

Accompanying the twenty-third recommendation of the Executive Office of Consumer Affairs and Business Regulation (House, No. 33).  
Government Regulations.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety.

AN ACT TO ESTABLISH A NEW CATEGORY OF ALCOHOLIC BEVERAGE LICENSE  
KNOWN AS "BREW PUB."

*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 1 of Chapter 138 of the General Laws,  
2 as appearing in the 1988 Official Edition, is amended by adding  
3 a new paragraph after the second paragraph as follows:

4 "Brew pub," any plant or premise licensed under sections 12  
5 and 19D where malt beverages are produced and sold, and where  
6 alcoholic beverages or wine or malt beverages are sold for  
7 consumption on the premises according to Commission  
8 regulations.

1 SECTION 2. Section 12 of Chapter 138 of the General Laws,  
2 as appearing in the 1988 Official Edition, is amended by adding  
3 after the words "conduct a hotel" in the first sentence the following  
4 words: ", a keeper of a brew pub".

1 SECTION 3. Chapter 138 of the General Laws, as appearing  
2 in the 1988 Official Edition, is amended by adding after section  
3 19C the following new section:

4 Section 19D. (a) A holder of a brew pub license issued  
5 pursuant to the provisions of section 12 may:

6 (1) sell alcoholic beverages or wine and malt beverages to be  
7 drunk on the premises;

8 (2) operate a brewery at its licensed premises under such  
9 conditions as the Commission may prescribe by regulation;

10 (3) sell malt beverages or malt beverage products produced by  
11 it, in kegs, casks, barrels, or bottles, at wholesale to any person  
12 holding a valid manufacturer's license issued under section 19 or  
13 a valid wholesaler's and importer's license issued under section  
14 18 of this chapter; and

15 (4) sell beverages brewed or manufactured by it for export from  
16 this commonwealth into any state or foreign country where the  
17 sale of same is not prohibited.

18 (b) The holder of a brew pub license shall, in addition to the  
19 fees established pursuant to section 12 of this chapter, annually  
20 pay a fee to the commonwealth computed based on the malt  
21 beverage barrelage produced by the brewery as follows:

22 5000 barrels or less per year \$1000 per year

23 More than 5000 barrels per year \$4500 per year

24 For the above purposes, a barrel shall be thirty-one gallons.

25 (c) Every applicant for a brew pub license shall, at the time of  
26 filing an application, pay said fee based on a reasonable estimate  
27 of the amount of malt beverages to be produced during the year  
28 covered by the license. Persons holding brew pub licenses shall  
29 report annually at the end of the year covered by the license the  
30 amount of malt beverages produced during such year. If the total  
31 amount of such malt beverages produced exceeds the amount  
32 permitted by the fee already paid, the licensee shall pay whatever  
33 additional fee is owing under this section.