

## New Laws Impact Local Alcohol Licenses and Self-Distribution By Winegrowers In-State

*Prepared for the 2015 Massachusetts Municipal Association Annual Meeting*

Two new laws have important implications for local alcohol licensing and sales in Massachusetts. Chapter 494 of the Acts of 2014, “An Act relative to Direct Wine Shipper Licenses,” was signed and became effective on January 8, 2015. This law amends G.L. c.138, §19B(g) allowing farmer-wineries to distribute their products at wholesale to a broader group of licensees including: on and off-premises retail licensees, one-day licensees, railroad, airline and ship licensees, licensed manufacturers, churches and religious societies, educational institutions, hospitals, homes for the aged, and others. Note that in order to ship wine products directly to Massachusetts consumers, farmer-wineries licensed under G.L. c.138, §19B must also be licensed under G.L. c.138, §19F.

Chapter 433 of the Acts of 2014, “An Act relative to Retail Licenses for the Sale of All Alcoholic Beverages at Continuing Care Retirement Communities,” will take effect on April 2, 2015. Chapter 433 amends G.L. c.138, §12 and makes continuing care retirement communities eligible to obtain licenses for on-premises service of alcohol under G.L. c.138, §12. General Laws c.138, §1, also amended by this legislation, defines a continuing care retirement community (“CCRC”) as a facility providing continuing care to residents as defined by G.L. c.93, §76, provided that such facility shall include a certified assisted living residence pursuant to G.L. c.19D. The amendment authorizes the issuance of a license for sales to residents or guests in rooms, dining rooms, or other public rooms or areas of buildings on the same premises as the CCRC and operated as appurtenant, contiguous to and in conjunction with the CCRC.

Like other sales of alcohol for consumption on-premises under G.L. c.138, §12, sale of alcohol at a CCRC is subject to licensure by the local licensing authority with approval by the Alcoholic Beverages Control Commission. Moreover, Chapter 433 did not exempt these licenses from the quota limitations set forth in G.L. c.138, §17, and a local licensing authority will not be able to issue a license to a CCRC if the municipality is already at its quota for G.L. c.138, §12 on-premises licenses. However, local licensing authorities need to be aware that this new class of licensee is eligible to obtain a G.L. c.138, § 12 on-premises license as municipalities may soon see applications for license transfers to such a facility.

Contact Attorneys Brian W. Riley or Thomas W. McEnaney by email at [briley@k-plaw.com](mailto:briley@k-plaw.com) or [tmcenaney@k-plaw.com](mailto:tmcenaney@k-plaw.com), respectively, or by telephone at 617-556-0007, with any further licensing questions.

**Disclaimer:** This information is provided as a service by Kopelman and Paige, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with Kopelman and Paige, P.C. You are advised not to take, or to refrain from taking, any action based on this information without consulting legal counsel about the specific issue(s).