

HOUSE No. 5351

Substituted by the House, on motion of Mr. Walsh of Peabody, for a bill with the same title (House, No. 442). April 8, 2026.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act authorizing charity alcohol auctions.

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. Chapter 138 of the General Laws is hereby amended by inserting after
2 section 12D, added by section 51 of chapter 9 of the acts of 2025, the following section:-

3 Section 12E. (a) Notwithstanding any general or special law to the contrary, the local
4 licensing authority in a city or town that votes to authorize the granting of licenses for the sale of
5 alcoholic beverages may grant temporary licenses for the sale of alcoholic beverages to be drunk
6 on the premises to applicants that are nonprofit charitable corporations organized under chapter
7 180 and registered with the non-profit organizations and public charities division of the office of
8 the attorney general.

9 Each such temporary license shall describe the premises to which it applies and shall be
10 granted only for the premises that are the principal place of business or headquarters of the
11 applicant and that are legally zoned to allow such sales, or that are the premises of a licensee
12 under section 12. The temporary license shall not be valid for more than 10 consecutive calendar

13 days and a holder of any such temporary license shall not be granted more than 2 such licenses in
14 a calendar year. A holder of a temporary license under this subsection shall be permitted to
15 conduct such sales on any day and at any time permitted under said section 12.

16 Alcoholic beverages sold under this subsection may be donated by an individual, by a
17 person licensed to manufacture alcoholic beverages or by a person licensed to sell alcoholic
18 beverages at wholesale or retail pursuant to this chapter at no charge to the license holder and
19 any alcoholic beverages donated may be dispensed by the employees or agents of the donors of
20 such beverages, without compensation for the dispensing services. All proceeds from such sales
21 shall be used for the license holder's charitable purpose.

22 The fee for the temporary license shall not exceed the minimum fee provided for holders
23 of licenses to sell alcoholic beverages. The application procedures under section 15A shall not
24 apply to temporary licenses under this subsection; provided, however, that such applications may
25 be granted by the local licensing authority according to the local procedures for granting licenses
26 under section 14.

27 (b) Notwithstanding any general or special law to the contrary, the local licensing
28 authority in a city or town that votes to authorize the granting of licenses for the sale of alcoholic
29 beverages may grant temporary licenses for the sale of alcoholic beverages to be drunk on the
30 premises, to joint applicants that consist of not less than 1 nonprofit charitable corporation
31 organized under chapter 180 and registered with the non-profit organizations and public charities
32 division of the office of the attorney general and a licensee under section 12. The temporary
33 license shall describe the premises to which it applies and shall be granted only for the premises
34 of the joint applicant that is a licensee under said section 12. The temporary license shall not be

35 valid for more than 10 consecutive calendar days and a holder of any such temporary license
36 shall not be granted more than 2 such licenses in a calendar year.

37 A holder of a temporary license under this subsection shall be permitted to conduct such
38 sales on any day and at any time permitted under said section 12. Alcoholic beverages sold under
39 this section may be donated by an individual, by a person licensed to manufacture alcoholic
40 beverages or by a person licensed to sell alcoholic beverages at wholesale or retail pursuant to
41 this chapter at no charge to the license holder and any alcoholic beverages donated may be
42 dispensed by the employees or agents of the donor of such beverages without compensation for
43 the dispensing services. A majority of the proceeds from such sales shall be used for the
44 charitable corporation license holder's charitable purposes.

45 The fee for such temporary license shall not exceed the minimum fee provided for
46 holders of licenses to sell alcoholic beverages at retail. The application procedures under section
47 15A shall not apply to such temporary licenses under this subsection; provided, however, that
48 such applications may be granted by the local licensing authority according to the local
49 procedures for granting licenses under section 14.

50 SECTION 2. Said chapter 138 is hereby further amended by striking out section 14A and
51 inserting in place thereof the following section:-

52 Section 14A.(a) Notwithstanding any general or special law to the contrary, the licensing
53 authority in any city or town that votes to authorize the sale of alcoholic beverages may grant
54 licenses for the sale of alcoholic beverages at auctions, not to be drunk on the premises, to an
55 applicant that is licensed as an auctioneer pursuant to chapter 100 for not less than 10 years. Each
56 license shall describe the premises to which it applies and shall be granted only for the premises

57 which are either the principal place of business or headquarters of the applicant and legally
58 zoned to allow such sales or which are the premises of a licensee under section 12 or section 15.
59 The fee for the license shall not exceed the minimum fee for holders of licenses under section 14.
60 A holder of a license for the sale of alcoholic beverages at auctions may conduct any such
61 auction on any day and at any time permitted under section 12. Applications shall be granted by
62 the licensing authority according to the local procedure for granting licenses under said section
63 14.

