

HOUSE No. 1627

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 15, 1934.

The committee on Ways and Means, to whom was referred the Bill relative to the control of traffic in alcohol (House, No. 1495), report that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 1627).

For the committee,

CHRISTIAN A. HERTER.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Four.

An Act relative to the Control of the Traffic in Alcohol.

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. Section one of chapter one hundred
2 and thirty-eight of the General Laws, as amended by
3 section one of chapter one hundred and twenty-one
4 of the acts of nineteen hundred and thirty-four, is
5 hereby further amended by striking out the paragraph
6 contained in the sixth to the ninth lines, inclusive, as
7 printed in section two of chapter three hundred and
8 seventy-six of the acts of nineteen hundred and
9 thirty-three, and inserting in place thereof the fol-
10 lowing: —

11 “Alcoholic beverages”, any beverage containing
12 one half of one per cent or more of alcohol by volume
13 at sixty degrees Fahrenheit and also ethyl alcohol
14 of one hundred proof or less, except that the applica-
15 tion of this definition shall be limited as provided in
16 section three A and except that a license under sec-
17 tion twelve, thirteen or fourteen shall not authorize
18 the sale of such ethyl alcohol.

1 SECTION 2. Said chapter one hundred and thirty-
2 eight is hereby further amended by striking out sec-

3 tion two, as amended by chapter three hundred and
4 five of the acts of the current year, and inserting in
5 place thereof the following: —

6 *Section 2.* No person shall manufacture, with in-
7 tent to sell, sell or expose or keep for sale, transport,
8 import or export alcoholic beverages or ethyl alcohol
9 of more than one hundred proof, except as authorized
10 by this chapter; but the provisions of this chapter
11 shall not apply to sales or transportation by a person
12 or public officer under a provision of law which re-
13 quires him to sell personal property, or to sales or
14 transportation by executors, administrators, receivers
15 and trustees duly authorized by proper judicial order
16 or decree. Assignees under voluntary assignments
17 for the benefit of creditors if such assignees are au-
18 thorized by special permit of the commission, and
19 insurers and their agents in disposing of such bev-
20 erages or of ethyl alcohol damaged by fire or other
21 casualty if authorized by such a permit, may sell and
22 transport alcoholic beverages or ethyl alcohol. Any
23 holder of a license under this chapter may pledge or
24 mortgage to secure a loan or debt any alcoholic bev-
25 erages or ethyl alcohol which he is authorized to sell
26 and the pledgee or mortgagee acting in conformity
27 with the terms of such pledge or mortgage may sell
28 and transport such alcoholic beverages or ethyl alcohol
29 subject to such conditions and restrictions as the
30 commission may prescribe. Violation of this section
31 shall be punished except as provided in section twenty-
32 two by a fine of not less than one hundred nor more
33 than one thousand dollars or by imprisonment for not
34 more than one year, or both.

1 SECTION 3. Said chapter one hundred and thirty-

2 eight is hereby further amended by inserting after
3 section three, as so appearing, the following new
4 section:—

5 *Section 3A.* “Alcoholic beverages” shall not in-
6 clude, except as provided in this section, any of the
7 following:

8 (a) Denatured alcohol produced and used pursuant
9 to acts of congress and regulations promulgated there-
10 under;

11 (b) Patent, proprietary, medicinal, pharmaceutical,
12 antiseptic and toilet preparations;

13 (c) Flavoring extracts, syrups and food products;

14 (d) Scientific, chemical, mechanical and industrial
15 products.

16 Any person who shall sell any of the products
17 enumerated in paragraphs (a), (b), (c) or (d), knowing
18 that the same is intended for beverage purposes, shall
19 be subject to the penalties provided in section two.

