



*The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, MA 02114*

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THE ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY

NEW FARMER SERIES POURING PERMITS FOR FARMER-BREWERIES, FARMER-WINERIES & FARMER-DISTILLERIES

Effective July 11, 2013, the legislature authorized a new type of “pouring permit” for Farmer-Breweries, Farmer-Wineries Farmer Distilleries¹ (“Farmer Series Pouring Permit”). Previously, these types of establishments were licensed as pouring permits under M.G.L. c. 138, § 12, ¶ 7 (“Restaurant Pouring Permit”). The Farmer Series Pouring Permit is an on-premises license which allows the licensee to sell and allow samplings of the alcoholic beverages it manufactures on its premises. The Farmer Series Pouring Permit follows the same process as all retail licenses. They must be approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission (the “Commission”).

Because Restaurant Pouring Permits are no longer an authorized alcoholic beverages license, all applications for a Restaurant Pouring Permit that were granted by the local licensing authorities prior to July 11, 2013, must be ratified as a Farmer Series Pouring Permit by the local licensing authorities and approved by the Commission. To accomplish this, the Commission recommends that local boards use the following process:

- hold a meeting which complies with the Open Meeting Law;
- vote to give the applicant a pouring permit under M.G.L. c.138, §§19B(n) Farmer-Brewer, 19C(n) Farmer-Winery or 19E(o) Farmer-Distillery, as the case may be;
- prepare and sign a form 43; and
- send the signed Form 43 to the Commission.

Once the Commission approves the application for the Farmer Series Pouring Permit, the stamped Form 43 will be returned to the local licensing authorities in the usual procedure. A Form 43 may be found at <http://www.mass.gov/abcc/pdf/forms/form43.pdf>. Applications for the Farmer Series Pouring Permit will be posted on our website.

Prior to year end, Restaurant Pouring Permit Licensees must apply for a Farmer Series Pouring Permit. To simplify this process, the Commission has sent a letter to all our current Restaurant Pouring Permit Licensees notifying them of the change in the law. The Commission has invited the Licensees to send a petition requesting that we reclassify them as Farmer Pouring Permit Licensees. Once the Commission receives this request, we will reclassify these licensees for their annual renewal. The renewal application will contain their new designation as Farmer Pouring Permits. This will enable the Local Licensing Authorities to approve the new designation using their normal renewal process. We are utilizing this method, with an effort toward minimizing disruption to your ordinary process.

As always, all licensees must ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by state law. Individuals with questions concerning this advisory may contact Ralph Sacramone, Executive Director at 617-727-3040 x 731.

(Issued: August 7, 2013)

¹ The law that made these changes is Acts 2013, Chapter 36, §§ 16-22 and can be found on the website of the Legislature. The language for these new “pouring permits” can be found in M.G.L. c. 138, § 19B(n)(for farmer-wineries), M.G.L. c. 138, § 19C(n)(for farmer-breweries), M.G.L. c. 138, § 19E(o)(for farmer-distilleries).