



*The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, MA 02114*

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THE ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY

SAMPLING OF ALCOHOLIC BEVERAGES WITH A FARMER SERIES POURING PERMIT

On August 7, 2013, the Alcoholic Beverages Control Commission (the “ABCC”) issued an advisory relative to the Farmer Series Pouring Permits for Farmer-Breweries, Farmer-Wineries & Farmer-Distilleries. The advisory was intended to notify the municipalities of a change in the law which moved these Pouring Permits out of M.G.L. c. 138, §12 and into M.G.L. c. 138, §§19B, 19C, and 19E. The amendment to the law continued to authorize on-premises retail sales with the approval of the Local Licensing Authority and the ABCC. The ABCC has received several inquiries regarding the necessity of a Pouring Permit, if §§19B, 19C, and 19E licensees wish to offer samples on their premises.

If a §§19B, 19C, or 19E licensee desires to permit samplings on its premises, it may request that the Local Licensing Authority make a determination that this activity does not constitute a sale under the statute.¹ If the Local Board makes this determination, the licensee delivering the alcoholic beverages does not need to obtain a Pouring Permit. In the event that a Local Licensing Authority makes such a finding, it should forward a copy of the decision to the ABCC to keep in the licensee’s file.

As always, all licensees must ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by state law. Individuals with questions concerning this advisory may contact Ralph Sacramone, Executive Director at 617-727-3040 x 731.

(Issued: December 20, 2013)

¹ M.G.L. c. 138, §2 provides in pertinent part that, “No person shall sell ...alcoholic beverages or alcohol, except as authorized by this chapter...” M.G.L. c. 138, §41 provides in pertinent part that, “the delivery of alcoholic beverages in or from a building ..., except a private dwelling house shall be prima facie evidence that such delivery is a sale.”