

# SENATE NO. 196

## **AN ACT** PROVIDING FOR CIVIL LIABILITY OF AGENTS OF LICENSE HOLDERS

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. No person acting as agent or employee of a license holder shall furnish a product the  
2 sale of which requires a license from the local licensing authority for the sale of alcoholic  
3 beverages, tobacco products or lottery tickets to anyone who is under the legal age to purchase such  
4 product. Local licensing authorities or their agents shall have the authority to issue citations to  
5 individuals who violate the provisions of this section.

6 “Agent” shall mean an employee who receives compensation from a business licensed to sell  
7 alcohol, tobacco, or lottery tickets.

8 “Compensation”, money, gratuity, privilege, or benefit received from an employer in return for  
9 work performed or services rendered.

10 “Employee”, an individual or person who performs a service for compensation for an employer at  
11 the employer’s workplace, including a contract employee, temporary employee, and independent

12 contractor who performs a service in the employer’s workplace for more than a de minimis amount  
13 of time.

14 “Furnish” shall mean to knowingly or intentionally supply, give, or provide to or allow a person  
15 under age to purchase a licensed product such as alcohol, tobacco, lottery tickets,

16 “Legal age,” shall mean the age for purchase of alcoholic beverages as provided in section 34 of  
17 chapter 138; for the purchase of tobacco products as provided in section 6 of chapter 270; for the  
18 purchase of lottery tickets as provided in section 29 of chapter 10.

19 “Licensing authorities”, as used in this chapter, unless a contrary meaning is required by the  
20 context, shall mean the boards in Boston and other cities which by special statutes or city charters  
21 have the power to issue licenses for innholders or common victuallers, licensing boards appointed  
22 under section four of chapter one hundred and thirty-eight in cities and also in cities wherein by  
23 special statutes said boards are vested with all the powers and duties exercised by licensing boards  
24 in cities that vote to grant such licenses, the aldermen in all other cities and the selectmen in towns.

25 “License holder,” any individual, firm, fiduciary, partnership, corporation, trust or association,  
26 however formed, club, trustee, agency or receiver licensed under the provisions of section 12, 15,  
27 19B, 19C, 19D of chapter 138; section 2 of chapter 64C; sections 27 and 27A of chapter 10 of the  
28 general laws.

29 Whoever violates the provisions of this section shall be punished by a fine of \$100 for the first  
30 violation; \$200 for a second violation occurring within 2 years of the date of the first offense; and  
31 \$300 for a third or subsequent violation within 2 years of the second violation. Each calendar day  
32 on which a violation occurs shall be considered a separate offense. Said fine assessed against an  
33 agent or employee shall be in addition to any license suspension, revocation or fine assessed against  
34 a license holder.

