

HOUSE No. 02699

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>

HOUSE No. 02699

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 2699) of DiNatale and McMurtry relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities Joint Committee on Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 138 of the General Laws is hereby amended by inserting, after section 14,
2 the following section:-

3 Section 14A. (a) In a city or town wherein the granting of licenses to sell all alcoholic beverages
4 or wines and malt beverages only is authorized under this chapter, special licenses for the sale of
5 all alcoholic beverages or wines and malt beverages only, or either of them, may be issued by the
6 local licensing authority, to the manager or concessionaire of the continuing care community or
7 retirement community as defined by section 76 of chapter 93 or assisted living residence under
8 chapter 19D; provided, however, that in any city or town wherein the granting of licenses to sell
9 all alcoholic beverages is authorized under this chapter, special licenses for the sale of all
10 alcoholic beverages or wines and malt beverages only, or any of them, may be issued by the
11 local licensing authority to the responsible manager of any nonprofit organization that is a

12 continuing care community or retirement community under section 76 of chapter 93. In no event
13 shall such beverages be served to persons under the age of 21. The fees for the licenses granted
14 under this section shall be fixed from time to time by the local licensing authority and need not
15 be uniform.

16

17 A license under this section shall not be granted to any person while his application for a license
18 under section 12 is pending before the licensing authority.

19 (b) Licenses issued under this section are restaurant liquor licenses; provided, however, that the
20 following additional restrictions and privileges shall apply:

21 (1) Licenses issued under this section are not subject to quota restrictions

22 (2) Sales of all alcoholic beverages and wines or malt beverages may not occur from 2:00 a.m.
23 to 7:00 a.m.; provided, further, that sales may not occur prior to 1:00 p.m. or after 10:00 p.m. on
24 Sunday.

25 (3) All alcoholic beverages and wines or malt beverages sold or furnished by the licensee may
26 be possessed anywhere within the continuing care retirement community regardless of whether
27 that portion of the premises is licensed. However, no alcoholic beverages or wines and malt
28 beverages sold or furnished by the licensee may be taken beyond the confines of the
29 continuing care retirement community.

30 (4) Sales of alcoholic beverages or wines and malt beverages may occur in those portions of the
31 premises licensed by the authority as well as in rooms that are lived in or used by residents of the

32 continuing care retirement community. Sales of alcoholic beverages and wines and malt
33 beverages are limited to residents of the continuing care retirement community and the
34 guests of residents in conjunction with the normal, regularly scheduled dining, entertainment or
35 social activities of the continuing care retirement community.

36 (5) Licenses issued under this section are subject to the General Laws relating to employment
37 of minors, with the exception that the minimum age threshold for employment on licensed
38 premises shall be 16. The prohibition against minors under the age of 21 dispensing or serving
39 alcoholic beverages shall remain in effect.

40 (c) Licenses issued under this section are nontransferable and if issued to a manager or
41 concessionaire shall expire upon the termination of the contract between the continuing care
42 retirement community and the manager or concessionaire.