

Massachusetts Alcoholic Beverages Control Commission/MASS Brewers Guild Presentation

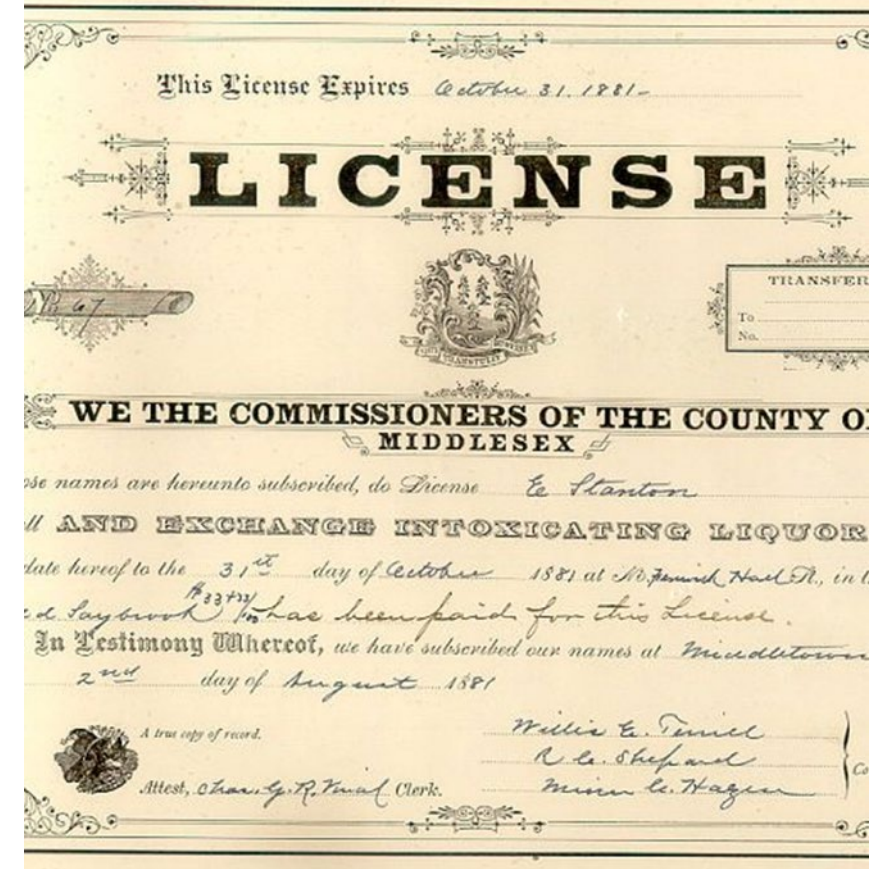


February 9, 2026



Changes to an existing license

- Change of Ownership
- Transfer of Stock, Issuance of stock/new stockholders
- Change of Name and/or change of d/b/a
- Change of Officers/Directors/Trustees or change in the corporate structure (such as changing from INC to LLC)
- Renovations or alterations to the premises (Abutter notification requirement.)
- Change of Manager – or Change in the Management Operating Agreement
- Change of Hours (including Sundays)
- Change of Location
- MGL 138 Section 19H Alteration of Licensed Premise
- Conversion from 19C Farmer to a 19 D Pub Brewer
 - The licensee needs to submit a written request to the Commission to operate your existing license during the application review and approval process.
 - Once the new license is approved, your existing license must be surrendered before operating the new license.

