

ALCOHOL LICENSEE SEMINAR

WELCOME!

TODAY'S SPEAKERS:

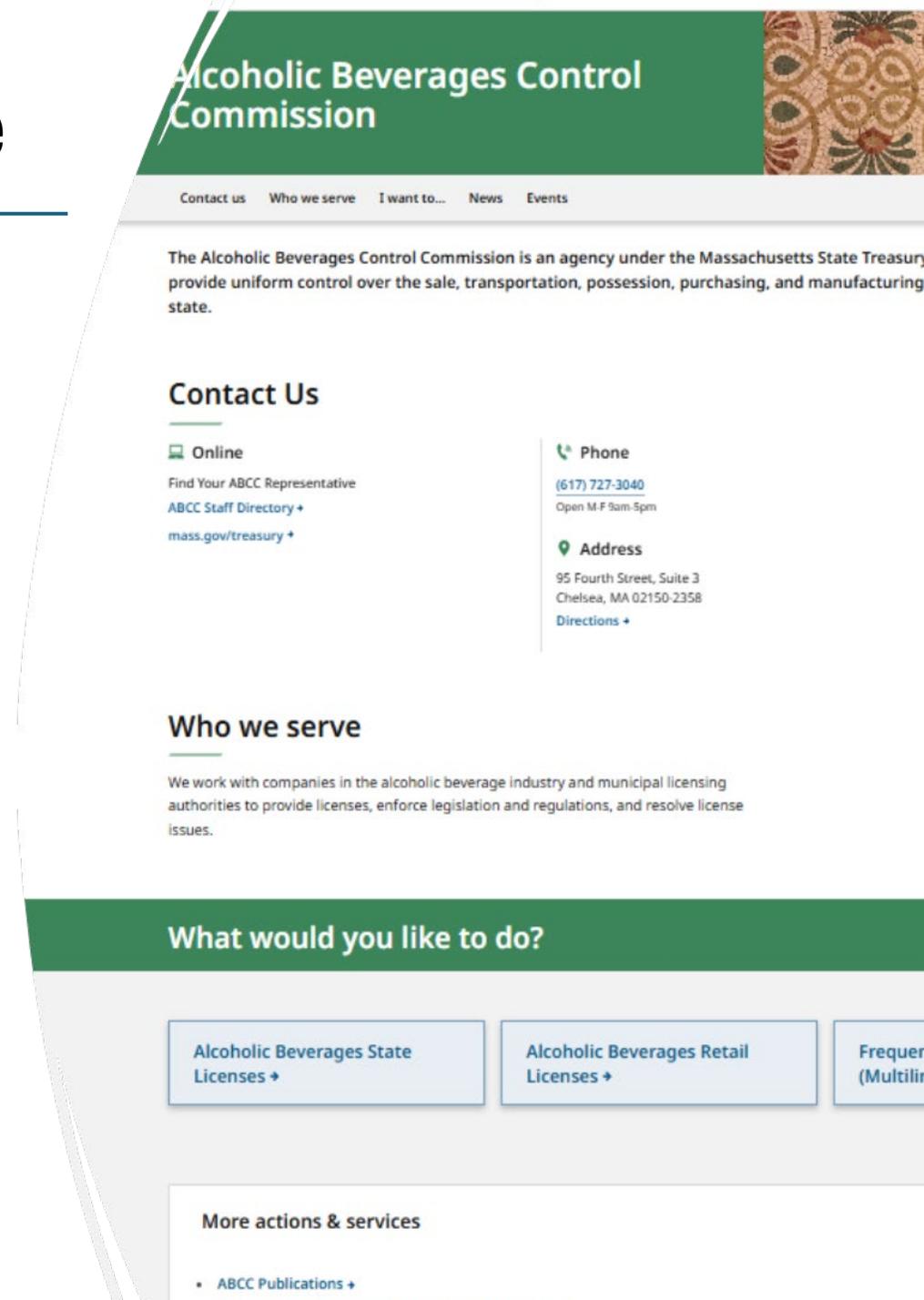
- **Commissioner Jean M. Lorizio, Esq., Chair of the Alcoholic Beverages Control Commission (ABCC)**
- **Ralph Sacramone, Executive Director of the Alcoholic Beverages Control Commission (ABCC)**
- **Kyle E. Gill, Esq., General Counsel, Alcoholic Beverages Control Commission (ABCC)**
- **Thomas Carroll Community Outreach & Resource Planning Specialist US Department of Labor**

