

HOUSE No. 2810

By Mr. Bosley of North Adams, petition of Daniel F. Bosley for legislation to establish a new category of alcoholic beverage license known as "brew pub". Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT ENCOURAGING THE ESTABLISHMENT OF BREW PUBS.

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 inserting
3 the following new paragraph after the second paragraph as
4 follows:—

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

1 SECTION 2. Section 12 of Chapter 138 of the General Laws
2 as appearing in the 1988 Official Edition is amended by inserting
3 after the words "conduct a hotel" in the first sentence, the
4 following 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 inserting after section
3 19C the following new section: —

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

6 (1) sell alcoholic beverages or wine or 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 to licensees authorized to sell such beverages under section
12 twelve, thirteen, or fourteen, and, for the sole purpose of resale
13 in the containers in which the same were delivered, to licensees
14 under section fifteen. No licensee under section fifteen shall resell
15 beverages delivered to him in kegs, casks, or barrels under this
16 section except in such containers;

17 (4) sell malt beverages or malt beverage products produced by
18 it in kegs, casks, barrels or bottles, at wholesale to any person
19 holding a valid manufacturers license issued under section
20 nineteen or a valid wholesaler's and importer's license issued under
21 section eighteen of this chapter; and,

22 (5) sell beverages brewed or manufactured by it for export from
23 the commonwealth into any state or foreign country where the
24 sale of same is not prohibited.

25 (b) the holder of a brew pub license shall, in addition to the
26 fee established pursuant to section 12 of this chapter, annually
27 pay a fee to the commonwealth computed based on the malt
28 beverage barrelogage produced by the brewery as follows:

29 5000 barrels or less per year \$1,000 per year

30 More than 5,000 barrels per year \$4,500 per year

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

32 (c) Every applicant for a brew pub license shall, at the time of
33 filing an application, pay said fee based on a reasonable estimate
34 of the amount of malt beverage to be produced during the year
35 covered by the license. Persons holding brew pub licenses shall
36 report annually at the end of the year covered by the license the
37 amount of the malt beverage produced during such year. If the
38 total amount of such malt beverages produced exceeds the amount
39 permitted by the fee already paid, the licensee shall pay whatever
40 additional fee is owing under the section.