

204 CMR: ALCOHOLIC BEVERAGES CONTROL COMMISSION

204 CMR 9.00: RETAIL SALE OF MALT BEVERAGES IN KEGS

Section

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9.01: In General

No licensee under M.G.L. c. 138, § 15 shall sell malt beverages at retail in a container having a capacity by volume of more than two gallons of liquid ("keg") except in compliance with the requirements of 204 CMR 9.00.

9.02: Label Required

Each keg sold at retail shall be labeled with the name and address of the retail licensee, and an identifying serial number. The Commission may prescribe the form of labels to be used for this purpose.

9.03: Purchaser Identification

The retail licensee shall require each keg purchaser to present positive identification at the time of purchase.

9.04: Fee Payments

The retail licensee shall require the purchaser to pay, in addition to the purchase price:

- (1) a container fee of not less than \$10.00 for each keg having a capacity of six or more gallons and of not less than \$1.00 for each container having a capacity of less than six gallons;
- (2) a registration fee of \$10.00 for each keg having a capacity of six or more gallons and of \$4.00 for each keg having a capacity of less than six gallons.

9.05: Fee Refunds

Upon return of a keg sold by the licensee, the licensee shall pay the container fee to the person returning the keg.

Upon return of a keg sold by the licensee within 60 days of the date of purchase and with the correctly numbered label legible and properly attached thereon, and only on such return, the licensee shall pay the registration fee to the person returning the keg.

9.06: Non-Redeemed Registration Fees

Any registration fee not refunded within 60 days of the purchase shall be forfeit. All forfeit registration fees shall be paid over to the local licensing authority of the city or town where the licensee's premises are located within 90 days of such forfeit.

Non-refunded container fees paid pursuant to 204 CMR 9.00 shall belong to the licensee.

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9.07: Records

The licensee shall record, for each keg sale, the date of sale, size of keg, keg identification number, amount of container fee and registration fee, and name and address of the purchaser. The purchaser shall sign a statement at the time of purchase attesting under penalty of perjury to the accuracy of the purchaser's name and address shown, and acknowledging that misuse of the keg or its contents may result in civil liability, criminal prosecution or both. The licensee shall record the date and amount of each container and registration fee refund.

The records shall be kept by the licensee for not less than three years from date of making. The Commission may prescribe a form or forms for use in recording the information required by 204 CMR 9.00.

9.08: Severability

The provisions of 204 CMR 9.00 are severable, and if any provision or any application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of 204 CMR 9.00.

9.09: City or Town Laws to the Contrary

No city or town, or local licensing authority, shall impose requirements with respect to keg fees or registration inconsistent with 204 CMR 9.00.

REGULATORY AUTHORITY

204 CMR 9.00: M.G.L. c. 138, §§ 2, 3, 24 and 30A.