

Part I ADMINISTRATION OF THE GOVERNMENT**Title XX** PUBLIC SAFETY AND GOOD ORDER**Chapter 138** ALCOHOLIC LIQUORS**Section 15** LICENSING AUTHORIZING SALE OF BEVERAGES NOT TO BE DRUNK ON PREMISES; APPLICATIONS; APPROVAL; PRICE LISTS; RENEWALS; FEES; HOURS OF SALES; SAMPLES

[First paragraph effective until August 10, 2016. For text effective August 10, 2016, see below.]

Section 15. The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages, and such authorities in any city or town which votes to authorize the granting of licenses for the sale of wines and malt beverages only, may grant licenses for the sale at retail of such alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth, or partnerships composed solely of such citizens and residents or to corporations organized under the laws of the commonwealth and whereof all directors shall be citizens of the United States and a

majority residents of the commonwealth or to limited liability companies or limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 18, 18A, 19, 19B and 19C, or to an applicant licensed to operate as a farmer-winery under said section 19B or in any other state. No person, firm, corporation, association, or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, shall be granted, in the aggregate, more than 7 such licenses in the commonwealth, or participate in decisions regarding the purchasing of alcoholic beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 7 licensees under this section, or be granted more than one such license in a town or two in a city. Each applicant for a new license or the transfer of a license shall pay a fee of up to \$5,000 to the commission when the issuing of the new or transferred license would result in the applicant owning more than 3 licenses. The fee shall be paid to the commission after approval of the application

but before the issuance of the new or transferred license. No such license shall be granted except to an applicant approved by the commission. Such applicant shall be at least twenty-one years of age and of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a felony. Each license shall describe the premises to which it applies. Not more than one location shall be included in any such license, nor shall any location or premises for which a license has been granted under section twelve be included therein or connected therewith. Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages. Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's package and at the prices stated on the current posted price list. All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled.

[First paragraph as amended by 2016, 219, Sec. 98 effective August 10, 2016 until January 1, 2020. For text effective until August 10, 2016, see above. For text effective January 1, 2020, see below.]

The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages, and such authorities in any city or town which votes to authorize the granting of licenses for the sale of wines and malt beverages only, may grant licenses for the sale at retail of such

alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth, or partnerships composed solely of such citizens and residents or to corporations organized under the laws of the commonwealth and whereof all directors shall be citizens of the United States and a majority residents of the commonwealth or to limited liability companies or limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 18, 18A, 19, 19B and 19C, or to an applicant licensed to operate as a farmer-winery under said section 19B or in any other state. No person, firm, corporation, association, or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, shall be granted, in the aggregate, more than 7 such licenses in the commonwealth, or participate in decisions regarding the purchasing of alcoholic beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 7 licensees under this section, or be

granted more than one such license in a town or two in a city. Each applicant for a new license or the transfer of a license shall pay a fee of up to \$5,000 to the commission when the issuing of the new or transferred license would result in the applicant owning more than 3 licenses. The fee shall be paid to the commission after approval of the application but before the issuance of the new or transferred license. No such license shall be granted except to an applicant approved by the commission. Such applicant shall be at least twenty-one years of age and of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a felony. Each license shall describe the premises to which it applies. Not more than one location shall be included in any such license, nor shall any location or premises for which a license has been granted under section twelve be included therein; provided, however, that a common victualler duly licensed to operate a restaurant under chapter 140 and holding a license under section 12 may be connected to premises licensed under this section if at least 50 per cent of the revenue generated at the premises licensed under this section is derived from the sale of grocery items as defined in section 184B of chapter 94; and provided further, that the connection between and the design of the 2 locations so licensed, including interior connections, which shall be allowed, shall clearly delineate the 2 premises in such a way as to: (i) make the boundaries of each licensed premises clearly separate and identifiable to customers, alcohol distributors and regulatory

authorities; (ii) enable the respective licensees to maintain control of the licensed area, egress and the sale, storage and service of alcoholic beverages; and (iii) otherwise conform with this chapter. Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages. Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's package and at the prices stated on the current posted price list. All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled.

[First paragraph as amended by 2011, 193, Secs. 3 and 6 and as amended by 2016, 219, Sec. 98 effective January 1, 2020. See 2011, 193, Sec. 10. For text effective until January 1, 2020, see above.]

The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages, and such authorities in any city or town which votes to authorize the granting of licenses for the sale of wines and malt beverages only, may grant licenses for the sale at retail of such alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth, or partnerships composed solely of such citizens and residents or to corporations organized under the laws of the commonwealth and whereof all directors shall be citizens of the United States and a majority residents of the commonwealth or to limited liability companies or