64 A licensee who holds a license under this section may provide, without charge, on-
65 premises sample alcoholic beverages tastings for prospective customers if such beverages shall
66 be available for sale at auction on those premises; provided, however, that no single serving of
67 wine shall exceed 1 ounce, no single serving of malt beverages shall exceed 3 ounces and no
68 single serving of distilled spirits shall exceed 1/4 of an ounce; and provided further, that the
69 licensee shall control the dispensing of the alcoholic beverages.

70 (b) The local licensing authority in a city or town that votes to authorize the granting of
71 licenses for the sale of alcoholic beverages may grant temporary licenses for the sale of alcoholic
72 beverages at auction not to be drunk on the premises to applicants that are nonprofit charitable
73 corporations organized under chapter 180 and registered with the non-profit organizations and
74 public charities division of the office of the attorney general.

75 Each such temporary license shall describe the premises to which the license applies and
76 shall be granted only for premises that are the principal place of business or headquarters of the
77 applicant, or a location owned or leased by the applicant from which the applicant regularly

78 conducts business and which are legally zoned to allow such sales, or which are the premises of a
79 licensee under section 12 or 15.

80 No such temporary licenses shall be valid for more than 10 consecutive calendar days and
81 a holder of a temporary license shall not be granted more than 5 such temporary licenses in a
82 calendar year. A holder of a temporary license under this subsection may conduct such auctions
83 on any day and at any time permitted under said section 12. Alcoholic beverages sold under this
84 section may be donated by an individual, by a person licensed to manufacture alcoholic
85 beverages or by a person licensed to sell alcoholic beverages at wholesale or retail pursuant to
86 this chapter at no charge to the license holder and all proceeds from such sales shall be used for
87 the license holder's charitable purposes. The fee for a temporary license under this subsection
88 shall not exceed the minimum fee provided for holders of licenses to sell alcoholic beverages at
89 retail. The application procedures under section 15A shall not apply to temporary licenses under
90 this subsection; provided, however, that such applications may be granted by the local licensing
91 authority according to the local procedures for the granting of licenses under section 14.

92 (c) Notwithstanding any general or special law to the contrary, the local licensing
93 authority in a city or town which votes to authorize the granting of licenses for the sale of
94 alcoholic beverages may grant temporary licenses for the sale of alcoholic beverages at auctions,
95 not to be drunk on the premises, to applicants that are licensees under section 15 of chapter 138.

96 Each such temporary license shall describe the premises to which it applies and shall be
97 granted only for premises that are the principal place of business or headquarters of the applicant
98 and which are legally zoned to allow such sales or which are the premises of a licensee under
99 said section 15. The temporary license shall not be valid for more than 10 consecutive calendar

100 days and a holder of any such temporary license shall not be granted more than 2 such temporary
101 licenses in a calendar year. A holder of a temporary license under this subsection shall be
102 permitted to conduct such auctions on any day and at any time permitted under said section 15.

103 The fee for the temporary license shall not exceed the minimum fee provided for holders
104 of licenses to sell alcoholic beverages at retail. The application procedures under section 15A
105 shall not apply to temporary licenses under this subsection; provided, however, that such
106 applications may be granted by the local licensing authority according to the local procedures for
107 granting licenses under section 14.

108 (d) Notwithstanding any general or special law to the contrary, the local licensing
109 authority in a city or town which votes to authorize the granting of licenses for the sale of an
110 alcoholic beverage may grant temporary licenses for the sale of alcoholic beverages at auction
111 not to be drunk on the premises to joint applicants which consist of not less than 1 nonprofit
112 charitable corporation organized under chapter 180 and registered with the non-profit
113 organizations and public charities division of the office of the attorney general and a licensee
114 under section 12 or 15.

115 The temporary license shall describe the premises to which it applies and shall be granted
116 only for the premises of the joint applicant that is a licensee under said section 12 or 15. The
117 temporary license shall not be valid for more than 10 consecutive calendar days and a holder of
118 any such temporary license shall not be granted more than 2 such licenses in a calendar year. A
119 holder of a temporary license under this subsection shall be permitted to conduct such sales on
120 any day and at any time permitted under said section 12. Alcoholic beverages sold under this
121 subsection may be donated by an individual, by a person licensed to manufacture alcoholic

122 beverages or by a person licensed to sell alcoholic beverages at wholesale or retail pursuant to
123 this chapter at no charge to the license holder. A majority of the proceeds from such sales shall
124 be used for the charitable corporation license holder's charitable purposes.

125 The fee for such temporary license shall not exceed the minimum fee provided for
126 holders of licenses to alcoholic beverages at retail. The application procedures under section 15A
127 shall not apply to such temporary licenses under this subsection; provided, however, that such
128 applications may be granted by the local licensing authority according to the local procedures for
129 granting licenses under section 14.

130 SECTION 3. Chapter 153 of the acts of 1997 is hereby repealed.