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





Alcoholic Beverages Control Commission

95 Fourth Street, Suite 3,

Chelsea, MA 02150

617-727-3040

www.mass.gov/abcc

ABCC Resources for Licensees and Stake Holders

Getting Started

- [ABCC Website Homepage](#)
- [ABCC YouTube Channel](#)
- [Local Licensing Authorities Page \(ABCC\)](#)
- [Frequently Asked Questions Page \(ABCC\)](#)
- [2026 Holiday Calendar](#)

Massachusetts ABCC - YouTube

www.youtube.com/@MAABCC

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Alteration of Premises/Change of Location Amendment Application Guide
For Retail Licensees
7:41

Alteration of Premises/Change of Location Amendment Application Guide
2 views • 7 days ago

Pledge of Collateral (License, Stock, Inventory) Amendment Application Guide
For Retail Licensees
5:03

Pledge of Collateral (License, Stock, Inventory) Amendment Application Guide
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Change of Officers/Directors Amendment to a Retail License Application Guide
For Retail Licensees with For-Profit Entities
10:06

Change of Officers/Directors Amendment to a Retail License Application Guide for For-Profit Entities
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Change of Officers/Directors Amendment to a Retail License Application Guide
Non-Profit Clubs
9:29

Change of Officers/Directors Amendment to a Retail License Application Guide for Non-Profit Clubs
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How to Submit a Massachusetts Direct Wine Shipper Annual Report
For Direct Wine Shippers
3:42

How to Submit a Massachusetts Direct Wine Shipper Annual Report
15 views • 1 month ago

New Retail License Application Guide
For Prospective Retail Licensees
11:36

New Retail License Application Guide
58 views • 2 months ago

Alcoholic Beverages Retail License Application Process
For Local Licensing Authorities
6:07

Alcoholic Beverages Retail License Application Process for Local Licensing...
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How to Submit a Retail Record
For Local Licensing Authorities
8:46

How to Submit a Retail Record for Local Board Staff
119 views • 5 months ago

Retail License Renewal Process
For Local Licensing Authorities
10:15

Retail License Renewal Process Video

Retail License Applications

- [ABCC Retail License Process Overview Video](#)
- [Application Checklist for Local Licensing Authorities](#)
- [Licensing Authority Certification form](#)

ABCC Staff Contacts

- [ABCC Staff Directory](#)

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

Local Boards may now approve a retail 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 former series pouring permits issued pursuant to M.G.L. c. 138, §§ 19 B(n), C(n) and E(o) as well.

Law change did not affect requirements for Corporations or Limited Liability Companies:

M.G.L. c. 138, § 12 (on-premises)- At least 50% of Directors/ LLC Managers must be US Citizens.

M.G.L. c. 138, § 15 (off-premises)- 100% of Directors/ LLC Managers must be US Citizens.

M.G.L. c. 138, § 18 (wholesaler)- 100% of Directors/ LLC Managers must be US Citizens.

M.G.L. c. 138, § 12D

- Municipalities must accept M.G.L. c. 138, § 12D prior to allowing M.G.L. c. 138, § 12 (on-premises) wines and malt beverages license holders to trade in their license for a **non-transferable** M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license pursuant to M.G.L. c. 138, § 12D. **M.G.L. c. 138, § 12 (on-premises) wines and malt beverages license holders requesting a trade in for a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license must submit an application for a change of license category to the Local Board. Change of license category amendments require ABCC approval and must comply with the “Liquor Control Act” (M.G.L. c. 138) including but not limited to advertisement, abutters’ notification requirements and Local Board hearing. Local Boards may charge a reasonable fee that shall not be excessive and may also establish additional requirements.**

M.G.L. c. 138, § 12D contd.

