

204 CMR: ALCOHOLIC BEVERAGES CONTROL COMMISSION

204 CMR 19.00: SHIP REGULATION

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19.01: Definitions

Ship: means any vessel required to be licensed under the provisions of M.G.L. c. 138, § 13.

19.02: Prohibition Of Sale Without License

- (1) No person or owner or operator of a ship operating out of any port of the Commonwealth shall sell, deliver or expose or keep for sale or store aboard ship any alcoholic beverages unless licensed by the Commission to do so.
- (2) No ship licensee shall sell alcoholic beverages other than those purchased from a licensed ship chandler or from a licensee under M.G.L. c. 138, §§ 18, 19, 19B, 19C.

19.03: License Application And Types

- (1) Application for licenses must be made to the Commission 30 days before the desired use, or such other period as the Commission from time to time may determine.
- (2) A copy of the current United States Coast Guard Certificate of Inspection or temporary Certificate of Inspection must accompany each application including renewals.
- (3) There will be two types of license, all alcoholic and wine and malt.

19.04: Time Of Service

- (1) The hours during which sales of alcoholic beverages may be made by any licensee shall be fixed by the Commission either generally or specially for each licensee. Unless otherwise authorized in writing by the Commission, alcoholic beverages shall only be sold or delivered between 8:00 a.m. and 12:30 a.m. on Mondays through Saturdays and between 11:00 a.m. and 12:30 a.m. on Sundays.
- (2) Unless otherwise authorized in writing by the Commission, no alcoholic beverages shall be sold or delivered to passengers at dockside or prior to casting off, except that the licensee may, once per day, post a scheduled sailing time for the subject vessel, in which instance, unless otherwise prohibited, the licensee may serve alcoholic beverages from 15 minutes prior to 15 minutes after the posted scheduled sailing time.
- (3) On trips of more than two hours, alcoholic beverages shall not be sold or delivered to passengers within one-half hour before the ship docks.

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19.04: continued

(4) The Commission may extend either the hour when sales may commence at dockside or the hour when sales must cease, or both, upon a showing by any applicant that such extended hours of sale should be authorized by the Commission with a view only to serve the public need and in such a manner as to protect the common good.

19.05: Number Of Drinks

No more than two drinks shall be sold, delivered or in possession of any one passenger at any one time.

19.06: Manager, Other Personnel

(1) Every ship shall have a named manager of record whose function and responsibility shall be to oversee and supervise the sale, delivery and dispensing of alcoholic beverages and to see to the adherence by licensee, its employees, including any assistant manager of record, and all others to the provisions of M.G.L. c. 138 and 204 CMR 19.00 and Other Commission Regulations. His or her appointment must be approved by the Commission. The manager must be a citizen of the United States, and over 21 years of age.

(2) If a ship has a capacity of 50 passengers or more, the named manager of record shall be a person other than the Captain.

(3) If the named manager of record cannot be aboard ship at any time alcoholic beverages are served, he or she shall appoint an assistant manager to perform his or her functions during that cruise or other event. The assistant manager must be a citizen of the United States and over 21 years of age.

(4) No ship personnel shall consume alcoholic beverages aboard the ship.

19.07: Passengers

(1) Passengers shall be checked for proof of proper age and signs of intoxication before being served alcoholic beverages.

(2) Passengers shall not be allowed to consume alcoholic beverages aboard ship other than those sold by the licensee.

(3) Passengers shall not be allowed to bring alcoholic beverages on or off a ship except for such beverages as they are transporting as personal baggage in unopened containers from one port to another port. Such containers shall not be opened while at sea. The amount of alcoholic beverages so transported by any person shall not exceed the amounts authorized in M.G.L. c. 138, § 22.

19.08: Security

The Captain shall take all appropriate steps to protect passengers who appear to be intoxicated, unruly or a danger to themselves or to others. Appropriate steps may include placing such passengers in a secure area.

19.09: Food And Non-Alcoholic Beverages

(1) Food and non-alcoholic beverages shall be available to all passengers at all times alcoholic beverages are available.

(2) Passenger fares shall not include the cost of alcoholic beverages.

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19.10: Other Licenses

No city or town in Massachusetts shall issue any license for the sale or delivery of alcoholic beverages on any ship.

19.11: Sponsorship And Advertising

No manufacturer, importer, wholesaler, certificate of compliance holder or other Massachusetts licensee (except ship licensees) shall directly or indirectly sponsor, promote or advertise or use its name or the trade or brand name of any alcoholic beverage in connection with any cruise or event, public or private aboard a ship. No ship shall allow or accept funds or favor for such sponsorship, promotion or advertisement.

19.12: Massachusetts General Laws And 204 CMR

Ships shall be subject to all applicable provisions of the Massachusetts General Laws, and to 204 CMR 4.00 known as the "Happy Hour Regulation", and to all other Commission Regulations not inconsistent with 204 CMR 19.00.

19.13: Application And Enforcement

The provisions of 204 CMR 19.00 shall be deemed to be a condition of every ship license issued under M.G.L. c. 138, § 13.

19.14: The Captain

Nothing in 204 CMR 19.00 shall be considered to limit in any way the power and authority of the Captain of a ship under the Law of the Sea. He or she may at any time order the termination of service of alcoholic beverages aboard ship.

19.15: Severability

The provisions of 204 CMR 19.00 are severable, and if any provision or the application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of 204 CMR 19.00.

REGULATORY AUTHORITY:

204 CNR 19.00: M.G.L. c. 6, §§ 43 and 44; c. 138, §§ 13 and § 24.

NON-TEXT PAGE