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THE ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY

Effective July 1, 2010, the legislature passed a new law authorizing Local Liquor Licensing Authorities (“LLA”) to allow M.G.L. c. 138, §12 licensees to sell alcoholic beverages at 10 a.m. on Sundays. This law amends M.G.L. c 138, §33B by allowing each city or town to “opt into” the new law giving their LLA discretion to grant an additional one (1) hour of sale of alcoholic beverages on Sundays, now starting at 10 a.m. to any or all of the §12 licensee in their community. Cities and towns should check with their counsel to determine the procedure required to “opt into” this new law. ABCC approval for these discretionary hours of sale is not required; but as always the LLA must forward an informational “Form 43” with the Sunday hours of sale to the ABCC.

Each §12 licensee should consult with their LLA to determine the necessary steps to get permission to sell alcoholic beverages at 10 a.m. on Sundays. A §12 license holder who is denied the discretionary hour of sale may not appeal that denial to the ABCC.

All licensees should ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, M.G.L. c. 138, §64, and that sales of alcoholic beverages take place only on the days and hours last approved by the LLA.

NO §12 LICENSEE HAS THE RIGHT TO SELL ALCOHOLIC BEVERAGES EXCEPT DURING THE HOURS the LLA PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010. ANY LICENSEE WHO SELLS BEFORE THE HOURS OF SALE PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010 BY THE LLA VIOLATES THE LAW AND FACES DISCIPLINARY ACTION FROM THE LLA BY SUSPENSION, REVOCATION, CANCELLATION OR MODIFICATION OF THE LICENSE IN ADDITION TO ARREST AND CRIMINAL PROSECUTION FOR THE ILLEGAL SALE OF ALCOHOLIC BEVERAGES.

Individuals with questions concerning this Advisory and the new Sunday Sales law may contact, the ABCC at 617-727-3040 x 31.

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