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MEMORANDUM TO MUNICIPAL CLIENTS

SEP 10 2010

TO: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL
TOWN MANAGER/TOWN ADMINISTRATOR/EXECUTIVE SECRETARY **BOARD OF SELECTMEN**

Re: On-Premises Alcoholic Beverages Licensing – Recent Statutory Amendments

The General Court recently enacted multiple statutory amendments that make important changes concerning the licensing of the sale of alcoholic beverages, particularly with regard to on-premises establishments (restaurants, bars, etc.). The licensing authority for your city or town should be familiar with the three changes described below.

Sunday Morning Sales

When Governor Patrick signed the FY2011 budget on June 30, 2010, two outside sections amended the alcoholic beverages licensing statutes regarding the permissible hours for alcohol sales on Sundays. Previously, G.L. c.138, §33 stated that no on-premises (or “pouring”) license holder could sell alcoholic beverages on Sundays before 12:00 noon. Another statute, G.L. c.138, §33B, provided that any municipality that accepted this local option statute could authorize the on-premises sale of alcoholic beverages one hour earlier, i.e., between 11:00 a.m. – 12:00 noon on Sundays. The amendments to these two statutes, which took effect on July 1, 2010, allow a local licensing authority to authorize the holder of an on-premises license to begin selling alcoholic beverages at 10:00 a.m. on Sundays.

Please be advised, however, that a municipality may only authorize such sales if it has already accepted G.L. c.138, §33B. Acceptance requires a vote of a Town Meeting or City Council, unless another method is established by special act or charter. Based on these statutory amendments and the Alcoholic Beverages Control Commission’s (“ABCC”) current interpretation of them, cities and towns should consider the following:

- If a municipality has not already accepted G.L. c.138, §33B, it must do so before the local licensing authority may consider authorizing the sale of on-premises alcoholic beverages between the hours of 10:00 a.m. – 12:00 noon on Sundays.
- If a municipality accepted the prior version of G.L. c.138, §33B (authorizing 11:00 a.m. sales), it does not need to accept it again. The previous acceptance will authorize the local licensing authority to approve Sunday on-premises sales beginning at 10:00 a.m.
- In a city or town that has accepted §33B, any licensee holding a current on-premises license, issued prior to July 1, 2010, that wishes to sell at 10:00 a.m. will have to apply to the local licensing authority for a change of hours. Approved changes (on ABCC Form 43) must be filed with the ABCC but do not require state approval.

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