

The Commonwealth of Massachusetts

INITIATIVE PETITION OF MATTHEW DURAND AND OTHERS.

OFFICE OF THE SECRETARY.

BOSTON, JANUARY 1, 2020.

Steven T. James
Clerk of the House of Representatives
State House
Boston, Massachusetts 02133

Sir: - I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution, "An Initiative Petition for a Law Relative to the Sale of Beer and Wine by Food Stores," signed by ten qualified voters and filed with this department on or before December 4, 2019, together with additional signatures of qualified voters in the number of 99,879, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth.

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

HOUSE No. 4303

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act Initiative Petition for a Law relative to the sale of beer and wine by food stores.

Be it enacted by the People, and by their authority, as follows:

1 SECTION 1. Chapter 138 of the General Laws is hereby amended by inserting, after
2 section 15B, the following sections:-

3 Section 15C. Adoption and enforcement of age verification policies by licensees

4 (a) Every licensee under sections 15 and 15D shall adopt and enforce an age verification
5 policy for the prevention of the unlawful sale of alcoholic beverages to persons under twenty-one
6 years of age, which policy shall require the presentation of a valid and reliable form of
7 identification by all customers for all purchases of alcoholic beverages, regardless of the actual
8 or apparent age of the customer.

9 (b) For purposes of this section, a reliable form of identification shall include those forms
10 of identification upon which a licensee may reasonably rely for purposes of the second paragraph
11 of section 34B, and such other forms of identification for which the licensee has adopted
12 reasonable measures by which to verify the validity and authenticity thereof.

13 (c) Nothing in this section shall prohibit a licensee from adopting and enforcing
14 additional age verification policies beyond those required herein, nor in any way limit the
15 applicability of section 69, nor otherwise be construed as affirmatively requiring the sale of an
16 alcoholic beverage to any customer who presents a valid and reliable form of identification.

17 (d) The commission shall, after notice and hearing under chapter 30A, promulgate
18 regulations to implement this section.

19 Section 15D. Grant of additional licenses to food stores for the sale of beverages not to be
20 drunk on the premises

21 (a) Local licensing authorities that have been authorized to grant licenses under section
22 15 are hereby authorized to grant an additional class of licenses, known as a food store license,
23 for the sale of wines and malt beverages not to be drunk on premises.

24 (b) Except as otherwise provided in this section, a food store license shall in every way
25 be treated as a license granted under section 15 and shall be subject to all the laws and
26 regulations applicable thereto.

27 (c) No food store license shall be granted under this section unless the premises to which
28 the license applies is a permanent non-mobile location within the geographic jurisdiction of the
29 local licensing authority, meets the definition of a “food store” under section 184B of chapter 94,
30 and meets the definition of a “retail food store” under section 3(o)(1) of the federal Food and
31 Nutrition Act of 2008 as amended through Public Law 115-334.

32 (d) The amount of any initial or renewal fee for a food store license shall be determined
33 by the local licensing authority, provided that such fee shall not exceed seventy-five percent of

34 the amount of any initial or renewal fee established by the local licensing authority for a license
35 granted under section 15.

36 (e) In addition to any fees imposed under subsection (d) of this section, an applicant for a
37 new food store license or for the transfer of a food store license shall pay a fee in the amount of
38 \$500 to the commission after approval of the application but before the issuance of the new or
39 transferred license, provided that such fee shall be in the amount of \$5,000 when the issuance of
40 said food store license would result in the applicant owning or controlling more than five food
41 store licenses in the commonwealth.

42 (f) The number of food store licenses that may be granted under this section shall be
43 determined at the sole discretion of each local licensing authority, which shall be in addition to
44 the number of licenses otherwise authorized to be granted under sections 15 and 17, and which
45 shall not be included as a license for purposes of determining the number of licenses allowed to
46 be issued under said sections 15 and 17. Without limitation to the foregoing general provisions of
47 this subsection, the number of food store licenses that may be granted shall not be subject to the
48 second sentence of section 15.

49 (g) A food store license shall permit the sale of wines and malt beverages only, and shall
50 not permit the sale of all alcoholic beverages, provided that nothing in this section shall prohibit
51 a food store from applying for a new license or the transfer of a license for the sale of all
52 alcoholic beverages under section 15, subject to all the provisions of this chapter applicable to
53 the issuance thereof, the granting of which shall require the surrender or conversion of any food
54 store license that may have been issued under this section for the same premises.

55 (h) The commission shall, after notice and hearing under chapter 30A, promulgate
56 regulations to implement this section.

57 SECTION 2. Section 15C of said chapter 138, as enacted by section 1 of this Act, is
58 hereby amended by striking out subsections (a) and (b) and inserting in place thereof the
59 following subsections:-

60 (a) Every licensee under sections 15 and 15D shall adopt and enforce an age verification
61 policy to prevent the unlawful sale of alcoholic beverages to persons under twenty-one years of
62 age, which policy shall require:

63 (1) the presentation of a valid and reliable form of identification by all customers for all
64 purchases of alcoholic beverages, regardless of the actual or apparent age of the customer; and

65 (2) the verification of such identification by means of a point-of-sale barcode scanner or
66 such other comparable technology as may be approved by the commission, provided that the
67 commission may establish alternative measures of verification for those forms of identification
68 upon which a licensee may reasonably rely for purposes of the second paragraph of section 34B
69 but which are not capable of verification by technological means that are both commercially
70 available and practically applied for the intended use.