- When a M.G.L. c. 138, § 12 (on-premises) wines and malt beverages license is traded in for a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license pursuant to M.G.L. c. 138, § 12D, the M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license is **non-transferable** upon issuance. If a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license issued pursuant to M.G.L. c. 138, § 12D is cancelled, revoked or no longer in use by the license holder, a M.G.L. c. 138, § 12 (on-premises) wines and malt beverages license must be granted by the Local Board before a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license may be issued pursuant to M.G.L. c. 138, § 12D.
- A M.G.L. c. 138, § 12 (on-premises) license for wines and malt beverages traded in for a M.G.L. c. 138, § 12 (on-premises) all alcoholic beverages license pursuant to M.G.L. c. 138, § 12D does not increase the total number of licenses authorized pursuant to M.G.L. c. 138, § 17 or any other general or special law.

Section 12 and Section 15 Licensees with Same Owner Entity

- Alcohol cannot be transferred between entities.
- Each entity is its own business.
- If this action occurs, the Licensee transferring its alcoholic beverages is acting as a wholesaler which is a violation.
- The Licensee receiving the alcoholic beverages will be possessing alcoholic beverages that it is not authorized to sell which is a violation.



COMPLIANCE CHECKS

- Compliance Checks are a training tool required by law.
- Municipality and ABCC must conduct compliance checks.
- Compliance checks are intended to help the licensee comply with the law and local regulations.
- Compliance checks occur at brick-and-mortar locations as well as at deliveries of alcoholic beverages.



Mixed Drinks To-Go/ Delivery

- Takeaway/delivery of mixed drinks (Mixed Drinks To-Go): Section 12 establishments licensed for on-premises consumption of mixed drinks may permanently continue takeaway and delivery sales of mixed drinks. All mixed drinks sold for takeaway/delivery must be sold with food and at the same price/proportion as mixed drinks for on-premises consumption. Beer and wine by themselves are not included nor are unopened “ready to drink” cocktails.
- A Section 12 licensee is allowed to deliver mixed drinks **with at least 1 item of food prepared on-site sufficient to serve 1 individual** to Massachusetts consumers if the entity holds a Section 22 transportation permit. They may also use third parties licensed pursuant to M.G.L. c. 138, Section 22 as an express transportation licensee.
- Sale and delivery of the alcohol extends to the front door of the home to which alcohol is being delivered.
- Licensee’s Delivery Agent must verify the legal age and check ID of recipient at the time of delivery.





Commonwealth of Massachusetts
Office of the State Treasurer
Alcoholic Beverages Control Commission

EXPRESS TRANSPORTATION PERMIT

M.G.L. c. 138, § 22

This Permit authorizes the following permittee to transport and deliver alcoholic beverages and alcohol in its vehicles:

ABCC TRAINING, Inc.

100 2nd Street
San Francisco, CA 94107

Approved by the Alcoholic Beverages Control Commission on November 25, 2024

Jean Lorizio, Chairman

Crystal Matthews, Commissioner

Deborah Baglio, Commissioner

Master Permit Number: **XM-LIC-000499**
Record Number: **2024-000127-XM-REN**
Number of Vehicles: **9000**

THIS PERMIT WILL EXPIRE DECEMBER 31, 2025 UNLESS REVOKED OR CANCELLED DURING THIS PERIOD

THIS PERMIT SHALL BE CARRIED IN THE VEHICLE AT ALL TIMES

MGL c. 138 § 63A- Hindering or delaying investigator, inspector, or agent of Commission

ABCC, Police, Fire, City Inspectors are authorized to inspect the licensed premises at any time.

Police Department has authority to investigate potential violations of the law at a licensed premises on behalf of the Board, and conduct enforcement.

The Licensee should ensure that staff is aware and prepared to assist in allowing inspection of the licensed premises and responsive to questions during inspection.



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.



