HOUSE DOCKET, NO. 1551 FILED ON: 1/17/2013

HOUSE . . . . . No. 253

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul McMurtry	*11th Norfolk*
Jay R. Kaufman	*15th Middlesex*
Ruth B. Balser	*12th Middlesex*
Kay Khan	*11th Middlesex*
Cleon H. Turner	*1st Barnstable*
Chris Walsh	*6th Middlesex*
Stephen L. DiNatale	*3rd Worcester*
Louis L. Kafka	*8th Norfolk*
Michael O. Moore	*Second Worcester*
William C. Galvin	*6th Norfolk*
Frank I. Smizik	*15th Norfolk*
Cory Atkins	*14th Middlesex*
Paul A. Schmid, III	*8th Bristol*
Danielle W. Gregoire	*4th Middlesex*
John W. Scibak	*2nd Hampshire*

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By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 253) of Paul McMurtry and others relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2699* OF 2011-2012.]

The Commonwealth of Massachusetts

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:

SECTION1. Chapter 138 of the General laws is hereby amended by inserting, after section 14, the following section:-

Section 14A. (a) In a city or town wherein the granting of licenses to sell all alcoholic beverages or wines and malt beverages only is authorized under this chapter, special licenses for the sale of all alcoholic beverages or wines and malt beverages only, or either of them, may be issued by the local licensing authority, to the manager or concessionaire of the continuing care community or retirement community as defined by section 76 of chapter 93 of assisted living residence under chapter 19D; provided, however, that in any city or town wherein the granting of licenses to sell all alcoholic beverages is authorized under this chapter, special licenses for the sale of all alcoholic beverages or wines and malt beverages only, or any of them, may be issued by the local licensing authority to the responsible manager of any organization that is a continuing care community or retirement community under section 76 of chapter 93. In no event shall such beverages be served to persons under the age of 21. The fees for the licenses granted under this section shall be fixed form time to time by the local licensing authority and need not be uniform.

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

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

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

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

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

29 (4) Sales of alcoholic beverages or wines and malt beverages may occur in those portions
30 of the premises licensed by the authority as well as in rooms that are lived in or used by residents
31 of the continuing care retirement community. Sales of alcoholic and wines and malt beverages
32 are limited to residents of the continuing care retirement community and the guests of residents
33 in conjunction with the normal, regularly scheduled dining, entertainment or social activities of
34 the continuing care retirement community.

35

36 (5) Licenses issued under this section are subject to the General Laws relating to
37 employment of minors, with the exception that the minimum age threshold for employment on
38 licensed premises shall be 18. The prohibition against minors under the age of 21 dispensing or
39 serving alcohol shall remain in effect. Residents who reside in continuing care retirement
40 communities shall also have the right to have cocktail parties and furnish their own alcohol for
41 said parties to be consumed on the premises of continuing care retirement communities.