71 (b) For purposes of this section, a reliable form of identification shall include only those
72 forms of identification containing such features and attributes as may be required to enable
73 verification by the licensee under subsection (a)(2) of this section, provided that the commission
74 may enact additional criteria to further define a reliable form of identification.

75 SECTION 3. The first paragraph of section 15 of said chapter 138, as amended by
76 sections 3 and 6 of chapter 193 of the Acts of 2011, is hereby further amended by striking out, in
77 each instance, the phrase “more than 9” and inserting in place thereof, in each instance, the
78 following phrase:- more than 12

79 SECTION 4. The first paragraph of said section 15 of said chapter 138, as amended by
80 section 3 of this Act, is hereby further amended by striking out, in each instance, the phrase
81 “more than 12” and inserting in place thereof, in each instance, the following phrase:- more than
82 15

83 SECTION 5. The first paragraph of said section 15 of said chapter 138, as amended by
84 section 4 of this Act, is hereby further amended by striking out, in each instance, the phrase
85 “more than 15” and inserting in place thereof, in each instance, the following phrase:- more than
86 18

87 SECTION 6. The first paragraph of said section 15 of said chapter 138, as amended by
88 section 5 of this Act, is hereby further amended by striking out the second sentence in its
89 entirety.

90 SECTION 7. Subsection (f) of section 15D of said chapter 138, as enacted by section 1 of
91 this Act, is hereby amended by striking out the second sentence in its entirety.

92 SECTION 8. There shall be established and set upon the books of the commonwealth a
93 separate fund which, subject to appropriation, shall consist of all monies required to be paid into
94 the state treasury under sections 27 and 62 of said chapter 138 and which, subject to
95 appropriation, shall be expended by the commission first for the implementation of this Act and
96 second for the ongoing administration and enforcement of said chapter 138 generally.

97 SECTION 9. The commission shall, subject to appropriation, maintain a ratio of at least
98 one investigator per 250 outstanding licenses issued under sections 15 and 15D of said chapter
99 138.

100 SECTION 10. Section 3 of this Act shall take effect on January 1, 2021.

101 SECTION 11. Sections 2 and 4 of this Act shall take effect on January 1, 2022.

102 SECTION 12. Section 5 of this Act shall take effect on January 1, 2023.

103 SECTION 13. Sections 6 and 7 of this Act shall take effect on January 1, 2024.

104 SECTION 14. Except as otherwise provided, this Act shall take effect on December 15,
105 2020.

FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
Matthew Durand	101 South Huntington Avenue #101	Boston
Lauren Jett	101 South Huntington Avenue #101	Boston
Michael R. Limoges	11 Robin Road	Easthampton
Maria A. Colpack	17 Kingsberry Way	Easthampton
Christine M. Limoges	11 Robin Road	Easthampton
Thomas J. Colpack	17 Kingsberry Way	Easthampton
Harold Eastwood	88 Ashmont Street	Swansea
Diane L. Eastwood	88 Ashmont Street	Swansea
James Hill	240 Roosevelt Drive	Northbridge
David Crisfulla	26 Keith Street	Middleborough

CERTIFICATE OF THE ATTORNEY GENERAL.

September 4, 2019

Honorable William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

RE: Initiative Petition No. 19-14: Petition for a Law Relative to the Sale of
Beer and Wine by Food Stores

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

MAURA HEALEY,
Attorney General.

Summary of 19-14.

This proposed law would create a license allowing food stores to sell wine and beer for off-premises consumption, progressively increase and then eliminate the limit on the number of licenses for the sale of alcoholic beverages consumed off-premises that any one retailer could own or control, and require food stores and other retailers selling alcohol for consumption off-premises to implement certain age-verification policies to prevent the sale of alcohol to customers under age 21.

Beginning in December 2020, local licensing authorities could grant a food store license, which would allow food stores to sell wine and malt beverages to be consumed off the premises. A “food store” would include retail stores whose primary business is selling food for consumption off the premises, but it would not include a warehouse club.

Local licensing authorities would have the discretion to determine the number of food store licenses they issue and that number would be in addition to the other types of licenses currently issued for the sale of alcoholic beverages.

The proposed law would also change the statewide limits on the number of licenses for the sale of alcoholic beverages for off-premises consumption that any one retailer could own or control: from 9 to 12 licenses in 2021; to 15 in 2022; and to 18 in 2023. On January 1, 2024, this limit on the number of commonly owned or controlled licenses would be eliminated.

Under the proposed law, beginning in December 2020, food stores and other retailers selling alcoholic beverages for consumption off the premises would be required to ask for identification to verify the age of all customers purchasing alcohol. Permissible forms of identification would include driver’s licenses, liquor purchase identification cards, passports, military identification cards, and other forms of identification that a retailer could verify as valid and authentic. Beginning in 2022, the proposed law would require retailers to use a barcode scanner or comparable technology to verify identification. At that time, the state Alcoholic Beverages Control Commission could allow for alternative measures of age verification.

The proposed law would require the Commission to employ at least one investigator for every 250 licenses granted for the sale of alcoholic beverages to be consumed off the premises.

The proposed law would create a separate fund consisting of certain fees collected by the Commission under this proposed law, certain alcohol excise taxes, and certain fines collected for the violation of rules governing the sale of alcohol. The collected funds would, subject to appropriation, go to the Commission for implementing the proposed law and enforcing the state Liquor Control Act in general.