

204 CMR: ALCOHOLIC BEVERAGES CONTROL COMMISSION

204 CMR 4.00: PROHIBITION OF CERTAIN PRACTICES

Section

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4.01: Definitions

Licensee: means any person, club, partnership, corporation or other entity licensed under the provisions of M.G.L. c. 138 to sell alcoholic beverages to be served and drunk on the premises.

4.02: Required Records

All licensees shall maintain a schedule of the prices charged for all drinks to be served and drunk on the licensed premises or in any room or part thereof. Such prices shall be effective for not less than one calendar week.

4.03: Certain Practices Prohibited

- (1) No licensee or employee or agent of a licensee shall:
 - (a) offer or deliver any free drinks to any person or group of persons;
 - (b) deliver more than two drinks to one person at one time;
 - (c) sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
 - (d) sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
 - (e) sell, offer to sell or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 - (f) sell, offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;
 - (g) increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
 - (h) encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.
- (2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.

4.04: Exceptions

Nothing contained in 204 CMR 4.03 shall be construed to prohibit licensees from offering free food or entertainment at any time; or to prohibit licensees from including a drink as part of a meal package; or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person; or to prohibit those licensed under M.G.L. c. 138, § 15, from offering free wine tastings; or to prohibit those licensed under M.G.L. c. 138, § 12, from offering room services to registered guests.

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4.05: Application

The provisions of 204 CMR 4.00 shall be deemed to be a condition of every license issued under M.G.L. c. 138 to sell alcoholic beverages to be drunk on the premises, and said provisions may be enforced by the local licensing authorities or their agents and by the Alcoholic Beverages Control Commission or its investigators.

4.06: Severability

The provisions of 204 CMR 4.00 are severable, and if any provision or the application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of 204 CMR 4.00.

REGULATORY AUTHORITY

204 CMR 4.00: M.G.L. c. 6, §§ 43 and 44; M.G.L. c.138, § 24; M.G.L. c.30A.