

S 2582 An Act Relative to Economic Development Reorganization

Sections relating to farm-wineries

SECTION 139. [Section 12 of said chapter 138](#), as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:

The local licensing authority of any city or town wherein the granting of licenses under this section is authorized, notwithstanding any limitation on the number of licenses the city or town is authorized to grant in section 17, may grant a license to the holder of a farmer-winery license under section 19B or from any other state for service to travelers, strangers, and other patrons and customers who are at least 21 years of age, such wine to be served and drunk on the premises of the winery at such locations on the premises of the farm as the local licensing authority may deem reasonable and proper.

For purposes of this section, a farm shall have the meaning ascribed to it in [section 1A of chapter 128](#).

SECTION 140. [Section 15 of said chapter 138](#), as so appearing, is hereby amended by inserting after the figure "19C", in line 18, the following words: , or to an applicant licensed to operate as a farmer-winery under said section 19B or in any other state.

SECTION 141. Said [section 15 of said chapter 138](#), as so appearing, is hereby further amended by inserting after the word "fee", in line 47, the following words:- and nothing shall prohibit the local licensing authority from establishing reduced fees for special licenses issued under section 15F.

SECTION 142. Said chapter 138 is hereby further amended by inserting after section 15A the following section:

Section 15F. Notwithstanding any other provision of [chapter 138](#) , in any city or town wherein the granting of licenses to sell wine is authorized under this chapter, the local licensing authority may issue to an applicant authorized to operate a farmer-winery under section 19B or in any other state, a special license for the sale of wine produced by or for the licensee in sealed containers for off-premise consumption at an indoor or outdoor agricultural event. All sales of wine shall be conducted by an agent, representative, or solicitor of the licensee to customers who are at least 21 years of age. A licensee under this section may provide, without charge, samples of wine to prospective customers at an indoor or outdoor agricultural event. All samples of wine shall be served by an agent, representative, or solicitor of the licensee to individuals who are at least 21 years of age and all samples shall be consumed in the presence of such agent, representative, or solicitor of the licensee; provided, however, that no sample shall exceed one (1) ounce of wine and no more than 5 samples shall be served to an individual prospective customer. For the purposes of this section, the term "agricultural event" shall be limited to those events certified by the department of agricultural resources as set forth in this section.

An applicant for a special license under this section shall first submit a plan to the department of agricultural resources that shall demonstrate that the event is an agricultural event. The plan shall include a description of the event, the date, time and location of the event, a copy of the operational guidelines or rules for the event, written approval that the prospective licensee has been approved as a vendor at the event, including the name and contact information of the onsite manager, and a plan depicting the premises and the specific location where the license will be exercised.

Upon review of the plan, the department may certify that the event is an agricultural event; provided, however, that in making that determination, the department shall consider the following factors: (i) operation as a farmers' market or agricultural fair approved or inspected by the department; (ii) frequency

and regularity of the event, including dates, times and locations; (iii) number of vendors; (iv) terms of vendor agreements; (v) presence of an onsite manager; (vi) training of the onsite manager; (vii) operational guidelines or rules, which shall include vendor eligibility and produce source; (viii) focus of event on local agricultural products grown or produced within the market area; (ix) types of shows or exhibits, including those which are described in clause (f) of the first paragraph of [section 2 of chapter 128](#); and (xi) sponsorship or operation by an agricultural or horticultural society organized under the laws of the commonwealth, or by a local grange organization and/or association whose primary purpose is the promotion of agriculture and its allied industries. The department of agricultural resources may promulgate rules and regulations necessary for the operation, oversight, approval, and inspection of agricultural events under this section.

An applicant for a license under this section shall file with the local licensing authority along with its application proof of certification from the department of agricultural resources that the event is an agricultural event. A special license under this section shall designate the specific premises, and dates and times covered. A special license may be granted for an indoor or outdoor agricultural event which takes place on multiple dates and/or times during a single calendar year but no special license shall be granted for an agricultural event that will not take place within 1 calendar year. The special license shall be displayed conspicuously by the licensee at the licensed premises. A copy of a special license granted by the local licensing authority shall be submitted by the authority to the commission at least 7 days prior to the date the agricultural event is first scheduled to begin. The local licensing authority may charge a fee for each special license granted, but such fee shall not exceed fifty \$50. A special license granted under this section shall be nontransferable to any other person, corporation, or organization and shall be clearly marked nontransferable on its face.

The commission may promulgate rules and regulations it deems appropriate to effectuate the purposes of this section.

SECTION 143. [Section 17 of said chapter 138](#), as so appearing, is hereby amended by adding the following paragraph:

In addition to the number of licenses otherwise authorized to be granted pursuant to this section, a city or town may grant additional licenses under sections 12, 15 or 15F to the holder of a farmer winery license under section 19B or in any other state for the sale of wine produced by or for the applicant. A license granted by a city or town under said section 12, 15 or 15F shall not be include as a license for purposes of determining the number of licenses allowed to be granted by a city or town under this section. A license granted pursuant to this paragraph shall be nontransferable to any other person, corporation or organization and shall be clearly marked nontransferable on its face.

SECTION 144. [Section 19B of said chapter 138](#), as so appearing, is hereby amended by inserting after the word "section", in line 97, the following words:15, 15F or

SECTION 145. Said [section 19B of said chapter 138](#), as so appearing, is hereby further amended by striking out, in line 99, the word "and", the second time it appear.

SECTION 146. Said [section 19B of said chapter 138](#), as so appearing, is hereby amended by inserting after the word "country" in line 100,, the following word:

(5) at retail by the glass or bottle to be consumed on the premises prescribed by a license issued by local authority pursuant to section twelve of this chapter.

SECTION 147. Said [section 19B of said chapter 138](#), as so appearing, is hereby further amended by striking out subsection (h) and inserting in place thereof the following words:

(h) A winegrower shall not sell at retail to consumers any wine or winery product not produced by or for the winery and sold under the winery brand name. All retail sales shall be made on the winery premises, except where a winegrower obtains additional licenses for the sale of wine to consumers at additional locations off the winery premises at locations authorized by a license issued pursuant to sections 15 and 15F.