

ATTACHMENT D

August 9, 2023

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 15 of House Bill No. 4040, “An Act Making Appropriations for the Fiscal Year 2024 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 15 proposes that the Alcoholic Beverages Control Commission enforce, regulate, and control the distribution of alcoholic beverages consumed in gaming establishments but not within gaming areas. Under current law, the Massachusetts Gaming Commission holds primary enforcement authority over the distribution of alcoholic beverages within gaming establishments, with the Alcoholic Beverage Control Commission providing investigative support. Section 15 would alter the division of enforcement authority between the Commissions in some, but not all, respects.

I am concerned that this section begins, but does not complete, the important work of reviewing and fine-tuning alcohol enforcement authority in gaming establishments. The language in Section 15 amends some but not all of the existing enforcement statutes, creating the risk or appearance of conflict with provisions of G.L. c. 23K, § 6(g) and G.L. c. 10, § 72A.

I note that the Expanded Gaming Act was signed into law in 2011, creating the category of gaming beverages licenses for the first time. As gaming has grown and developed over the past decade, the structure for regulating these licenses is in need of review and may be in need of change. Therefore, I recommend that this section be amended to require the Alcoholic Beverages Control Commission and the Massachusetts Gaming Commission to study alcohol regulation and enforcement in gaming establishments, including in restaurants and bars within gaming establishments but not in gaming areas. I also recommend that the Commissions review the effectiveness of their ongoing enforcement partnership.

For the reasons stated above, I recommend that section 15 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 15. The Alcoholic Beverages Control Commission and Massachusetts Gaming Commission shall study and report on the status of alcohol enforcement in gaming establishments, including in restaurants and bars within gaming establishments but not in gaming areas, and review the effectiveness of the ongoing collaborative relationship that exists between the Alcoholic Beverages Control Commission and Massachusetts Gaming Commission. In their review, the Alcoholic Beverages Control Commission and the Massachusetts Gaming Commission shall seek input from stakeholders, including but not limited to gaming licensees, vendors and contractors that hold or operate under gaming establishment liquor licenses.

A report of their findings, including any legislative or regulatory recommendations, shall be filed with the clerks of the house of representatives and senate, the joint committee on consumer protection and professional licensure, and the joint committee on economic development and emerging technologies not later than April 1, 2024.

Respectfully submitted,

Maura T. Healey
Governor