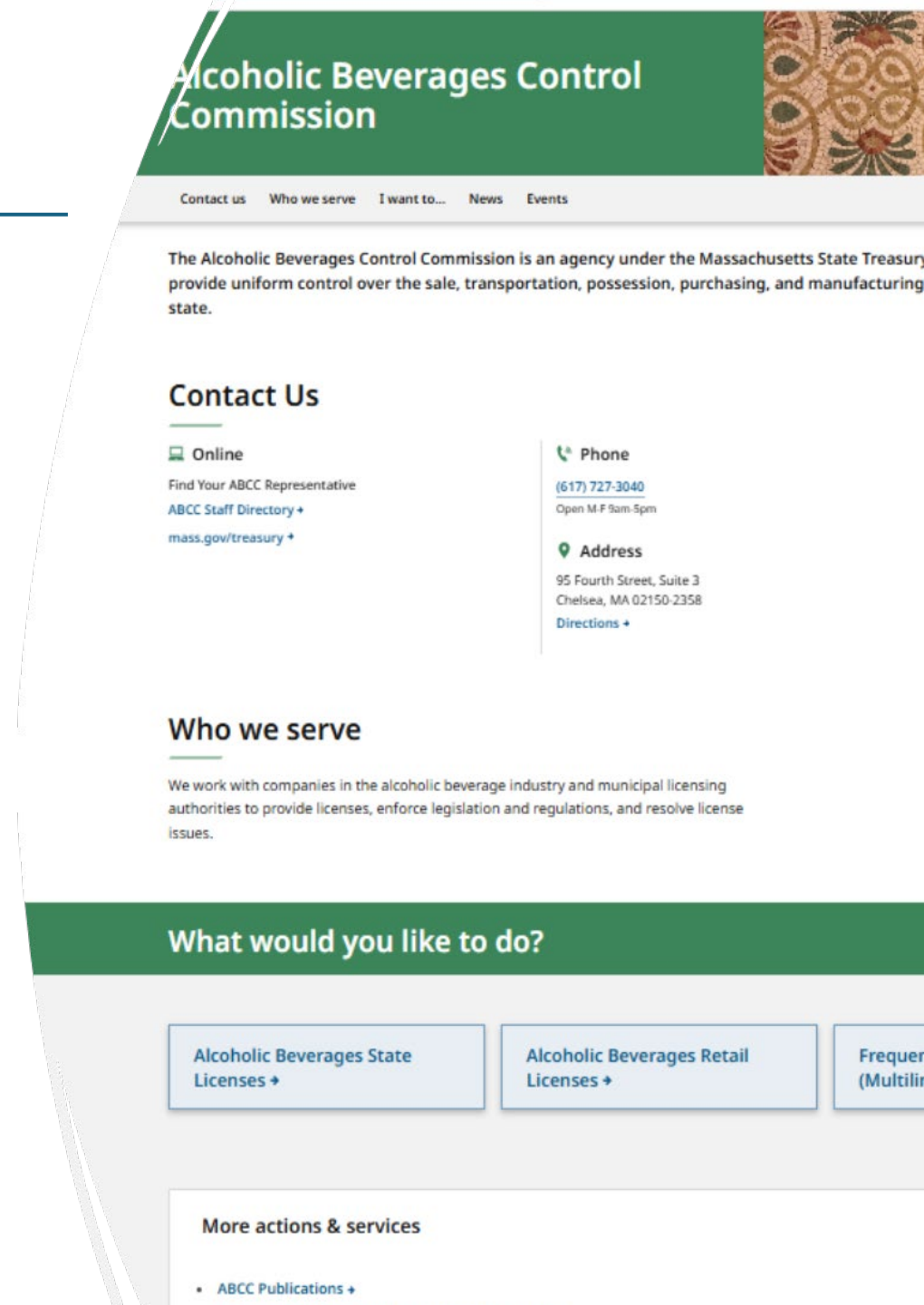


Navigation of ABCC Website

Link:

<https://www.mass.gov/orgs/alcoholic-beverages-control-commission>

- Applications
- Commission Advisories
- Commission Decisions
- Frequently Asked Questions and Guidelines in Multiple Languages



Farmer's Market Permits

Farmer brewers (M.G.L. c. 138, § 19C), pub brewers (M.G.L. c. 138, § 19D), and farmer distillers (M.G.L. c. 138, § 19E) are now allowed to apply to local licensing authorities for the issuance of Farmer's Market Permits. Farmer wineries (M.G.L. c. 138, § 19B) may still apply to local licensing authorities for the issuance of Farmer's Market Permits.

This type of license is issued at the sole discretion of the Local Licensing Authorities and does not require the approval of the ABCC.

The application can be found using this link, <https://www.mass.gov/info-details/apply-for-a-special-license-or-permit-abcc>. The application was drafted to assist with these licenses, and it is modeled after farmer series license applications. The use of this application is not required but is an additional tool to assist in simplifying the process. Its use is solely at the discretion of the Local Licensing Authorities, which may require additional information that it believes is appropriate.

