

Joint Committee on Consumer Protection and Professional Licensure 2025-2026 (194th) Bill Summary

<u>BILL NUMBER:</u>	H442
<u>TITLE:</u>	An Act authorizing charity alcohol auctions
<u>SPONSOR(S):</u>	Meschino, Joan
<u>HEARING DATE:</u>	May 12, 2025
<u>REPORTING DEADLINE:</u>	July 11, 2025
<u>SIMILAR MATTER(S):</u>	H37 (Treasurer)

PRIOR HISTORY

(2023-2024): S161– Bill reported favorably by Committee and referred to the committee on Senate Ways and Means.

CURRENT LAW

Chapter 100 of the Massachusetts General Laws governs the licensure and requirements of auctioneers operating within the Commonwealth.

Chapter 138 of the Massachusetts General Laws governs alcohol in the Commonwealth.

Section 12 of said chapter regulates on premises alcohol consumption sales in the Commonwealth.

Section 14 of said chapter authorizes local licensing authorities to issue special licenses for the sale of alcoholic beverages at temporary events; including to nonprofit charitable corporations organized under Chapter 180 and registered with the Attorney General’s Public Charities Division to accept donated alcoholic beverages from individuals or licensed alcohol manufacturers, wholesalers, or retailers to be served at the nonprofit’s fundraising event.

Section 14A of said chapter authorizes local licensing authorities to grant special licenses for the auctioning of wine, malt beverages, and distilled spirits for off-premises consumption. Applicants for such a license have held an auctioneer’s license under Chapter 100 for at least 10 years; auctions may only occur at the applicant’s place of business or the premises of a section 12 or section 15 licensee; and free on-premises samples with specific size limits to potential customers are permitted.

Section 15 of said chapter regulates the retail sale and licensure of alcohol for consumption off the premises.

Section 15A of said chapter governs the Alcoholic Beverages Control Commission’s application process, required statements of beneficial interest, publications and notice, and complaints and appeals pertaining to section 12 and section 15 licenses.

Chapter 180 of the General Laws governs the activities and oversight of corporations for charitable purposes.

Chapter 153 of the Acts of 1997 allowed (up until January 1, 2018) local licensing authorities, with approval from the Commission, to grant temporary licenses for wine auctions (not for on-premises consumption) to nonprofit charitable corporations valid for no more than ten consecutive days, with a limit of two such licenses per organization per year; and auctioned at any time permitted under section 12 of Chapter 138, with all proceeds benefiting the nonprofit's charitable activities. Further, local licensing authorities, with Commission approval, could issue temporary off-premises wine auction licenses to existing Section 15 licensees limited to ten consecutive days, with a maximum of two per licensee annually, with auctions occurring any day or time allowed under Section 15. Section 15A application procedures do not apply, however, local Section 14 procedures do. Local authorities can also set operational hours and other reasonable conditions for these auctions.

SUMMARY

This legislation seeks to authorize local licensing authorities, with approval from the Commission, to grant temporary licenses for the sale of all alcoholic beverages to be drunk on the premises to nonprofit charitable corporations to be held at said corporation's principal place of business, or that of a Section 12 licensee; valid for no more than ten consecutive days, with a limit of two such licenses per organization per year to be utilized at any time permitted under section 12, with all proceeds benefiting the nonprofit's charitable activities.

Further, local licensing authorities, with Commission approval, may issue temporary licenses for the sale of all alcoholic beverages to be drunk on the premises to joint applicants consisting of at least one duly registered nonprofit corporation and a Section 12 licensee; valid for no more than ten consecutive days with a maximum of two per applicant annually, and to be utilized at the Section 12 licensee's place of business any day or time allowed under Section 12, with a majority of the proceeds benefiting the nonprofit's charitable activities.

Section 15A application procedures do not apply, however, local Section 14 procedures do. Local authorities can also set operational hours and other reasonable conditions.

This legislation also seeks to codify the provisions of Chapter 153 of the Acts of 1997 by authorizing local licensing authorities, with approval from the Commission, to grant temporary licenses for wine auctions (not for on-premises consumption) to nonprofit charitable corporations to be held at said corporation's principal place of business, or that of a Section 12 or Section 15 licensee; valid for no more than ten consecutive days, with a limit of five such licenses per organization per year; and with auctions at any time permitted under section 12 with all proceeds benefiting the nonprofit's charitable activities.

Further, local licensing authorities, with Commission approval, may issue temporary off-premises wine auction licenses to existing Section 15 licensees limited to ten consecutive days, with a maximum of two per licensee annually, with auctions occurring any day or time allowed under Section 15.

Further, local licensing authorities, with Commission approval, may issue temporary off-premises wine auction licenses to joint applicants consisting of at least one duly registered nonprofit corporation and a licensee under Sections 12 or 15; valid for no more than ten consecutive days with a maximum of two per applicant annually, and with auctions occurring at the Section 12 or 15 licensee's place of business any day or time allowed under Section 12.

Section 15A application procedures do not apply, however, local Section 14 procedures do. Local authorities can also set operational hours and other reasonable conditions for these auctions.

This legislation also repeals Chapter 153 of the Acts of 1997.