
The Commonwealth of Massachusetts

SENATE, March 5, 1979.

The Committee of Conference, to whom were referred the matters of difference between the two branches with reference to the House amendments of the Senate Bill increasing to nineteen years the age requirement of a person licensed to sell or allowed to purchase alcoholic beverages (Senate, No. 1727), as amended by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5663, and by inserting before the enacting clause an emergency preamble, and by striking out the title and inserting in place thereof a new title, reports recommending that the Senate recede from its non-concurrence in the House amendments, and concur therein with a further amendment striking out all after the enacting clause and inserting in place thereof the following text: —

1 SECTION 1. Section 1 of chapter 138 is hereby amended by
2 striking out the definition of "Minor", as appearing in sec-
3 tion 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
3 out the word "eighteen", inserted by section 1 of chapter 241
4 of the acts of 1973, and inserting in place thereof the word: —
5 twenty.

1 SECTION 3. The third sentence of the fourth paragraph of
2 said section 12 of said chapter 138 is hereby amended by
3 striking out the word "eighteen", inserted by section 2 of
4 said chapter 241, and inserting in place thereof the word: —
5 twenty.

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 chap-
4 ter 241, and inserting in place thereof the word: — twenty.

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
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
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
12 the name of the physician and shall state the use for which
13 said beverage is prescribed and 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 fol-
17 lows: —

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

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

21 **CERTIFICATE**

22 I wish to purchase and I certify that I am not a
23 person under twenty and that the same is to be used for
24 *Mechanical *Chemical *Medicinal purpose.

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

27 **Signature**

28 **Cancelled**

1 **SECTION 6.** Said chapter 138 is hereby further amended by
2 striking out section 34, as most recently amended by section
3 14 of chapter 929 of the acts of 1977, and inserting in place
4 thereof the following section: —

5 *Section 34.* No person shall receive a license or permit

6 under this chapter who is under twenty 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 twenty 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 twenty
18 years of age or whoever procures any such beverages or
19 alcohol for a person under twenty years of age who is not his
20 child, ward or spouse shall be punished by a fine of not more
21 than two hundred dollars or by imprisonment for not more
22 than six months, or both. Nothing in this section shall pro-
23 hibit any person licensed under this chapter from employing
24 any person eighteen years of age or older for the direct
25 handling and selling of alcoholic beverages or alcohol.

26 Notwithstanding the provisions of clause fourteen of sec-
27 tion sixty-two of chapter one hundred and forty-nine, any li-
28 censee under this chapter may employ a person under the age
29 of eighteen who does not directly handle, sell, mix or serve
30 alcohol or alcoholic beverages.

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

5 *Section 34A.* Any person under twenty 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 beverage, 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 intent 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 hundred
13 dollars and whoever knowingly makes a false statement as

14 to the age of a person who is under twenty years of age in
15 order to procure a sale or delivery of such beverages or al-
16 cohol to such person under twenty years of age, either for
17 the use of the person under twenty years of age or for the
18 use of some other person, and whoever induces a person
19 under twenty years of age to make a false statement as to
20 his age in order to procure a sale or delivery of such bever-
21 ages or in order to procure a sale or delivery of such bever-
22 ages or alcohol to such person under twenty years of age,
23 shall be punished by a fine of three hundred dollars.

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

1 SECTION 8. Section 34B of said chapter 138, as most re-
2 cently amended by section 3 of chapter 155 of the acts of
3 1972, is hereby further amended by striking out the first two
4 paragraphs and inserting in place thereof the following two
5 paragraphs: —

6 Any person who shall have attained age twenty may apply
7 for a liquor purchase identification card. Such cards shall be
8 issued by the registry of motor vehicles upon the payment of
9 a fee of five dollars, and shall bear the name, signature, date
10 of birth, address and photograph of such person. The com-
11 mission with the advice and consent of the registrar of motor
12 vehicles shall prescribe rules and regulations governing uni-
13 formity of form of said card and the manner in which an ap-
14 plicant for such a card shall be required to identify himself.

15 Any licensee, or agent or employee thereof, under this chap-
16 ter who reasonably relies on such a liquor purchase identifica-
17 tion card or motor vehicle license issued pursuant to section
18 eight of chapter ninety for proof of a person's identity and age
19 shall not suffer any modification, suspension, revocation or can-
20 cellation of such license nor shall he suffer any criminal lia-
21 bility for delivering or selling alcohol or alcoholic beverages
22 to a person under twenty years of age, provided that, nothing
23 herein shall affect the applicability of section sixty-nine of
24 said chapter one hundred thirty-eight.

1 SECTION 9. Said chapter 138 is hereby amended by strik-
2 ing out section 34C, as amended by chapter 377 of the acts
3 of 1967, and inserting in place thereof the following sec-
4 tion: —

5 *Section 34C.* Whoever, being under twenty years of age and
6 unaccompanied by his parent or legal guardian, knowingly
7 transports or carries on his person any alcohol or alcoholic
8 beverage shall be punished by a fine of not more than fifty
9 dollars; provided that, this section shall not apply to any
10 person eighteen or nineteen years of age who knowingly trans-
11 ports or carries on his person alcohol or alcoholic beverages
12 in the course of his employment. A police officer may arrest
13 without a warrant any person who violates this section. A
14 conviction of a violation of this section shall be reported
15 forthwith to the registrar of motor vehicles by the court if,
16 at the time of the violation, the defendant was operating a
17 motor vehicle upon a public way or a way to which the public
18 had a right of access as invitees or licensees, and said regis-
19 trar may suspend for not more than three months the license
20 of such person to operate 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: — If at any hearing a licensee is
5 charged with serving or selling alcohol or alcoholic beverages
6 to a person under twenty years of age, written notice of said
7 allegations shall be sent by the licensing authorities to the
8 parent or guardian of such person.

1 SECTION 11. A special commission to consist of six mem-
2 bers of the senate to be appointed by the president of the
3 senate and eleven members of the house of representatives to
4 be appointed by the speaker of the house is hereby established
5 for the purpose of making an investigation and study relative
6 to educational programs in the public schools on alcohol and
7 alcohol abuse and the penalties for violations of all Massa-
8 chusetts statutes dealing with alcohol or alcoholic beverages,
9 public and traffic safety.

10 Said commission shall hold hearings, make findings and

11 file a report with the clerk of the senate not later than July 1,
12 1979.

1 SECTION 12. The provisions of this act shall take effect on
2 April 1, 1979.

3 and by striking out the title, and inserting in place thereof
4 the following new title "An Act increasing to twenty years the
5 age requirement of a person licensed to sell or allowed to
6 purchase alcohol or alcoholic beverages.";

7 and by striking out the emergency preamble, and by insert-
8 ing in place thereof the following new emergency preamble: —

9 "*Whereas*, The deferred operation of this act would tend
10 to defeat its purpose, which is to provide for the betterment
11 of the health, safety and welfare of all citizens of the com-
12 monwealth by increasing the age requirements of persons
13 licensed to sell or allowed to purchase alcohol or alcoholic bev-
14 erages, therefore, it is hereby declared to be an emergency
15 law, necessary for the public safety.";

16 and that the House concur in the further amendments.

Of the Senate.

CHESTER G. ATKINS

JOHN W. OLVER

JOHN F. AYLMER

Of the House.

ROBERT B. AMBLER

DANIEL F. POLASKI

CHARLES N. DECAS