limited liability partnerships organized under the laws of the commonwealth, subject to such conditions as the commission may prescribe by regulation to address issues of citizenship and residency and the requirements for a citizen manager or citizen principal representative of an alien licensee under section 26 as qualifications for a limited liability company or limited liability partnership to hold a license pursuant to this section and sections 18, 18A, 19, 19B and 19C, or to an applicant licensed to operate as a farmer-winery under said section 19B or in any other state. No person, firm, corporation, association, or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, shall be granted, in the aggregate, more than 9 such licenses in the commonwealth, or participate in decisions regarding the purchasing of alcoholic beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 9 licensees under this section, or be granted more than one such license in a town or two in a city. Each applicant for a new license or the transfer of a license shall pay a fee of up to \$5,000 to the commission when the issuing of the new or transferred license would result in the applicant owning more than 3 licenses. The fee shall be paid to the commission after approval of the application but before the issuance of the new or transferred license. No such license shall be granted except to an

applicant approved by the commission. Such applicant shall be at least twenty-one years of age and of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a felony. Each license shall describe the premises to which it applies. Not more than one location shall be included in any such license, nor shall any location or premises for which a license has been granted under section twelve be included therein; provided, however, that a common victualler duly licensed to operate a restaurant under chapter 140 and holding a license under section 12 may be connected to premises licensed under this section if at least 50 per cent of the revenue generated at the premises licensed under this section is derived from the sale of grocery items as defined in section 184B of chapter 94; and provided further, that the connection between and the design of the 2 locations so licensed, including interior connections, which shall be allowed, shall clearly delineate the 2 premises in such a way as to: (i) make the boundaries of each licensed premises clearly separate and identifiable to customers, alcohol distributors and regulatory authorities; (ii) enable the respective licensees to maintain control of the licensed area, egress and the sale, storage and service of alcoholic beverages; and (iii) otherwise conform with this chapter. Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages. Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's package and

at the prices stated on the current posted price list. All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled.

Any sale of such beverages shall be conclusively presumed to have been made in the store wherein the order was received from the customer. The local licensing authorities may determine in the first instance when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee and nothing shall prohibit the local licensing authority from establishing reduced fees for special licenses issued under section 15F. Any holder of a license under this section shall be permitted to make sales in accordance with the terms of his license at any time between eight o'clock ante meridian and eleven o'clock post meridian, or between eight o'clock ante meridian and half past eleven o'clock post meridian on any day immediately preceding a legal holiday, except when prohibited by section thirty-three. Any such licensee may provide, without charge, on premises sample wine or malt beverage tastings for prospective customers available for sale on such premises; provided, however, that no single serving of wine shall exceed one ounce and no single serving of malt beverages shall exceed two ounces. A licensee who holds a license according to the provisions of this section may also conduct on premise sample wine or malt beverage tasting in restaurants and function rooms licensed under the provisions of section 12; provided, however, that the holder of a license pursuant to this section shall not solicit orders for off premises

consumption; provided, further, that the holder of a license issued pursuant to the provisions of section 12 shall control the dispensing of wine or malt beverage samples on his premises; and provided, further, that food shall be served in conjunction with such wine or malt beverage tasting conducted on the premises of the holder of a license issued pursuant to said section 12.

A licensee who holds a license for the sale of all alcoholic beverages may provide, without charge, on-premises sample liqueurs and cordials tastings for prospective customers if such beverages shall be available for sale on the premises; provided, however, that no single serving of liqueurs and cordials shall exceed 1/4 of an ounce. A licensee who holds a license for the sale of all alcoholic beverages according to this section may also conduct on-premises sample liqueurs and cordials tasting in restaurants and function rooms licensed under section 12 who hold a license for the sale of all alcoholic beverages or a license for the sale of wines and malt beverages and which also hold, pursuant to said section 12, written approval to sell liqueurs and cordials pursuant to the license; provided, however, that the holder of a license pursuant to this section shall not solicit orders for off-premises consumption; provided, further, that the holder of a license issued pursuant to said section 12 shall control the dispensing of liqueurs and cordials samples on his premises; and provided further, that food shall be served in conjunction with liqueurs and cordials tasting conducted on the premises of the holder of a license issued pursuant to section 12.

A licensee who holds a license for the sale of all alcoholic beverages may provide, without charge, on-premises sample alcoholic beverages tastings for prospective customers if such beverages shall be available for sale on such premises; provided, however, that no single serving of alcoholic beverages, other than wines and malt beverages, shall exceed 1/4 of an ounce. A licensee who holds a license for the sale of all alcoholic beverages according to this section may also conduct on-premises sample tasting of alcoholic beverages, other than wines and malt beverages, in restaurants and function rooms licensed under section 12 who hold a license for the sale of all alcoholic beverages; provided, however, that the holder of a license pursuant to this section shall not solicit orders for off-premises consumption; provided further, that the holder of a license issued pursuant to said section 12 shall control the dispensing of samples of alcoholic beverages, other than wines and malt beverages, on his premises; and provided, further, that food shall be served in conjunction with alcoholic beverages tasting, other than wines and malt beverages, conducted on the premises of the holder of a license issued pursuant to said section 12.

Any person or entity who holds licenses under both this section and section 18 or 19, which licenses were granted prior to January 1, 2011, may obtain licenses under this section in accordance with the other provisions of this section.

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through an agent, employee, stockholder, officer or other person or any subsidiary licensed under sections 18 and 19 shall be granted a license under this section after January 1, 2011.