Working Together

Connect with the Police Department for Assistance

- **TEAMWORK AND COMMUNICATION ARE THE KEYS TO A WELL-RUN ESTABLISHMENT**
- **Contact your Local Police Department, Local Licensing Authority, and seek other resources for assistance to run an establishment in compliance with municipal licensing rules and ordinances and Massachusetts statutes and regulations**
- **Licensees should use available resources as well as keep communications open to prevent issues. Licensees should not hesitate to contact the following state and federal agencies:**
 - Alcoholic Beverages Control Commission "ABCC" [617-727-3040]**
 - Department of Industrial Accidents "DIA" [617-727-4900]**
 - Attorney General's Office "AGO" [617-727-3465]**
 - United States Department of Labor "USDOL" [617-624-6700]**
- **Other issues: overcrowding, promoters, and cover charges.**

Department of Industrial Accidents

<https://www.mass.gov/orgs/departments-of-industrial-accidents>

Workers' Compensation Insurance Requirements

-all employers are required to carry workers' compensation insurance for their employees and themselves at all times (cannot lapse)

-stop work order can be issued to employers who don't have workers' compensation insurance, and fines are \$100/day beginning on the date the stop work order is issued

DIA online Guides and Resources:

Employer's Guide to Workers Compensation – in multiple languages

<https://www.mass.gov/doc/employers-guide-to-workers-compensation-english-o/download>

Commonwealth of Massachusetts
Department of Industrial Accidents
Lafayette City Center
2 Avenue de Lafayette
Boston, MA 02111-1750

EMPLOYER'S GUIDE TO THE MASSACHUSETTS WORKERS' COMPENSATION SYSTEM

Esta guía está disponible en español en nuestro sitio electrónico: www.mass.gov/dia

Este Guia está disponível em português no nosso site: www.mass.gov/dia

Es manual sta skritu na Kriolu di Kabu Verdi pruntu pa bu uzu na website (pagina na internet): www.mass.gov/dia

本指南的中文版位於我們的網址：
www.mass.gov/dia

Có Hướng Dẫn này bằng tiếng Việt Nam tại mạng lưới của chúng tôi: www.mass.gov/dia

W ap jwenn gid sa a ekri nan lang kreyòl sou sit entènèt nou an: www.mass.gov/dia

ကျေးဇူးတင်ပါကအား

မှတ်ချက်အကျဉ်းချုပ်အားနောက်ကျောဖက်တွင်
www.mass.gov/dia

يتوفر هذا الدليل باللغة العربية على موقعنا التالي على الويب:
www.mass.gov/dia



MA Office of the Attorney General

- Many businesses are grappling with policies regarding **diversity, equity, inclusion, and access**. Attorney General Campbell has issued helpful guidance for businesses on this topic:

www.mass.gov/doc/multi-state-guidance-concerning-diversity-equity-inclusion-and-accessibility-employment-initiatives/download

- The state's **earned sick time law** was recently broadened to explicitly allow workers to use earned sick time to care for themselves or their spouse in the event of pregnancy loss or failed assisted reproduction, adoption, or surrogacy. This new permissible use became effective November 21, 2024.

Download the updated MA Earned Sick Notice of Employee Rights (required poster) here:

www.mass.gov/ago/earnedsicktime

- The **Salary Range Transparency Act** is a new law for MA employers. We have an FAQ, guidance, and information about a free webinar here:

www.mass.gov/info-details/pay-transparency-in-massachusetts

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

Focus on restaurant industry



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.



WAGE AND HOUR DIVISION
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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.)



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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

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

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



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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

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>



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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

FIND ABCC information and resources and FAQs in Multiple Languages ONLINE

Website Resources: ABCC:

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

Frequently Asked Questions

<https://www.mass.gov/info-details/frequently-asked-questions-multilingual>



- [Alcoholic Beverages Control Commission | Mass.gov](https://www.mass.gov/orgs/alcoholic-beverages-control-commission)
- [Frequently Asked Questions \(Multilingual\) | Mass.gov](https://www.mass.gov/info-details/frequently-asked-questions-multilingual)

RESOURCES

ABCC Frequently Asked Questions:

<https://www.mass.gov/info-details/frequently-asked-questions-multilingual>

DIA Employer's Guide to Workers' Compensation

<https://www.mass.gov/info-details/employers-guide-to-workers-compensation>