

AN INITIATIVE PETITION FOR A LAW RELATIVE TO THE SALE OF BEER AND WINE BY FOOD STORES

Be it enacted by the People, and by their authority:

SECTION 1. Chapter 138 of the General Laws is hereby amended by inserting, after section 15B, the following sections:-

Section 15C. Adoption and enforcement of age verification policies by licensees

(a) Every licensee under sections 15 and 15D shall adopt and enforce an age verification policy for the prevention of the unlawful sale of alcoholic beverages to persons under twenty-one years of age, which policy shall require the presentation of a valid and reliable form of identification by all customers for all purchases of alcoholic beverages, regardless of the actual or apparent age of the customer.

(b) For purposes of this section, a reliable form of identification shall include those forms of identification upon which a licensee may reasonably rely for purposes of the second paragraph of section 34B, and such other forms of identification for which the licensee has adopted reasonable measures by which to verify the validity and authenticity thereof.

(c) Nothing in this section shall prohibit a licensee from adopting and enforcing additional age verification policies beyond those required herein, nor in any way limit the applicability of section 69, nor otherwise be construed as affirmatively requiring the sale of an alcoholic beverage to any customer who presents a valid and reliable form of identification.

(d) The commission shall, after notice and hearing under chapter 30A, promulgate regulations to implement this section.

Section 15D. Grant of additional licenses to food stores for the sale of beverages not to be drunk on the premises

(a) Local licensing authorities that have been authorized to grant licenses under section 15 are hereby authorized to grant an additional class of licenses, known as a food store license, for the sale of wines and malt beverages not to be drunk on premises.

(b) Except as otherwise provided in this section, a food store license shall in every way be treated as a license granted under section 15 and shall be subject to all the laws and regulations applicable thereto.

(c) No food store license shall be granted under this section unless the premises to which the license applies is a permanent non-mobile location within the geographic jurisdiction of the

local licensing authority, meets the definition of a “food store” under section 184B of chapter 94, and meets the definition of a “retail food store” under section 3(o)(1) of the federal Food and Nutrition Act of 2008 as amended through Public Law 115-334.

(d) The amount of any initial or renewal fee for a food store license shall be determined by the local licensing authority, provided that such fee shall not exceed seventy-five percent of the amount of any initial or renewal fee established by the local licensing authority for a license granted under section 15.

(e) In addition to any fees imposed under subsection (d) of this section, an applicant for a new food store license or for the transfer of a food store license shall pay a fee in the amount of \$500 to the commission after approval of the application but before the issuance of the new or transferred license, provided that such fee shall be in the amount of \$5,000 when the issuance of said food store license would result in the applicant owning or controlling more than five food store licenses in the commonwealth.

(f) The number of food store licenses that may be granted under this section shall be determined at the sole discretion of each local licensing authority, which shall be in addition to the number of licenses otherwise authorized to be granted under sections 15 and 17, and which shall not be included as a license for purposes of determining the number of licenses allowed to be issued under said sections 15 and 17. Without limitation to the foregoing general provisions of this subsection, the number of food store licenses that may be granted shall not be subject to the second sentence of section 15.

(g) A food store license shall permit the sale of wines and malt beverages only, and shall not permit the sale of all alcoholic beverages, provided that nothing in this section shall prohibit a food store from applying for a new license or the transfer of a license for the sale of all alcoholic beverages under section 15, subject to all the provisions of this chapter applicable to the issuance thereof, the granting of which shall require the surrender or conversion of any food store license that may have been issued under this section for the same premises.

(h) The commission shall, after notice and hearing under chapter 30A, promulgate regulations to implement this section.

SECTION 2. Section 15C of said chapter 138, as enacted by section 1 of this Act, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following subsections:-

(a) Every licensee under sections 15 and 15D shall adopt and enforce an age verification policy to prevent the unlawful sale of alcoholic beverages to persons under twenty-one years of age, which policy shall require:

(1) the presentation of a valid and reliable form of identification by all customers for all purchases of alcoholic beverages, regardless of the actual or apparent age of the customer; and

(2) the verification of such identification by means of a point-of-sale barcode scanner or such other comparable technology as may be approved by the commission, provided that the commission may establish alternative measures of verification for those forms of identification upon which a licensee may reasonably rely for purposes of the second paragraph of section 34B but which are not capable of verification by technological means that are both commercially available and practically applied for the intended use.

(b) For purposes of this section, a reliable form of identification shall include only those forms of identification containing such features and attributes as may be required to enable verification by the licensee under subsection (a)(2) of this section, provided that the commission may enact additional criteria to further define a reliable form of identification.

SECTION 3. The first paragraph of section 15 of said chapter 138, as amended by sections 3 and 6 of chapter 193 of the Acts of 2011, is hereby further amended by striking out, in each instance, the phrase “more than 9” and inserting in place thereof, in each instance, the following phrase:- more than 12

SECTION 4. The first paragraph of said section 15 of said chapter 138, as amended by section 3 of this Act, is hereby further amended by striking out, in each instance, the phrase “more than 12” and inserting in place thereof, in each instance, the following phrase:- more than 15

SECTION 5. The first paragraph of said section 15 of said chapter 138, as amended by section 4 of this Act, is hereby further amended by striking out, in each instance, the phrase “more than 15” and inserting in place thereof, in each instance, the following phrase:- more than 18

SECTION 6. The first paragraph of said section 15 of said chapter 138, as amended by section 5 of this Act, is hereby further amended by striking out the second sentence in its entirety.

SECTION 7. Subsection (f) of section 15D of said chapter 138, as enacted by section 1 of this Act, is hereby amended by striking out the second sentence in its entirety.

SECTION 8. There shall be established and set upon the books of the commonwealth a separate fund which, subject to appropriation, shall consist of all monies required to be paid into the state treasury under sections 27 and 62 of said chapter 138 and which, subject to appropriation, shall be expended by the commission first for the implementation of this Act and second for the ongoing administration and enforcement of said chapter 138 generally.

SECTION 9. The commission shall, subject to appropriation, maintain a ratio of at least one investigator per 250 outstanding licenses issued under sections 15 and 15D of said chapter 138.

SECTION 10. Section 3 of this Act shall take effect on January 1, 2021.

SECTION 11. Sections 2 and 4 of this Act shall take effect on January 1, 2022.

SECTION 12. Section 5 of this Act shall take effect on January 1, 2023.

SECTION 13. Sections 6 and 7 of this Act shall take effect on January 1, 2024.

SECTION 14. Except as otherwise provided, this Act shall take effect on December 15, 2020.

We, the undersigned qualified voters of the Commonwealth of Massachusetts, have read and subscribe to the foregoing INITIATIVE PETITION FOR A LAW RELATIVE TO THE SALE OF BEER AND WINE BY FOOD STORES, agree to be one of the original signers thereof, and hereby submit it for approval by the people:

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| SIGNATURE: | Lauren Jett |
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