bylaw or ordinance to the contrary, the following rules,  
87 limitations and restrictions shall apply to all sales and distribution of beverage alcohol within the  
88 Commonwealth:

89 A. No local licensing authority or municipality shall allow the sale of beverage alcohol at  
90 one-time events like fairs, concerts and other public gatherings.

91 B. Sale of beverage alcohol for consumption on the premises shall not be allowed at  
92 entertainment venues, including but not limited to theaters and sports stadiums.

93 C. Social consumption.

94 (1) Approval by referendum. No person shall open, maintain or operate a bar or tavern in  
95 any municipality unless the residents of said town shall have approved, by referendum, a  
96 measure authorizing the sale of beverage alcohol for consumption on the premises.

97 (2) Operational requirements. Bars or taverns approved by local referendum shall operate  
98 only in accordance with following rules:

99 (a) Restrictions on entry. No person shall be allowed to enter a bar or tavern without  
100 showing a photo ID or other proof that he or she is at least 21 years old, or to remain therein  
101 without proof of age over 21.

102 (b) Potency of drinks. No drink shall contain more than 20% ethanol. A drink containing  
103 such quantity (or less) of ethanol shall be deemed a single serving of beverage alcohol.

104 C. Package sales

105 (1) Size. No container of beverage alcohol shall contain more than a single serving.

106 (2) Limit on servings. No customer shall be allowed to purchase more than three (3)  
107 servings in any 24-hour period.

108 (3) Containers. Beverage alcohol products shall be sold only in opaque, child-proof  
109 containers.

110 (4) Security of Inventory. Upon closing of the store to the public, all inventory shall be  
111 removed from open shelves and put in a secure, locked safe or vault in such a manner as to  
112 prevent diversion, theft and loss.

113 (4) Consumer Education. A beverage alcohol establishment shall make available  
114 educational materials about beverage alcohol to consumers. A retailer shall have an adequate  
115 supply of current educational material available for distribution. Educational materials shall be  
116 available in commonly spoken languages designated by the Commission, which will include, but  
117 not be limited to, appropriate materials for the visually- and hearing-impaired. Such materials  
118 shall be made available for inspection by the Commission on request. The educational material  
119 shall include at least the following:

120 (a) Notice that there is abundant information on the lethality of alcohol, and that it should  
121 be kept away from children;

122 (b) A warning that when under the influence of alcohol, driving is prohibited by M.G.L.  
123 c. 90, § 24, and machinery should not be operated;

124 (c) Information to assist in the selection of alcohol products, describing the potential  
125 differing effects of various formulas of beverage alcohol products;

126 (d) Materials offered to consumers to enable them to track the various forms of beverage  
127 alcohol and their associated effects;

128 (e) Information describing proper dosage and titration for different routes of  
129 administration. Emphasis shall be on using the smallest amount possible to achieve the desired  
130 effect. The impact of potency shall also be explained;

131 (f) A discussion of tolerance, dependence, and withdrawal;

132 (g) Facts regarding alcoholism and symptoms, as well as referral information for alcohol  
133 treatment programs, and the telephone number for the Massachusetts Substance Use Helpline;

- 134 (h) A statement that consumers may not sell alcohol to any other individual;
- 135 (i) Information regarding penalties for possession or distribution of alcohol in violation of  
136 Massachusetts law; and
- 137 (j) Any other information required by the Commission.
- 138 (5) Labeling. No container of beverage alcohol shall be sold that is not labeled with the  
139 following information:
- 140 (a) The, address, telephone number, email address and website, if any, of the producer.
- 141 (b) The type of ethanol used to produce the beverage alcohol, including what, if any,  
142 processing techniques and solvents were used.
- 143 (c) A list of all ingredients, including the amount of ethanol as expressed in absolute  
144 terms and as a percentage of volume.
- 145 (d) The amount, in grams, of sodium, sugar, carbohydrates and total fat per serving.
- 146 (e) A batch number, sequential serial number and bar codes when used, to identify the  
147 batch associated with manufacturing and processing.
- 148 (f) Directions for use of the beverage alcohol product.
- 149 (g) A statement and a seal that the product has been tested for contaminants, there were  
150 no adverse findings, and the date of testing.
- 151 (h) A warning if nuts or other know allergens are contained in the product.
- 152 (i) This statement, including capitalization, and image:

153           “The consumption of beverage alcohol causes severe mental and physical impairment.  
154 This product has not been analyzed or approved by the FDA. There is abundant information on  
155 the side effects of using this product, and there are associated health risks. Alcohol use during  
156 pregnancy and breast-feeding will pose potential harms. It is against the law to drive or operate  
157 machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM  
158 CHILDREN.”

159           CONTAINS ETHANOL

160           D. Alcohol treatment programs. No alcohol establishment shall operate without  
161 developing and implementing a plan, suitable to the commission based on evidence-based  
162 criteria, to support alcohol treatment and prevention in the municipality in which they operate.  
163 Mere contribution of monies shall not constitute a sufficient plan.