All applicants must submit a certification from the Massachusetts Department of Agricultural Resources that the Farmer's Market, for which they are seeking a license, is an "agricultural event." These licenses are not subject to the quota or limit on the number of section 15 licenses that otherwise exist in each city or town.



ALCOHOL SALES AND SERVICE REQUIRES THE LICENSEE TO CHECK IDs

Identification of Patrons. Licensees shall ensure that the identification of persons purchasing alcoholic beverages occurs at the point of sale or service.

KNOW THE SIX ACCEPTABLE FORMS OF IDENTIFICATION

1. Massachusetts Driver's License
2. Massachusetts Liquor ID Card
3. Massachusetts ID Card
4. Passport Issued by the United States or a government that is officially recognized by the United States
5. A Passport Card for a Passport issued by the United States
6. A Military Identification Card
7. Valid Driver's License issued by another state (beginning 4/8/2025)
8. Global Entry Card issued by US Customs and Border Protection (beginning 4/8/2025)

204 CMR 2.05(2)- Permitting an illegality on the licensed premises, to wit: M.G.L. c. 138, § 34C- Possession of an alcoholic beverage by a person under 21 years of age

Exception: 18,19, and 20 year olds may handle alcoholic beverages in the course of their employment. This includes selling and transporting alcoholic beverages as well as working as a bartender, stocking shelves, and removing alcoholic beverages from tables.



Employees 17 years old and under **cannot** handle alcoholic beverages in any manner during their employment.

CHANGES TO M.G.L. c. 138, § 26- RETAIL LICENSE MANAGERS

Local Boards may now approve a license manager who is either a United States citizen or a “qualified alien under the Immigration and Nationality Act, 8 U.S.C. 1101.”

If a proposed license manager is not a United States citizen, they must provide documentation from the United States federal government evidencing they are a “qualified alien under the Immigration and Nationality Act, 8 U.S.C. 1101.” Acceptable documentation includes but is not limited to a Permanent Resident Card “Green Card,” or Employment Authorization Document.

The law also authorizes sole proprietors and partnerships to apply for retail alcoholic beverages licenses issued pursuant to M.G.L. c. 138, § 12 (on-premises) and M.G.L. c. 138, § 15 (off-premises) if all individuals applying are either United States citizens or “qualified alien(s) under the Immigration and Nationality Act, 8 U.S.C. 1101.” This applies to farmer series pouring permits issued pursuant to M.G.L. c. 138, §§ 19 B(n), C(n) and E(o) as well.

FOOD AND BEVERAGES CONTAINING HEMP DERIVED CBD AND/OR THC ON LICENSED PREMISES

Please be advised that it is unlawful to manufacture and/or sell food or beverages containing hemp derived CBD and/or THC. This applies to alcoholic and non-alcoholic beverages. These products must be taken off the shelf immediately. Any licensee found in violation of importing, manufacturing, transporting, selling, and/or possessing on its licensed premises food and/or beverages containing hemp derived CBD and/or THC faces potential suspension or revocation of its license. Wholesalers must retrieve all food and beverages containing hemp derived CBD and/or THC sold and/or delivered by them to retail licensed premises at or before their next delivery to each establishment. This Advisory does not apply to marijuana products manufactured under the jurisdiction of the Cannabis Control Commission.

* It has always been illegal for alcoholic beverages to contain any CBD and/or THC. Alcoholic beverages containing CBD and/or THC are considered adulterated beverages.

Licensees have a duty to protect their patrons and others from foreseeable harm

A Licensee's duty to protect patrons may be triggered when the conduct of another patron puts the Licensee or its employees on notice that harm is imminent.

A Licensee may discharge its duty to protect patrons by taking steps to prevent the harm, such as calling the police.

It is the responsibility of each licensee to exercise close supervision of its premises to ensure compliance with the law.

There has been an increase in non-consensual drugging at bars, clubs, and other licensed premises. Licensees are asked to be vigilant.



