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**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY
REGARDING MANDATORY CROWD MANAGER(S) & DAILY FIRE AND
BUILDING SAFETY CHECKLIST**

In 2004 the Legislature enacted Chapter 304 of the Acts of 2004, *An Act Relative to Fire Safety in the Commonwealth*. Under this law, each §12 licensee must obtain a valid Certificate of Inspection signed by both the local building inspector and the fire chief for both the first issuance and the renewal of §12 licenses. Effective June 1, 2011, all §12 licensees:

1. with an *Occupant Load* of 100 or more persons and
2. who are a
 - (a) “nightclub, dance hall, discotheque or bar” or who
 - (b) 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 licensed premises at all times that they are open to patrons. This requirement will impact many, but not all, §12 licensees.

Under this regulation, a Crowd Manager 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. This *Fire and Building Safety Checklist* was created by the Department of Fire Safety (“DFS”). 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 *Fire and Building Safety Checklist* must be kept on the premises for at least 1 year and is subject to inspection.

Crowd Managers must complete a training course given by the State Fire Marshal and also must provide documentation that this training was successfully completed. The training is available online, 24 hours a day on the website of the Massachusetts Department of Fire Services (www.mass.gov/dfs). Simply click on the link “Crowd Manager” under “Online Services” on the right side of the homepage.

DFS estimates that it takes approximately 30- 40 minutes to complete this online training and take a short test on the information included in the program. If an individual

successfully answers 70% of the questions, he/she can obtain a Certificate of Successful Completion. If anyone does not correctly answer 70% of the questions, they will be directed to take the exam a second time; and if anyone fails a second time, they will be directed to re-take the training program.

Pursuant to this new requirement, one (1) Crowd Manager must be designated for every 250 occupants or portion thereof based upon the *Occupant Load* specified on the Certificate of Inspection. The DFS defines *Occupant Load* as the total number of employees, performers and patrons permitted in a “nightclub, dance hall, discothèque or bar” as shown on the Certificate of Inspection. 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. The Crowd Manager(s) must be in the licensed premises at all times the business is open to patrons.

Any qualifying §12 licensee’s failure to designate and have the required Crowd Manager(s) present when open to the public is a violation of the law. Under Massachusetts General Laws chapter 138, §64, each license holder must comply with all laws of the Commonwealth, including this new law that can be found at 527 C.M.R. 10.13. Furthermore, the regulations of the Alcoholic Beverages Control Commission require that a licensee cannot permit any illegality to occur in or on the licensed premises.

Also, license holders subject to this new requirement may lose their alcoholic beverages license if they fail to obtain the required Certificate of Inspection. For example, a fire chief may not sign the Certificate of Inspection with any outstanding fire code violations, according to the DFS. Local licensing authorities and §12 licensees may find further information on this new requirement at the following links at the Department of Fire Safety Webpage:

http://www.mass.gov/Eeops/docs/dfs/crowd_mgr/letter_to_license_holders.pdf

http://www.mass.gov/Eeops/docs/dfs/crowd_mgr/crowd_manager_flyer.pdf

http://www.mass.gov/Eeops/docs/dfs/crowd_mgr/fire_and_bldg_checklist.pdf

http://www.mass.gov/Eeops/docs/dfs/crowd_mgr/excerpts_of_fire_code_527cmr.pdf

http://www.mass.gov/Eeops/docs/dfs/crowd_mgr/letter_to_local_licensing_authorities.pdf

Individuals with questions concerning this Advisory and the new Crowd Manager requirement may contact the ABCC at 617-727-3040 x 31.

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