

SENATE No. 348

By Mr. Parker, a petition (accompanied by bill, Senate, No. 348) of John F. Parker, David H. Locke and John H. Fitzpatrick for legislation to increase to nineteen years the age requirement of a person licensed to sell or allowed to purchase alcoholic beverages. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-eight.

AN ACT INCREASING TO NINETEEN YEARS THE AGE REQUIREMENT OF A PERSON LICENSED TO SELL OR ALLOWED TO PURCHASE ALCOHOLIC BEVERAGES.

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 is
2 hereby amended by striking out the definition of "Minor",
3 inserted by section 1 of chapter 144 of the acts of 1972.

1 SECTION 2. The first sentence of the first paragraph of sec-
2 tion 12 of said chapter 138 is hereby amended by striking out
3 the word "eighteen", inserted by section 1 of chapter 241 of
4 the acts of 1973, and inserting in place thereof the word: —
5 nineteen.

1 SECTION 3. The second sentence of the first paragraph of
2 section 14 of said chapter 138 is hereby amended by striking
3 out the word "eighteen", inserted by section 3 of said chap-
4 ter 241, and inserting in place thereof the word: — nineteen.

1 SECTION 4. Said chapter 138 is hereby further amended by
2 striking out section 30E, as amended by section 29 of chap-
3 ter 440 of the acts of 1935, and inserting in place thereof the
4 following section:

5 *Section 30E.* Every retail pharmacist licensed under section
6 thirty A shall keep a book in which he shall enter, at the time
7 of every such sale, the date thereof, the name of the pur-
8 chaser, the kind, quantity and price of said beverage, the

9 purpose for which it was sold, and the residence by street and
 10 number, if any, of said purchaser. If such sale is made upon
 11 the prescription of a physician, the book shall also contain the
 12 name of the physician and shall state the use for which said
 13 beverage is prescribed and taken, the quantity to be used for
 14 such purpose, and the prescription shall be cancelled in the
 15 manner provided in the preceding section with reference to
 16 certificates. Said book shall be in form substantially as follows:

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.

17 The certificate mentioned in the preceding section shall be
 18 a part of said book and shall not be detached therefrom, and
 19 shall be in form substantially as follows:

20 *Certificate.*

21 I wish to purchase and I certify that I am not a person
 22 under age nineteen and that the same is to be used for
 23 *Mechanical *Chemical *Medicinal purposes.

24 (*Draw a line through the words which do not indicate the
 25 purpose of the purchase.)

26 Signature

27 Cancelled

1 SECTION 5. Said chapter 138 is hereby further amended by
 2 striking out section 34, as most recently amended by section 2
 3 of chapter 155 of the acts of 1972, and inserting in place
 4 thereof the following section: —

5 *Section 34.* No person shall receive a license or permit under
 6 this chapter who is under eighteen years of age. Whoever,
 7 being licensed under this chapter, employs any person under
 8 eighteen years of age in the direct handling or selling of
 9 alcoholic beverages or alcohol or whoever makes a sale or
 10 delivery of any such beverages or alcohol to any person under
 11 nineteen years of age, either for his own use or for the use
 12 of his parent or of any other person, or whoever, being a
 13 patron of an establishment licensed under section twelve or

14 fifteen, delivers or procures to be delivered in any public
15 room or area of such establishment if licensed under said sec-
16 tion twelve, or in any area of such establishment if licensed
17 under said section fifteen, any such beverages or alcohol to
18 or for the use of a person whom he knows or has reason to
19 believe to be under nineteen years of age or whoever procures
20 any such beverages or alcohol for a person under nineteen
21 years of age who is not his child, ward or spouse shall be
22 punished by a fine of not more than two hundred dollars or
23 by imprisonment for not more than six months, or both.

1 SECTION 6. Said chapter 138 is hereby further amended by
2 striking out section 34A, as amended by section 35 of chap-
3 ter 440 of the acts of 1935, and inserting in place thereof the
4 following section:

5 *Section 34A.* Whoever, being under nineteen years of age,
6 makes a false statement as to his age in order to procure a
7 sale or delivery of alcoholic beverages or alcohol, either for
8 his own use or for the use of another, and whoever knowingly
9 makes a false statement as to the age of a person under nine-
10 teen years of age in order to procure a sale or delivery of
11 such beverages or alcohol to such person, either for the use
12 of such person or for the use of some other person, and who-
13 ever induces a person under nineteen years of age to make a
14 false statement as to his age in order to procure a sale or
15 delivery of such beverages or alcohol to such person, shall be
16 punished by a fine of not less than ten nor more than one
17 hundred dollars.

1 SECTION 7. Section 34B of said chapter 138 is hereby
2 amended by striking out the first two paragraphs and insert-
3 ing in place thereof the following two paragraphs:

4 Any person who shall have attained age nineteen may apply
5 for a liquor purchase identification card. Such cards shall be
6 issued by the licensing authority of the city or town wherein
7 the applicant resides, upon the payment of a fee of two dollars,
8 and shall bear the name, signature, date of birth, address and
9 photograph of such person. The commission shall prescribe
10 rules and regulations governing uniformity of form of said

11 card and the manner in which an applicant for such card shall
12 be required to identify himself.

13 Nothing in this section shall affect the criminal liability of
14 a person licensed under this chapter in delivering or selling
15 alcoholic beverages or alcohol to a person under nineteen years
16 of age.

1 SECTION 8. Said chapter 138 is hereby further amended by
2 striking out section 34C, as amended by chapter 377 of the
3 acts of 1967, and inserting in place thereof the following sec-
4 tion: —

5 *Section 34C.* Whoever, being under nineteen years of age
6 and unaccompanied by his parent or legal guardian, knowingly
7 transports or carries on his person any alcoholic beverage
8 shall be punished by a fine of not more than fifty dollars. A
9 police officer may arrest without a warrant any person who
10 violates this section. A conviction of a violation of this section
11 shall be reported forthwith to the registrar of motor vehicles
12 by the court if, at the time of the violation, the defendant was
13 operating a motor vehicle upon a public way or a way to
14 which the public had a right of access as invitees or licensees,
15 and said registrar may suspend for not more than three
16 months the license of such person to operate a motor vehicle.

1 SECTION 9. Section 64 of said chapter 138 is hereby
2 amended by striking out the second sentence, inserted by chap-
3 ter 64 of the acts of 1964, and inserting in place thereof the
4 following sentence: — If at any hearing a licensee is charged
5 with serving or selling alcoholic beverages to a person under
6 nineteen years of age, written notice of said allegation shall
7 be sent by the licensing authorities to the parent or guardian
8 of such person.