U.S. Department of
Labor
Wage and Hour Division
Boston District Office

Focus on restaurant industry



WAGE AND HOUR DIVISION

Wage and Hour Division Jurisdiction

Federal Government Agency that enforces:

The Fair Labor Standards Act (FLSA)

minimum wage; overtime pay; recordkeeping; child labor

The Family and Medical Leave Act (FMLA)

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA or farm workers)

Several immigration related statutes – enforcement of **H-1B, H-2A, and H-2B non-immigrant programs**

Government Contract / Prevailing Wage requirements of the **Davis-Bacon and Related Acts** and the **Service Contract Act** and other statutes applicable to federal contracts for construction and for the provision of goods and services.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

dol.gov/agencies/whd
1-866-487-9243

FEDERAL LAWS VS. STATE LAWS

Where Federal and State laws differ,
the more protective standard applies, see
laws by state:

<https://www.dol.gov/agencies/whd/state>

Examples: MW, hospitality, etc.



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FAIR LABOR STANDARDS ACT

Minimum Wage

\$7.25 vs. \$15.00 Tipped ees are MW ees

- * No deductions, walk outs, etc.
- * Pay for ALL hours worked – early, late, breaks (keep record of breaks)

Overtime

- * tipped ees \$6.75 plus \$7.50 (1/2 time of \$15.00) OR \$14.25 per hour
- * salaried vs. hourly
- * salaried exempt overtime vs salaried due overtime wages (Line cook)
- * dual jobs and overtime - regular rate of pay
- * if paid cash, still overtime requirement – may have issues with MA DIA (workmens comp) and MA DUA
- * MISCLASSIFICATION employee vs independent contractor



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FAIR LABOR STANDARDS ACT

Record Keeping

- * must maintain record for 3 years
- * name and contact information for all employees (includes employees paid by temp agencies)
- * all information on any independent contractors used by the employer
- * accurate time records, payroll, and general ledgers
- * date of birth for any employee 19 and younger (evidence)

Child Labor

- * must be 14 to work
- * 14/15 year olds
- * 16/17 year olds



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Child Labor

14 and 15 year olds

Hours Restrictions in **non-agricultural** jobs...

- Apply to 14- and 15-year-olds only
- Not during school hours
- No more than 3 hours on a school day or 8 hours on a non-school day
- No more than 18 hours during school weeks or 40 hours during non-school weeks
- Not before 7 a.m. and not after 7 p.m. except from July 1 to Labor Day when extended until 9 p.m.
- **No HAZARDOUS OCCUPATIONS**

16 and 17 year olds

- Federal – no restrictions on hour worked VS. MA state – no more than 48hrs
- **NO HAZARDOUS OCCUPATIONS** (restaurant ex: meat slicer, dough mixer, trash compactor, delivery driver, not allowed on roof, etc.)



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PAID



Running a business is tough. Balancing payroll, scheduling, and labor law compliance can be overwhelming. If past mistakes led to violations, our voluntary program lets you correct them efficiently and without penalties.

The **Payroll Audit Independent Determination (PAID)** program quickly resolves overtime and minimum wage violations under the Fair Labor Standards Act (FLSA) and violations of the Family and Medical Leave Act (FMLA), providing a framework for employers to address those violations without litigation.

Employers that self-report are working in good faith with the Wage and Hour Division to correct mistakes and provide due compensation and appropriate FMLA remedies to their employees. Therefore, these employers will not be subject to civil money penalties. The division will oversee resolution of any potential violations by reviewing the amount of wages found due and supervising these payments to employees.

The program requires employers to review the division's compliance assistance materials, to carefully audit their pay and leave practices, and to correct potential violations going forward.

For information about the PAID program, please visit www.dol.gov/agencies/whd/PAID



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Other issues

- FLSA is for only hours worked vs MA state includes sick hours and vacation pay
- Immigration Status
- Temp Agencies
- Pump Act
- Retaliation
- Liquor License
- Enforcement (unannounced, surveillance)
- PAID program
- ER and ees both have struggles – equal playing field



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INFORMATION

Visit the WHD homepage at: Call the WHD toll-free helpline at 1-866-4US-WAGE (1-866-487-9243).

<https://www.dol.gov/agencies/whd>

Child Labor Bulletin 101

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor101.pdf>



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