

*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150*

Jean M. Lorizio, Esq.
Chairman

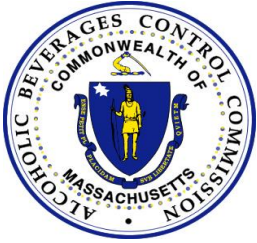
**NOTICE REGARDING THE APPROVAL OF
GUIDELINES FOR OUTDOOR ALCOHOLIC BEVERAGE SERVICE AREAS**

On April 7, 2022, at a public hearing, the Alcoholic Beverages Control Commission approved Guidelines for Outdoor Alcoholic Beverage Service Areas. These Guidelines went into effect immediately. A copy of the Guidelines is attached to this Notice and can be found on the ABCC's website at www.mass.gov/abcc.

The ABCC is grateful for the participation and contribution of several members of the alcohol industry in formulating these Guidelines. The ABCC is confident that these Guidelines will ensure consistency and promote public safety while allowing expanded outdoor dining throughout the Commonwealth.

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. Any questions should be directed to the ABCC Executive Director Ralph Sacramone at rsacramone@tre.state.ma.us or (617) 727-3040 x 731.

(Issued April 7, 2022)



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GUIDELINES FOR OUTDOOR ALCOHOLIC BEVERAGE SERVICE AREAS

1. The licensure of outdoor alcoholic beverage service areas that are outside of the “suitable building” as provided in M.G.L. c. 138, §1, must follow the license application and approval process as provided in Chapter 138 for retail on-premises consumption licenses.
2. Local Licensing Authorities (“LLAs”) have discretion to apply reasonable conditions to the outdoor alcoholic beverage service areas, such as the requirement of food service and/or seated service.
3. All applications for outdoor alcoholic beverage service areas must include documentation demonstrating the right of the Licensee to occupy or permission to use the outdoor alcoholic beverage service area(s). This must include permission to transport alcoholic beverages over public property, if applicable, such as over public sidewalks.
4. Outdoor alcoholic beverage service areas should be contiguous to the licensed building premises with a clear and direct view of the outdoor area from inside the licensed building premises. Further, the Licensee must actively supervise the outside alcoholic beverage service area.
5. Outdoor alcoholic beverage service areas that are noncontiguous to the premises’ building are permitted. However, they must be in the immediate vicinity of, and within clear and direct view of, the existing licensed building premises. Licensees are reminded that their applications may be denied if, in the LLA’s or ABCC’s discretion, it is determined that any proposed noncontiguous outdoor alcoholic beverage service area is in an unsuitable location, such as being too far from the premises’ building or being in an unsafe location.

For noncontiguous outdoor alcoholic beverage service areas, the licensee must have an adequate number of employees that are physically present in the outdoor alcoholic beverage service area at all times when alcoholic beverages are being sold or consumed.

6. All outdoor alcoholic beverage service areas must be enclosed by a barrier, fence, or partition, sufficient for the licensee to maintain control of access to the area and to provide a safe environment for patrons.
7. The LLA should consider the type of neighborhood and the potential impact of noise in the environs before approving outdoor alcoholic beverage service areas.

Questions concerning this Advisory may be directed to Ralph Sacramone, Executive Director of the Massachusetts Alcoholic Beverages Control Commission at (617) 727- 3040 x 731.

(Issued April 7, 2022)