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Alcoholic Beverages Control Commission
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**ALCOHOLIC BEVERAGES CONTROL COMMISSION REVISED ADVISORY
REGARDING FIRE AND BUILDING SAFETY CHECKLISTS**

The Commission issued an Advisory on September 8, 2015, to address changes in the Fire and Building Safety Checklist regulations. In response to questions from licensees and the public regarding the Advisory, the Commission issues this revised Advisory, which supersedes and replaces its previous Advisory.

On January 1, 2015, the Board of Fire Prevention Regulations enacted a newly revised Comprehensive Fire Safety Code, 527 C.M.R. 1.00-1.05 & 12. Please be advised that in enacting the revised Code, violations of the Fire and Building Safety Checklist are no longer charged under 527 C.M.R. 10.13(2)(e), but instead are now charged under 527 C.M.R. 1.05, § 20.1.5.6.4.¹ **Going forward, cities and towns should charge any violations of the Fire and Building Safety Checklist as violations of 527 C.M.R. 1.05, § 20.1.5.6.4.**

Licensees should take note that this Advisory in no way changes their previous fire and building safety checklist obligations; rather, it is only a change in the Code citation by which a town or city may charge a violation of the Fire and Building Safety Checklist.

As a reminder to licensees, all § 12 licensees (1) with an *occupant load* of 100 or more persons, and (2) who are either a “nightclub, dance hall, discotheque or bar,” or who feature entertainment by a live band or recorded music generating above normal sound levels and have a specific area designated for dancing, **must have trained Crowd Managers** in the license premises at all times that they are open to patrons. Crowd Managers must complete a training course given by the State Fire Marshal and also must provide documentation that this training was successfully completed.

¹ 527 C.M.R. 1.05, § 20.1.5.6.4, which remains unchanged from the prior regulation, is as follows:

527 C.M.R. 1.05, § 20.1.5.6.4. Fire and Building Safety Checklist.

(1) The crowd manager shall be responsible for the completion of the Fire & Building Safety Checklist, as prescribed by the State Fire Marshal, on each day of operation prior to opening the facility to patrons.

(2) This checklist shall include, but not be limited to, the routine safety check of existing fire protection systems, fire extinguishers, signage, interior finish, exits, unobstructed egress, crowd control procedures and building occupancy limits.

(3) The original completed checklists shall be kept on the premises for at least one year and shall be subject to inspection by the [authority having jurisdiction].

One Crowd Manager must be designated for every 250 occupants or portion thereof based upon the occupant load specified on the Certificate of Inspection. Occupant load is the total number of employees, performers, and patrons permitted on the premises. It is NOT the number of people actually present in the building at any given time. An occupant load of 100-250 persons requires 1 Crowd Manager, an occupant load of 251-500 persons requires 2 Crowd Managers, and an occupant load of 501-750 persons requires 3 Crowd Managers.

Crowd Managers must ensure the premises are safe and must complete a *Fire and Building Safety Checklist* on the premises every day before opening to the public. Items on the Checklist include a routine safety check of existing fire alarms and fire protection systems, fire extinguishers, exits and exit signs, interior finish, means of egress, crowd control procedures, and building occupancy limits. The original completed Checklist must be kept on the premises for at least one year and is subject to inspection.

All licensees must ensure that they are in compliance with the laws of the Commonwealth of Massachusetts and that sale of alcoholic beverages take place only as authorized by applicable law. Questions concerning this Advisory can be directed to Ralph Sacramone, Executive Director of the Massachusetts Alcoholic Beverages Control Commission, at (617) 727-3040 x 731.

(Issued: September 25, 2015)