

# HOUSE . . . . . No. 4473

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, March 21, 2024.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petition (accompanied by bill, House, No. 102) of William M. Straus and Sarah K. Peake relative to farmer-distilleries, reports recommending that the accompanying bill (House, No. 4473) ought to pass.

For the committee,

TACKEY CHAN.

**HOUSE . . . . . No. 4473**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act relative to farmer-distilleries.

*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, as appearing in the 2022 Official Edition,  
2 is hereby amended by striking out section 15F, and inserting in place thereof the following  
3 section:-

4           Section 15F. Notwithstanding any other provision of this chapter, the local licensing  
5 authority of any city or town in which the granting of licenses to sell alcoholic beverages is  
6 authorized under this chapter may issue to an applicant a special license to sell at an indoor or  
7 outdoor agricultural event: (i) wine produced by or for the applicant if the wine is in sealed  
8 containers for off-premises consumption and the applicant is authorized to operate a farmer-  
9 winery under section 19B; (ii) malt beverages produced by or for the applicant if the malt  
10 beverages are in sealed containers for off-premises consumption and the applicant is authorized  
11 to operate a farmer-brewery under section 19C or a pub brewery under section 19D; or (iii)  
12 distilled products produced by or for the applicant if the distilled product is in sealed containers  
13 for off-premises consumption and the applicant is authorized to operate a farmer-distillery under

14 section 19E. For the purposes of this section, “agricultural event” shall be limited to those events  
15 certified by the department of agricultural resources as set forth in this section.

16 Sales of alcoholic beverages under this section shall be conducted by the licensee or by  
17 an agent, representative or solicitor of the licensee to customers who are not less than 21 years of  
18 age. A licensee under this section may provide samples of its alcoholic beverages to prospective  
19 customers at an indoor or outdoor agricultural event without charge; provided, however, that any  
20 such sample shall be served by the licensee or by an agent, representative or solicitor of the  
21 licensee to individuals who are not less than 21 years of age and shall be consumed in the  
22 presence of the licensee or an agent, representative or solicitor of the licensee; provided further,  
23 that a sample of wine shall not exceed 1 ounce, a sample of distilled product shall not exceed  
24 0.25 ounce, and a sample of malt beverages shall not exceed 2 ounces; and provided further, that  
25 not more than 5 samples of wine or malt beverages, nor more than 4 samples of distilled products  
26 shall be served to an individual prospective customer.

27 An applicant for a special license under this section shall first submit a plan to the  
28 department of agricultural resources that shall demonstrate that the event is an agricultural event.  
29 The plan shall include: (i) a description of the event; (ii) the date, time and location of the event;  
30 (iii) a copy of the operational guidelines or rules for the event; (iv) written proof that the  
31 prospective licensee has been approved as a vendor at the event, including the name and contact  
32 information of the on-site manager; (v) and a plan depicting the premises and the specific  
33 location where the license shall be exercised.

34 Upon review of the plan, the department may certify that the event is an agricultural  
35 event; provided, however, that in making that determination, the department shall consider: (i)

36 operation as a farmers' market or agricultural fair approved or inspected by the department; (ii)  
37 the frequency and regularity of the event, including dates, times and locations; (iii) the number of  
38 vendors; (iv) the terms of vendor agreements; (v) the presence of an on-site manager; (vi) the  
39 training of the on-site manager; (vii) any operational guidelines or rules, which shall include  
40 vendor eligibility and produce source; (viii) the focus of the event on local agricultural products  
41 grown or produced within the market area; (ix) the types of shows or exhibits, including those  
42 described in subsection (f) of section 2 of chapter 128; and (x) the event's sponsorship or  
43 operation by an agricultural or horticultural society organized under the laws of the  
44 commonwealth or by a local grange organization or association that has a primary purpose of  
45 promoting agriculture and its allied industries. The department of agricultural resources may  
46 promulgate rules and regulations necessary for the operation, oversight, approval and inspection  
47 of agricultural events under this section.

48 In addition to its application, an applicant for a special license under this section shall file  
49 with the local licensing authority proof of certification from the department of agricultural  
50 resources that the event is an agricultural event. A special license under this section shall  
51 designate the specific premises and the dates and times covered. A special license may be  
52 granted for an indoor or outdoor agricultural event that takes place on multiple dates or times  
53 during a single calendar year but a special license shall not be granted for an agricultural event if  
54 it will not take place within 1 calendar year.

55 The special license shall be conspicuously displayed at the licensed premises. A copy of a  
56 special license granted by the local licensing authority shall be submitted by the authority to the  
57 commission not less than 7 days before the date the agricultural event is first scheduled to begin.  
58 The local licensing authority may charge a fee for each special license granted but such fee shall

59 not exceed \$50. A special license granted under this section shall be nontransferable to any other  
60 person, corporation or organization and shall be clearly marked “nontransferable” on its face.

61 A special license under this section may be granted by a local licensing authority for a  
62 portion of premises that are licensed under section 12; provided, however, that: (i) the holder of  
63 the special license shall document the legal basis for use of the premises; (ii) the area in which  
64 the special license is to be approved shall be physically delineated from the area remaining under  
65 the control of the holder of the license granted under said section 12; (iii) the holder of the  
66 special license shall be solely liable for all activities that arise out of the special license; and (iv)  
67 the holder of the special license shall not pay any consideration, directly or indirectly, to the  
68 holder of the license granted under said section 12 for the access to or use of the premises.

69 SECTION 2. Section 19C of chapter 138 of the General Laws, as so appearing, is hereby  
70 amended by striking out the word “premises” in line 124, and inserting in place thereof the  
71 following:- “premises, or in accordance with section 15F”.

72 SECTION 3. Section 19D of chapter 138 of the General Laws, as so appearing, is hereby  
73 amended by striking out the word “premises” in line 126, and inserting in place thereof the  
74 following:- “premises, or in accordance with section 15F”.

75 SECTION 4. Section 19E of chapter 138 of the General Laws, as so appearing, is hereby  
76 amended by striking out the word “premises” in line 125, and inserting in place thereof the  
77 following:- “premises, or in accordance with section 15F”.

78 SECTION 5. The alcoholic beverages control commission may promulgate or amend  
79 rules and regulations as it deems appropriate to effectuate this act.