

HOUSE No. 5039

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2903) of the House Bill authorizing additional licenses for the sale of alcoholic beverages to be drunk on the premises in the city of Boston (House, No. 4696), reports recommending passage of the accompanying bill (House, No. 5039).
September 3, 2024.

Michael J. Moran	William N. Brownsberger
Daniel J. Ryan	Nick Collins
Kimberly N. Ferguson	Bruce E. Tarr

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

An Act authorizing additional licenses for the sale of alcoholic beverages to be drunk on the premises in the city of Boston.

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 17 of chapter 138 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 101, the figure “665” and inserting in
3 place thereof the following figure:- 677.

4 SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
5 other general or special law or rule or regulation to the contrary, the licensing board of the city of
6 Boston may grant up to 3 non-transferable, restricted licenses for the sale of all alcoholic
7 beverages to be drunk on the premises pursuant to section 12 of said chapter 138 and up to 2
8 non-transferable, restricted licenses for the sale of wines and malt beverages to be drunk on the
9 premises pursuant to said section 12 of said chapter 138 annually, for a period of 3 years
10 beginning in the calendar year during which this act takes effect, in each of the following zip
11 codes: 02118, 02119, 02121, 02122, 02124, 02125, 02126, 02128, 02129, 02130, 02131, 02132
12 and 02136. Licenses shall remain available until granted. A license not granted by the board in a
13 given year pursuant to this section shall remain available in the following year until all such

14 licenses are distributed pursuant to this section. A license granted pursuant to this section shall be
15 clearly marked “nontransferable” and “neighborhood restricted” on its face.

16 (b) If a licensee terminates or fails to renew a license granted pursuant to this section or if
17 any such license is canceled, revoked or no longer in use, it shall be returned physically, with all
18 of the legal rights, privileges and restrictions pertaining thereto, to the licensing board, which
19 may then grant that license to a new applicant in the same zip code where the original license
20 was granted.

21 (c) A license granted pursuant to this section shall require food to be prepared on-site and
22 under a food establishment permit issued by the city of Boston pursuant to 105 CMR 590.00

23 SECTION 3. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
24 other law, rule, regulation, or provision to the contrary, the licensing board for the city of Boston
25 may grant 3 non-transferable restricted licenses for the sale of all alcoholic beverages to be drunk
26 on the premises pursuant to section 12 of said chapter 138 in the Oak Square section of Brighton
27 in the city of Boston.

28 (b) If a licensee terminates or fails to renew a license granted under this section or if any
29 such license granted under this section is cancelled, revoked or no longer in use, the license shall
30 be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto,
31 to the licensing board and the licensing board may then grant that license to a new applicant in
32 the Oak Square section of Brighton in the city of Boston under the same conditions as specified
33 in this section. The licensing board shall not approve the transfer of the license granted pursuant
34 to this section to a location outside of the Oak Square section of Brighton in the city of Boston.

35 (c) A license granted pursuant to this section shall require food to be prepared on-site and
36 under a food establishment permit issued by a municipal authority pursuant to 105 CMR 590.00.

37 SECTION 4. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
38 other law, rule, regulation, or provision to the contrary, the licensing board for the city of Boston
39 may grant 15 non-transferable restricted licenses for the sale of all alcoholic beverages pursuant
40 to section 12 of said chapter 138 to community spaces, including outdoor spaces, theaters and
41 other non-profit organizations in the city of Boston to be drunk on the premises pursuant to said
42 section 12 of said chapter 138; provided, however, that no theater with an occupancy limit of 750
43 or more shall receive a license pursuant to this section.

44 (b) If a licensee terminates or fails to renew a license granted pursuant to this section or if
45 a license is cancelled, revoked or no longer in use, the license shall be returned physically, with
46 all of the legal rights, privileges and restrictions pertaining thereto, to the licensing board and the
47 licensing board may then grant that license to a new applicant that is a community space, theater
48 or other non-profit organization in the city of Boston consistent with subsection (a). The
49 licensing board shall not approve the transfer of the license granted pursuant to this section to a
50 licensee outside of the scope of the license pursuant to subsection (a).

51 SECTION 5. This act shall take effect upon its passage.