

SENATE No. 2903

Senate, - Text of the Senate amendment (Senator Miranda) to the House Bill authorizing additional licenses for the sale of alcoholic beverages to be drunk on the premises in Boston (House, No. 4696).

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

1 SECTION 1. Section 17 of chapter 138 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 101, the figure “665” and inserting in
3 place thereof the following figure:- 677

4 SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
5 other general or special law or rule or regulation to the contrary, the licensing board of the city of
6 Boston may grant up to 4 non-transferable, restricted licenses for the sale of all alcoholic
7 beverages to be drunk on the premises pursuant to section 12 of said chapter 138 and up to 2
8 non-transferable, restricted licenses for the sale of wines and malt beverages to be drunk on the
9 premises pursuant to said section 12 of said chapter 138 annually, for a period of 3 years
10 beginning in the calendar year during which this act takes effect, in each of the following zip
11 codes: 02118, 02119, 02121, 02122, 02124, 02125, 02126, 02128, 02129, 02130, 02131, 02132
12 and 02136. Licenses shall remain available until granted. A license not granted by the board in a
13 given year pursuant to this section shall remain available in the following year until all such
14 licenses are distributed pursuant to this section. A license granted pursuant to this section shall be
15 clearly marked “nontransferable” and “neighborhood restricted” on its face.

16 (b) If a licensee terminates or fails to renew a license granted pursuant to this section or if
17 any such license is canceled, revoked or no longer in use, it shall be returned physically, with all
18 of the legal rights, privileges and restrictions pertaining thereto, to the licensing board, which
19 may then grant that license to a new applicant in the same zip code where the original license
20 was granted.

21 (c) A license granted pursuant to this section shall require food to be prepared on-site and
22 under a food establishment permit issued by the city of Boston pursuant to 105 CMR 590.00.

23 SECTION 3. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
24 other general or special law or rule or regulation to the contrary, the licensing board of the city of
25 Boston may grant up to 3 non-transferable, restricted licenses for the sale of all alcoholic
26 beverages to be drunk on the premises pursuant to section 12 of said chapter 138 in the Oak
27 Square neighborhood in the Brighton section of the city of Boston. A license granted pursuant to
28 this section shall be clearly marked “nontransferable” and “neighborhood restricted” on its face.

29 (b) If a licensee terminates or fails to renew a license granted pursuant to this section or if
30 any such license is cancelled, revoked or no longer in use, the license shall be returned
31 physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the
32 licensing board, which may then grant the license to a new applicant in the Oak Square
33 neighborhood in the Brighton section of the city of Boston under the same conditions as
34 specified in this section. The licensing board shall not approve the transfer of the license granted
35 pursuant to this section to a location outside of the Oak Square neighborhood in the Brighton
36 section of the city of Boston.

37 (c) A license granted pursuant to this section shall require food to be prepared on-site and
38 under a food establishment permit issued by the city of Boston pursuant to 105 CMR 590.00.

39 SECTION 4. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any
40 other general or special law or rule or regulation to the contrary, the licensing board of the city of
41 Boston may grant up to 15 non-transferable, restricted licenses for the sale of all alcoholic
42 beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to community
43 spaces, including outdoor spaces, theaters, other nonprofit organizations or government or quasi-
44 government agencies located in the city of Boston; provided, however, that a theater with an
45 occupancy limit of 750 or more shall not receive a license pursuant to this section.

46 (b) If a licensee terminates or fails to renew a license granted pursuant to this section or if
47 any such license is cancelled, revoked or no longer in use, the license shall be returned
48 physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the
49 licensing board, which may then grant the license to a new applicant that is a community space
50 located in the city of Boston under the same conditions as specified in subsection (a). The
51 licensing board shall not approve the transfer of the license granted pursuant to this section to an
52 entity that is not a community space.

53 SECTION 5. This act shall take effect upon its passage.