

Alcohol Licensing: Legal Updates and Insights

By Adam Barnosky on May 25, 2017



There have been several recent developments in the alcoholic beverages industry which affect regulatory oversight, restaurant operators, brewers, non-profits, and more. Here is a rundown of the latest developments.

New Commissioner to Head the Massachusetts Alcoholic Beverages Control Commission (ABCC). In January, Massachusetts State Treasurer Deborah Goldberg appointed Jean M. Lorizio Commissioner of the ABCC. Lorizio will serve as Chair of the Commission and replaces former Commissioner Kim Gainsboro, who left the agency after ten years to work in the private sector. Lorizio, an attorney, most recently served as Executive Secretary and Legal Counsel for the Licensing Board for the City of Boston. Lorizio will be in charge of agency oversight, licensing compliance, and administrative hearings and appeals.

More Liquor Licenses may be coming to Boston. A new proposal by Boston Mayor Marty Walsh would grant the City of Boston 152 new non-transferable liquor licenses. The initiative, co-sponsored by city councilor Ayanna Pressley, is part of an ongoing effort to attract new businesses and restaurants in underserved neighborhoods throughout Boston, including Dorchester, East Boston, Hyde Park, Jamaica Plain, Mattapan, Mission Hill, and Roxbury. While a majority of the licenses will be earmarked for these underserved neighborhoods, thirty could be issued downtown in Back Bay, Beacon Hill and the North End over a three year period. This proposal still requires the approval of the Boston City Council and Massachusetts State Legislature.

Massachusetts Liquor Laws under Review. An "Alcohol Task Force" has been created by the state treasurers office (which oversees the ABCC) to examine the legal and regulatory framework governing the alcoholic beverages industry in Massachusetts. The task force includes an independent group of professionals to provide an assessment of the current climate and advise on any improvements necessary to execute the business of alcohol regulation. A report will be made to Massachusetts State Treasurer Deborah Goldberg within six months of convening and after input from relevant stakeholders, including the public, business owners, attorneys and other industry leaders.

City of Boston Now Issues Permits for BYOB: In early 2017, Boston issued its first permit for BYOB, which will be allowed in certain neighborhoods throughout the city. A restaurateur is required to apply to the Boston Licensing Board and, if approved, will cost \$400 annually and allow diners to bring in their own wine and beer, hard cider and sodas. Hard liquor is not part of the permit and BYOB is limited to the hours of 5-11 p.m.

Non-Profits Allowed to Accept Alcohol Donations. In the past, a non-profit could not

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accept donations of all varieties of alcoholic beverages for use at fundraising events. However, a last minute bill filed at the end of the Massachusetts Legislature's 2015-2016 session changes the prohibition, allowing duly organized Massachusetts non-profit organizations to accept donations of any type of alcoholic beverages from any person or legally operating manufacturer, wholesaler, or package store, so long as the beverages are served at fundraising events for the benefit of the non-profit.

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