1 SECTION 4. Section eighteen of said chapter one
2 hundred and thirty-eight, as so appearing, is hereby
3 amended by inserting after the word “sell” in the
4 twenty-third line the word:— ethyl,— and by in-
5 serting after the word “twelve” in the twenty-fifth
6 line the words:— or in section three A,— so that
7 clause (d) will read as follows: (d) to sell ethyl alcohol
8 for use in the manufacture or preparation of articles
9 mentioned in section thirty-five of chapter one hun-
10 dred and twelve or in section three A, or to sell alco-
11 holic beverages for any or all the purposes specified
12 in this section.

1 SECTION 5. Section twenty-one of said chapter one
2 hundred and thirty-eight, as so appearing, and as

3 amended by chapter _____ of the acts of the
4 current year, is hereby further amended by inserting
5 after the word "thereof" in the third line the words:
6 — and every holder of a license issued by the com-
7 mission under section seventy-six, — by inserting after
8 the word "importer" in the seventh line the words: —
9 or licensee under section seventy-six, — by inserting
10 after the word "volume" in the ninth line the words:
11 — at sixty degrees Fahrenheit, — and by adding at
12 the end of the first paragraph the following new para-
13 graph: —

14 Such rules and regulations shall provide either for
15 waiver of payment of any excise with respect to ethyl
16 alcohol of one hundred proof or less used for a purpose
17 other than beverage, or for reimbursement or refund
18 of any excise paid with respect to such ethyl alcohol
19 used as aforesaid.

1 SECTION 6. Section twenty-nine of said chapter
2 one hundred and thirty-eight, as so appearing, is
3 hereby amended by striking out the first paragraph
4 and inserting in place thereof the following: —

5 A registered pharmacist in a city or town who holds
6 a certificate of fitness under the following section,
7 having complied with all provisions of law relative to
8 the practice of pharmacy, irrespective of the vote of
9 the city or town under section eleven, may use alcohol
10 for the manufacture of United States pharmacopoeia
11 or national formulary preparations and all medicinal
12 preparations unfit for beverage purposes, and may
13 sell, upon the prescription of a registered physician,
14 (1) alcoholic beverages other than wines and malt
15 beverages, (2) malt beverages, (3) wines, and (4)
16 ethyl alcohol of more than one hundred proof. Each

17 of the four foregoing classes shall be sold only on
18 separate prescriptions and in quantity not exceeding
19 one quart of such alcoholic beverages, one quart of
20 ethyl alcohol of more than one hundred proof, one
21 gallon of wines and one gallon of malt beverages.
22 Every such prescription shall be dated and signed by
23 the physician and shall contain the name of the per-
24 son prescribed for and, in the case of ethyl alcohol of
25 more than one hundred proof, the use for which it is
26 prescribed.

1 SECTION 7. Section seventy-six of said chapter
2 one hundred and thirty-eight, as so appearing, is
3 hereby amended by inserting after the word “pur-
4 poses” in the fourteenth line the following:—, and
5 such a license shall authorize the sale of ethyl alcohol
6 of one hundred proof or less to any licensee under
7 this section or section fifteen,—so as to read as
8 follows:— *Section 76.* The licensing authorities of a
9 city or town may annually grant licenses to retail
10 dealers in paints or chemicals for the sale of alcohol,
11 other than alcohol described in section seventy-two,
12 for mechanical, manufacturing or chemical purposes
13 only, the fee for which shall be one dollar. The
14 commission may annually grant licenses for the
15 manufacture, transportation, importation, exporta-
16 tion and sale of alcohol, other than alcohol described
17 in section seventy-two, for mechanical, manufactur-
18 ing or chemical purposes only, or for sale to any per-
19 son holding a license under section eighteen or nineteen
20 or to any registered pharmacist holding a certificate
21 of fitness, or to any hospital or educational or scien-
22 tific institution for use other than for beverage pur-
23 poses, and such a license shall authorize the sale of

24 ethyl alcohol of one hundred proof or less to any
25 licensee under this section or section fifteen. Licenses
26 shall be granted under this section only if it appears
27 that the applicant therefor is a proper person to
28 receive such a license. The fee for such a license
29 shall be one hundred dollars.