164           E. Security. All alcohol establishments shall have high-resolution video and audio  
165 covering the entire property, with redundant alarm system, and maintain for at least 60 days a  
166 digital record of every person coming upon the premises, whether employee, customer, vendor or  
167 other. Video cameras shall be installed in all areas that may contain beverage alcohol or vaults or  
168 safes for the purpose of securing cash, at all points of entry and exit and in any parking lot which  
169 shall be appropriate for the normal lighting conditions of the area under surveillance. The  
170 cameras shall be directed at all safes, vaults, sales areas and areas where beverage alcohol is  
171 produced, stored, prepared, handled or sold, or where cash is kept and processed. Cameras shall  
172 be angled so as to allow for the capture of clear and certain identification of any person entering  
173 or exiting the alcohol establishment or area;

174           F. Location. No alcohol establishment shall be located within 500 feet of:

- 175 1. Any school, daycare center, playground, or other place where children congregate;  
176 2. Any place of worship;  
177 3. Any city park, fairground or public arena.

178 G. Employees. All employees of alcohol establishments must:

179 1. Pass a federal and Interpol background check, and allow fingerprints, DNA and retina  
180 scan to be stored in both the Commonwealth's and the national criminal databases.

181 2. Pass a credit check;

182 3. Take a course in responsible alcohol vending;

183 4. Attend at least nine meetings of Alcoholics Anonymous or other recognized alcohol  
184 abuse treatment program.

185 H. Paraphernalia. No beverage alcohol establishment shall sell or otherwise make  
186 available any alcohol paraphernalia except in accordance with comprehensive operating  
187 procedures approved by the Commission.

188 I. Testing.

189 1. No beverage alcohol shall be sold to any distributor or consumer or otherwise  
190 marketed unless the batch from which the alcohol originated shall have been tested in a  
191 Massachusetts-licensed testing laboratory and found to be free of contaminants. Potency levels in  
192 all batches tested shall be recorded and maintained.

193           2. Any spillage in any production, transportation or distribution facility, or bar, must be  
194 measured, logged and reported to the Commission.

195           J. Transportation of beverage alcohol. No person, other than a consumer, shall transport  
196 beverage alcohol unless:

197           a. The transportation vehicle contains at least two (2) licensed employees;

198           b. Both employees wear body cameras and all deliveries are recorded.

199           c. All vehicles and transportation equipment used in the transportation of beverage  
200 alcohol are designed, maintained and equipped as necessary to provide adequate temperature  
201 controls to prevent the beverage alcohol product from becoming unsafe during transportation.

202           d. delivery vehicles must contain a live tracking GPS system, monitored by the  
203 establishment's depot.

204           e. Delivery vehicles must be plain and unmarked.

205           K. Advertising.

206           (a) All advertising of beverage alcohol products must contain at least two of the  
207 following warnings in their entirety in a conspicuous manner on the face of the advertisement:

208           (1) "This product may cause impairment and may be habit forming.";

209           (2) "Ethanol can impair concentration, coordination and judgment. Do not operate a  
210 vehicle or machinery under the influence of this drug.";

211           (3) "There may be health risks associated with consumption of this product.";

212 (4) "For use only by adults 21 years of age or older. Keep out of the reach of children.";

213 (5) "Ethanol should not be used by women who are pregnant or breastfeeding."

214 (b) The following advertising practices are prohibited:

215 (1) Advertising by means of television, radio, internet, mobile applications, print, social  
216 media, or other electronic communication, billboard or other outdoor advertising, or print  
217 publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or  
218 older as determined by reliable and current audience composition data.

219 (2) Use of any illuminated or external signage beyond the period of 30 minutes before  
220 sundown until closing.

221 L. Record-keeping.

222 (a) Alcohol retailers shall maintain a secure database recording all purchases by  
223 customers, with a copy of photo IDs.

224 (b) All retail sales shall be linked into an electronic ("Sugar to Sale") tracking system to  
225 be maintained by the Commission, capturing everything that happens to an individual batch of  
226 beverage alcohol, or any portion thereof, through cultivation, harvest, fermenting, processing  
227 packaging, transportation and delivery.

228 Section 83. Penalties.

229 A. Employees. Any owner, officer, agent or employee of a beverage alcohol  
230 establishment who violates any provision of this act, or who causes a beverage alcohol

231 establishment to violate any provision of this act, shall be prohibited from all involvement with  
232 the said establishment for a period of at least one year.

233 B. Establishments. The license of any beverage alcohol establishment found to have sold  
234 or delivered alcohol to a person under 21 years old shall per permanently revoked.

235 Section 84. The commission shall, in accordance with chapter thirty A and with the  
236 approval of the treasurer, make regulations not inconsistent with the provisions of this chapter  
237 for clarifying, carrying out, enforcing and preventing violation of all and any of its provisions for  
238 carrying on the business of any licensee under said Chapter 138.

239 Section 84. In the event of any conflict between sections 1-78 of this chapter and the  
240 provisions of the CALM Act, the CALM act shall prevail.