

By Mr. Freeman of Chelmsford, petition of Robert D. Hall and others relative to increasing 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-Seven.

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 section
2 12 of said chapter 138 is hereby amended by striking out the word
3 "eighteen", inserted by section 1 of chapter 241 of the acts of
4 1973, and inserting in place thereof the word: — nineteen.

1 SECTION 3. The third sentence of the fourth paragraph of
2 said section 12 of said chapter 138 is hereby amended by striking
3 out the word "eighteen", inserted by section 2 of said chapter 241,
4 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 out
3 the word "eighteen", inserted by section 3 of said chapter 241, and
4 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 440

3 of the acts of 1935, and inserting in place thereof the following
4 section:—

5 *Section 30E.* Every retain pharmacist licensed under section
6 thirty A shall keep a book in which he shall enter, at the time of
7 every such sale, the date thereof, the name of the purchaser, the
8 kind, quantity and price of said beverage, the purpose for which it
9 was sold, and the residence by street and number, if any, of said
10 purchaser. If such sale is made upon the prescription of a
11 physician, the book shall also contain the name of the physician
12 and shall state the use for which said beverage is prescribed and
13 the quantity to be used for such purpose, and the prescription
14 shall be cancelled in the manner provided in the preceding section
15 with reference to certificates. Said book shall be in form
16 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 shall
19 be in form substantially as follows:

20 *Certificate.*

21 I wish to purchase and I certify that I am not a person under
22 age nineteen and that the same is to be used for *Mechanical
23 *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 further amended by
2 striking out section 34, as most recently amended by section 2 of
3 chapter 155 of the acts of 1972, and inserting in place thereof the
4 following section:—

5 *Section 34.* No person shall receive a license or permit under
6 this chapter who is under nineteen years of age. Whoever, being
7 licensed under this chapter, employs any person under nineteen
8 years of age in the direct handling or selling of alcoholic

9 beverages or alcohol or whoever makes a sale or delivery of any
10 such beverages or alcohol to any person under nineteen years of
11 age, either for his own use or for the use of his parent or of any
12 other person, or whoever, being a patron of an establishment
13 licensed under section twelve or fifteen, delivers or procures to be
14 delivered in any public room or area of such establishment if
15 licensed under said section twelve, or in any area of such
16 establishment if licensed under said section fifteen, any such
17 beverages or alcohol to or for the use of a person whom he knows
18 or has reason to believe to be under nineteen years of age or
19 whoever procures any such beverages or alcohol for a person
20 under nineteen years of age who is not his child, ward or spouse
21 shall be punished by a fine of not more than two hundred dollars
22 or by imprisonment for not more than six months, or both.

1 SECTION 7. Said chapter 138 is hereby further amended by
2 striking out section 34A, as amended by section 35 of chapter 440
3 of the acts of 1935, and inserting in place thereof the following
4 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 sale or
7 delivery of alcoholic beverages or alcohol, either for his own use
8 or for the use of another, and whoever knowingly makes a false
9 statement as to the age of a person under nineteen years of age in
10 order to procure a sale or delivery of such beverages or alcohol to
11 such person, either for the use of such person or for the use of
12 some other person, and whoever induces a person under nineteen
13 years of age to make a false statement as to his age in order to
14 procure a sale or delivery of such beverages or alcohol to such
15 person, shall be punished by a fine of not less than ten nor more
16 than one hundred dollars.

1 SECTION 8. Section 34B of said chapter 138 is hereby
2 amended by striking out the first two paragraphs and inserting in
3 place thereof the following two paragraphs: —

4 Any person who shall have attained age nineteen may apply for
5 a liquor purchase identification card. Such cards shall be issued
6 by the licensing authority of the city or town wherein the
7 applicant resides, upon the 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 rules
10 and regulations governing uniformity of form of said card and the
11 manner in which an applicant for such card shall be required to
12 identify himself.

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

1 SECTION 9. Said chapter 138 is hereby further amended by
2 striking 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 and
5 unaccompanied by his parent or legal guardian, knowingly
6 transports or carries on his person any alcoholic beverage shall be
7 punished by a fine of not more than fifty dollars. A police officer
8 may arrest without a warrant any person who violates this
9 section. A conviction of a violation of this section shall be
10 reported forthwith to the registrar of motor vehicles by the court
11 if, at the time of the violation, the defendant was operating a
12 motor vehicle upon a public way or a way to which the public had
13 a right of access as invitees or licensees, and said registrar may
14 suspend for not more than three months the license of such
15 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 chapter
3 64 of the acts of 1964, and inserting in place thereof the following
4 sentence:— If at any hearing a licensee is charged with serving or
5 selling alcoholic beverages to a person under nineteen years of
6 age, written notice of said allegation shall be sent by the licensing
7 authorities to the parent or guardian of such person.