

[PRINTED AS AMENDED]

SENATE No. 1727

The Commonwealth of Massachusetts

SENATE, February 15, 1979.

The committee on Ways and Means, to whom was committed the House Bill relative to increasing the age requirements of persons licensed to sell or allowed to purchase alcoholic beverages (House, No. 5614, printed as amended), reports, in part, a "Bill increasing to nineteen years the age requirement of a person licensed to sell or allowed to purchase alcoholic beverages" (Senate, No. 1727).

For the committee,

CHESTER G. ATKINS

The Commonwealth of Massachusetts

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

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
2 is hereby amended by striking out the definition of "Minor",
3 as appearing in section 1 of chapter 929 of the acts of 1977.

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 third sentence of the fourth paragraph of
2 said section 12 of said chapter 138 is hereby amended by strik-
3 ing out the word "eighteen", inserted by section 2 of said chap-
4 ter 241 and inserting in place thereof the word: — nineteen.

1 SECTION 4. 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 chapter
4 241, and inserting in place thereof the word: — nineteen.

1 SECTION 5. Said chapter 138 is hereby further amended by
2 striking out section 30E, as amended by section 29 of chapter
3 440 of the acts of 1935; and inserting in place thereof the fol-
4 lowing section: —

5 *Section 30E.* Every retail pharmacist licensed under sec-
6 tion thirty A shall keep a book in which he shall enter, at the
7 time of every such sale, the date thereof, the name of the
8 purchaser, 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 the quantity to be used for such
 14 purpose, and the prescription shall be cancelled in the manner
 15 provided in the preceding section with reference to certifi-
 16 cates. 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 a
 18 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
 22 not a person under age nineteen and that the same is to be
 23 used for *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 6. Said chapter 138 is hereby amended by striking
 2 out section 34, as most recently amended by section 2 of
 3 chapter 155 of the acts of 1972, and inserting in place thereof
 4 the following section: —

5 *Section 34.* No person shall receive a license or permit un-
 6 der this chapter who is under nineteen years of age. Who-
 7 ever, being licensed under this chapter, makes a sale or de-
 8 livery of any alcoholic beverages or alcohol to any person
 9 under nineteen years of age, either for his own use or for the
 10 use of his parent or any other person, or whoever, being a
 11 patron of an establishment licensed under section twelve or
 12 fifteen, delivers or procures to be delivered in any public room
 13 or area of such establishment if licensed under said section
 14 twelve, fifteen, or nineteen B, or in any area of such estab-

15 lishment if licensed under said section fifteen or nineteen B,
16 any such beverages or alcohol to or for the use of a person
17 whom he knows or has reason to believe to be under nine-
18 teen years of age or whoever procures any such beverages or
19 alcohol for a person under nineteen years of age who is not
20 his child, ward or spouse shall be punished by a fine of not
21 more than two hundred dollars or by imprisonment for not
22 more than six month, or both. Nothing in this section shall
23 prohibit any person licensed under this chapter from employ-
24 ing any person eighteen years of age or older for the direct
25 handling and selling of alcoholic beverages or alcohol.

1 SECTION 7. Said chapter 138 is hereby further amended by
2 striking out section 34A, as amended by chapter 859 of the
3 acts of 1977 and inserting in place thereof the following sec-
4 tion: —

5 *Section 34A.* Any person under nineteen years of age who
6 purchases alcoholic beverages or alcohol, or makes arrange-
7 ments with any person to purchase or in any way procure
8 such beverages, or who willfully misrepresents his age, or in
9 any way alters, defaces or otherwise falsifies his identifica-
10 tion offered as proof of age, with the intention of purchasing
11 alcoholic beverages, either for his own use or for the use of
12 any other person shall be punished by a fine of three hun-
13 dred dollars and whoever knowingly makes a false statement
14 as to the age of a person under nineteen years of age in order
15 to procure a sale or delivery of such beverages or alcohol to
16 such person under nineteen years of age, either for the use of
17 the person under nineteen years of age or for the use of some
18 other person, and whoever induces a person under nineteen
19 years of age to make a false statement as to his age in order
20 to procure a sale or delivery of such beverages or in order to
21 procure a sale or delivery of such beverages or alcohol to
22 such person under nineteen years of age, shall be punished by
23 a fine of three hundred dollars.

24 The commission shall prepare and distribute to business es-
25 tablishments which sell, serve, or otherwise dispense alcoholic
26 beverages to the general public, posters to be displayed therein
27 in a conspicuous place. Said posters shall contain a summary
28 and explanation of this section.

1 SECTION 8. 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 payment of a fee of two dollars, and
8 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 9. Said chapter 138 is hereby amended by striking
2 out section 34C, as amended by chapter 377 of the acts of
3 1967, and inserting in place thereof the following section: —

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

1 SECTION 10. Section 64 of said chapter 138 is hereby
2 amended by striking out the second sentence, inserted by
3 chapter 64 of the acts of 1964, and inserting in place thereof
4 the following sentence: —

5 If at any hearing a licensee is charged with serving or sell-
6 ing alcoholic beverages to a person under nineteen years of

7 age, written notice of said allegations shall be sent by the
8 licensing authorities to the parent or guardian of said person
9 under nineteen years of age.

1 SECTION 11. A special commission to consist of two mem-
2 bers of the senate, three members of the house of representa-
3 tives and eight persons to be appointed by the governor, one
4 of whom shall be the commissioner of education or his desig-
5 nee, one of whom shall be a principal of a high school, one of
6 whom shall be the registrar of motor vehicles, one of whom
7 shall be the director of the division of alcoholism in the de-
8 partment of public health, one of whom shall be a director of
9 an alcoholic treatment center licensed or approved by the de-
10 partment of public health, one of whom shall be a student in
11 good standing in a private institution of higher education,
12 one of whom shall be a student in good standing in a public
13 institution of higher education, and one of whom shall be a
14 student in good standing in a public high school, is hereby
15 established for the purpose of making an investigation and
16 study relative to alcohol abuse. Said special commission shall
17 investigate and study the impact of the increase in the legal
18 drinking age to nineteen, including the impact on traffic
19 safety, effectiveness of enforcement, and the overall impact of
20 the sale of alcoholic beverages to persons under nineteen years
21 of age.

22 Said commission shall hold hearings, make findings and file
23 a report with the clerk of the senate not later than the first
24 Wednesday in January, nineteen hundred and eighty.

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