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ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY

“3-STORE LIMIT” INCREASED EFFECTIVE JANUARY 1, 2012

The legislature recently passed a law increasing from 3 to 5 the number of off-premises (§15) licenses any person or combination of persons may hold, directly or indirectly, in Massachusetts. Persons who wish to take advantage of this new law may file an application with the local licensing authorities after January 1, 2012. Pursuant to M.G.L. c. 138, § 15A, the local licensing authorities must note the date and time any application is filed with them. Please remember that the first business day of calendar year 2012, is Monday, January 2, 2012.

Applicants who hold more than three licenses are required to pay the ABCC a \$5,000 fee for each license over three (3) that they are approved to hold. This fee is due after the ABCC approves the license, but before the local licensing authorities issues the license. The ABCC will deposit this fee into the Commonwealth’s General Fund.

Please remember that this law has no effect on the number of available licenses within each city or town. The number of licenses available within each city or town is based on population, and set by a statutory formula found in M.G.L. c. 138, §17. Furthermore, any person or combination of persons may only hold one (1) license directly or indirectly, in a town. This law does not change the statutory limitation of holding more than one license in a town. Finally, the number of licenses any person or combination of persons may hold, directly or indirectly, in a city remains at two (2). This law does not amend that statutory limitation.

Please note that this law will continue to increase the allowable number of licenses that any person or combination of persons may hold, directly or indirectly by two (2) every four (4) years until 2020. So, effective January 1, 2016, the law increases the maximum number of allowable off-premises (§15) licenses from 5 to 7. Persons who wish to take advantage of this amendment may file an application with the local licensing authorities after January 1, 2016. Thereafter, effective January 1, 2020, the law again increases the maximum number of off-premises (§15) licenses able to be held from 7 to 9. Persons who wish to take advantage of this amendment may file an application with the local licensing authorities after January 1, 2020

All licensees should ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, as required by M.G.L. c. 138, §64, and sales of alcoholic beverages take place only as authorized by state law. Individuals with questions concerning this Advisory and the new law increasing the limit on the number of off-premises (§15) licenses able to be held may contact, the ABCC at 617-727-3040 x 731.

(Issued: December 13, 2011)