

HOUSE No. 3817

The Commonwealth of Massachusetts

PRESENTED BY:

Tommy Vitolo

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 portability of alcohol service licenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/20/2023</i>

HOUSE No. 3817

By Representative Vitolo of Brookline, a petition (accompanied by bill, House, No. 3817) of Tommy Vitolo relative to the portability of alcohol service licenses. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the portability of alcohol service licenses.

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 12C of chapter 138 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by adding the following subsection:-

3 (d) A licensee under this section shall not be required to serve food or hold a food service
4 permit, but a licensee may serve food if it obtains a proper food service permit.

5 SECTION 2. Said chapter 138 is hereby amended by inserting, after section 12C, the
6 following 2 sections:-

7 Section 12D. (a) The commission may issue an annual mobile alcohol service license to
8 an operator of a mobile alcohol service for the sale and service of alcoholic beverages to be
9 served and drunk on the premises where the operator serves a private event that is not open to the
10 public; provided, however, that no such license shall be exercisable on premises located in a city
11 or town wherein the granting of licenses under section 12 has not been authorized by that city or
12 town. A mobile alcohol service license shall authorize the licensee to store, transport, sell and

13 deliver alcoholic beverages in the ordinary course of the licensee's business. Alcoholic beverages
14 may be stored only on the premises owned by the licensee or that the licensee has the exclusive
15 right to occupy. A mobile alcohol service licensed pursuant to this section shall not serve
16 alcoholic beverages at the licensee's principal place of business. A licensee under this section
17 shall purchase all alcoholic beverages for resale from a wholesaler licensed pursuant to section
18 18 and shall maintain liquor liability insurance providing security for the liability of the licensee
19 in a minimum amount of \$250,000 on account of injury to or death of 1 person and \$500,000 on
20 account of any 1 accident resulting in injury to or death of more than 1 person. The service of
21 alcoholic beverages shall not be for more than 5 hours during an event. All agents and employees
22 of a licensed mobile alcohol service who serve alcoholic beverages shall be certified by a
23 nationally-recognized alcoholic beverages server training program. The license shall be
24 renewable annually and shall be subject to an annual fee of \$1,500.

25 (b) A mobile alcohol service licensed pursuant to this section shall not serve food at any
26 event at which it serves alcohol.

27 (c) Prior to 48 hours before the start of an event where alcoholic beverages shall be
28 served, a mobile alcohol service licensed under this section shall provide written notice of the
29 event to the police chief and the local licensing authority of the city or town wherein the event
30 will be held. The notice shall include the following information:

31 (i) a copy of the mobile alcohol service license;

32 (ii) proof of liquor liability insurance; and

33 (iii) emergency contact information of the manager of the licensee's company.

34 (d) The commission, after notice to the licensee and reasonable opportunity to be heard,
35 may modify, suspend, revoke or cancel the license upon satisfactory proof that the licensee
36 violated or permitted a violation of a condition of the license or of any law of the commonwealth
37 or regulation of the commission. The decision of the commission shall be final and conclusive.

38 Section 12E. (a) The commission may issue an annual mobile alcohol service license to
39 an operator of a mobile alcohol service for the sale and service of alcoholic beverages to be
40 served and drunk on the premises where the operator serves a private event that is not open to the
41 public; provided, however,

42 that no such license shall be exercisable on premises located in a city or town wherein the
43 granting of licenses under section 12 has not been authorized by that city or town. A mobile
44 alcohol service license shall authorize the licensee to store, transport, sell and deliver alcoholic
45 beverages in the ordinary course of the licensee's business. Alcoholic beverages may be stored
46 only on the premises owned by the licensee or that the licensee has the exclusive right to occupy.
47 A mobile alcohol service licensed pursuant to this section shall not serve alcoholic beverages at
48 the licensee's principal place of business. A licensee under this section shall purchase all
49 alcoholic beverages for resale from a wholesaler licensed pursuant to section 18 and shall
50 maintain liquor liability insurance providing security for the liability of the licensee in a
51 minimum amount of \$250,000 on account of injury to or death of 1 person and \$500,000 on
52 account of any 1 accident resulting in injury to or death of more than 1 person. The service of
53 alcoholic beverages shall not be for more than 5 hours during an event. All agents and employees
54 of a licensed mobile alcohol service who serve alcoholic beverages shall be certified by a
55 nationally-recognized alcoholic beverages server training program. The license shall be
56 renewable annually and shall be subject to an annual fee of \$1,500.

57 (b) A mobile alcohol service licensed pursuant to this section shall not serve food at any
58 event at which it serves alcohol; provided, that a mobile alcohol service licensed pursuant to this
59 section shall only serve alcohol at events at which food is provided by a person or service with a
60 food service permit.

61 (c) Prior to 48 hours before the start of an event where alcoholic beverages shall be
62 served, a mobile alcohol service licensed under this section shall provide written notice of the
63 event to the police chief and the local licensing authority of the city or town wherein the event
64 will be held. The notice shall include the following information:

65 (i) a copy of the mobile alcohol service license;

66 (ii) proof of liquor liability insurance; and

67 (iii) emergency contact information of the manager of the licensee's company.

68 (d) The commission, after notice to the licensee and reasonable opportunity to be heard,
69 may modify, suspend, revoke or cancel the license upon satisfactory proof that the licensee
70 violated or permitted a violation of a condition of the license or of any law of the commonwealth
71 or regulation of the commission. The decision of the commission shall be final and conclusive.