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STEPHEN D. COAN  
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**MEMORANDUM**

To: Heads of Fire Departments

From: Stephen D. Coan  
State Fire Marshal

Date: October 20, 2014

**RE: UPDATED INFORMATION: New and Renewed Liquor License Inspections  
And Ongoing Review of M.G.L. c. 148, s. 26G<sup>1/2</sup>**

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**Liquor License Inspections**

Recently, my office has been asked to clarify the issue of when a 780 CMR 1.06 inspection, conducted by the local building inspector and signed by the Head of the Fire Department, is necessary prior to the issuance or renewal of a liquor license.

The Fire Safety Act of 2004 amended Massachusetts General Law Chapter 10, s. 74 to require all applicants for an alcohol beverage license (issued under the authority of the ABCC) to submit an annual valid certificate of inspection as a pre-condition to the issuance or renewal of this license. The license referred to in that section is a Chapter 138, s. 12 pourers license for alcohol intended to be consumed on the premises.

Because the ABCC does not have jurisdiction over temporary one (1) day licenses issued under Chapter 138, s. 14, the inspectional requirement is not a pre-condition imposed on the issuing city and town liquor licensing authorities. However, the Department of Fire Services highly recommends you work with your local licensing authority to have them require such an inspection prior to the issuance of these one (1) day licenses, where alcohol will be consumed on the premises.

**Ongoing Review of M.G.L. c. 148, s. 26G<sup>1/2</sup>**

On a related but different issue, I remind all Chiefs to pay careful attention to facilities in their

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communities that may have changed their day to day operations due to economic conditions or have been operating on a temporary basis as an entertainment venue, but now may be subject to the provisions of M.G.L. c. 148, s. 26G½, operating as a nightclub, dancehall, discothèque or bar, in excess of 100 capacity.

If you need a reminder on the application of this law, please see the following link to a January 10, 2005 memorandum issued by the Fire Safety Commission's Automatic Sprinkler Appeals Board, which details the factors to be considered in making that determination.  
<http://www.mass.gov/eopss/docs/dfs/osfm/boards/asab-guidance.pdf>

If you have any further questions, please contact the Code Compliance and Enforcement Unit at (978) 567-3375 or in Western MA at (413) 587-3181.