SENATE . . . . . No. 3252

Senate, August 10, 2026 -- Text of the Senate amendment (Senator Payano) to the House Bill authorizing charity alcohol auctions (House, No. 5351).

The Commonwealth of Massachusetts

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

SECTION 1. Chapter 138 of the General Laws is hereby amended by inserting after section 12D the following section:-

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

A temporary license shall describe the premises to which it applies and shall be granted only for the premises that are the principal place of business or headquarters of the nonprofit applicant and that are legally zoned to allow such sales or that are the premises of a licensee under section 12. The temporary license shall be valid for not more than 20 total days in a calendar year. A holder of a temporary license under this subsection may conduct such sales during the period for which the license was granted on any day and at any time permitted under said section 12 and may exercise such license rights on non-consecutive days during such period.

Alcoholic beverages sold under this subsection may be donated at no charge to the license holder by: (i) an individual; (ii) a person licensed to manufacture alcoholic beverages; or (iii) a person licensed to sell alcoholic beverages at wholesale or retail pursuant to this chapter. Any alcoholic beverages donated may be dispensed without compensation for the dispensing services by: (i) employees or agents of the donor of such beverages; (ii) employees of the section 12 licensee; or (iii) employees of a management company approved by the commission on the licensed premises, if applicable. All proceeds from such sales shall be used for the license holder's charitable purpose.

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

(b) Notwithstanding any general or special law to the contrary, the local licensing authority in a city or town that votes to authorize the granting of licenses for the sale of alcoholic beverages may grant temporary licenses for the sale of alcoholic beverages to be drunk on the premises to joint applicants; provided, however, that at least 1 such joint applicant shall be a nonprofit charitable corporation organized under chapter 180 and registered with the non-profit organizations and public charities division of the office of the attorney general and a licensee under section 12.

A temporary license shall describe the premises to which it applies and shall be granted only for the premises of the joint applicant that is a licensee under said section 12. The temporary

license shall be valid for not more than 20 total days in a calendar year. A holder of a temporary license under this subsection shall be permitted to conduct such sales during the period for which the license was granted on any day and at any time permitted under said section 12 and may exercise such license rights on non-consecutive days during such period.

Alcoholic beverages sold under this section may be donated at no charge to the license holder by: (i) an individual; (ii) a person licensed to manufacture alcoholic beverages; or (iii) a person licensed to sell alcoholic beverages at wholesale or retail pursuant to this chapter. Any alcoholic beverages donated may be dispensed without compensation for the dispensing services by: (i) employees or agents of the donor of such beverages; (ii) employees of the section 12 licensee; or (iii) employees of a management company approved by the commission on the licensed premises. A majority of the proceeds from such sales shall be used for the charitable corporation license holder's charitable purposes.

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

SECTION 2. Said chapter 138 is hereby further amended by striking out section 14A, as appearing in the 2024 Official Edition, and inserting in place thereof the following section:-

Section 14A. (a) Notwithstanding any general or special law to the contrary, the licensing authority in any city or town that votes to authorize the sale of alcoholic beverages may grant licenses for the sale of alcoholic beverages at auctions not to be drunk on the premises to an

applicant that is licensed as an auctioneer pursuant to chapter 100; provided, however, that such applicant shall have been licensed as an auctioneer for not less than 10 years.

A license granted under this subsection shall describe the premises to which it applies and shall be granted only for the premises which are either the principal place of business or headquarters of the applicant and legally zoned to allow such sales or which are the premises of a licensee under section 12 or section 15.

The fee for the license shall not exceed the minimum fee for holders of licenses under section 14. A holder of a license for the sale of alcoholic beverages at auctions may conduct any such auction during the period for which the license was granted on any day and at any time permitted under section 12. Applications shall be granted by the licensing authority according to the local procedure for granting licenses under said section 14.

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

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

A temporary license shall describe the premises to which the license applies and shall be granted only for premises that are the principal place of business or headquarters of the applicant or a location owned or leased by the applicant from which the applicant regularly conducts business and which is legally zoned to allow such sales or which are the premises of a licensee under section 12 or 15. A temporary license shall be valid for not more than 20 total days in a calendar year and a holder of a temporary license shall not be granted more than 5 such temporary licenses in a calendar year. A holder of a temporary license under this subsection may conduct such auctions during the period for which such license was granted on any day and at any time permitted under said section 12 and may exercise such license rights on non-consecutive days during such period.

Alcoholic beverages sold under this subsection may be donated at no charge to the license holder by: (i) an individual; (ii) a person licensed to manufacture alcoholic beverages; or (iii) a person licensed to sell alcoholic beverages at wholesale or retail pursuant to this chapter; provided, however, that all proceeds from such sales shall be used for the license holder's charitable purposes.

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

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

A temporary license shall describe the premises to which it applies and shall be granted only for premises that are the principal place of business or headquarters of the applicant and which are legally zoned to allow such sales or which are the premises of a licensee under section 15. A temporary license shall be valid for not more than 20 total days in a calendar year and a holder of any such temporary license shall not be granted more than 2 such temporary licenses in a calendar year. A holder of a temporary license under this subsection shall be permitted to conduct such auctions during the period for which the license was granted on any day and at any time permitted under said section 15 during such period and may exercise such license rights on non-consecutive days during such period.

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

(d) Notwithstanding any general or special law to the contrary, the local licensing authority in a city or town that votes to authorize the granting of licenses for the sale of an alcoholic beverage may grant temporary licenses for the sale of alcoholic beverages at auction not to be drunk on the premises to joint applicants; provided, however, that at least 1 such joint

applicant shall be nonprofit charitable corporation organized under chapter 180 and registered with the non-profit organizations and public charities division of the office of the attorney general and a licensee under section 12 or 15.

A temporary license shall describe the premises to which it applies and shall be granted only for the premises of the joint applicant that is a licensee under said section 12 or 15. A temporary license shall be valid for not more than 20 total days in a calendar year and a holder of any such temporary license shall not be granted more than 2 such licenses in a calendar year. A holder of a temporary license under this subsection shall be permitted to conduct such sales during the period for which the license was granted on any day and at any time permitted under said section 12 during such period and may exercise such license rights on non-consecutive days during such period.

Alcoholic beverages sold under this subsection may be donated at no charge to the license holder by: (i) an individual; (ii) a person licensed to manufacture alcoholic beverages; or (iii) a person licensed to sell alcoholic beverages at wholesale or retail pursuant to this chapter. A majority of the proceeds from such sales shall be used for the charitable corporation license holder's charitable purposes.

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

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