



Techniques for Effective Alcohol Management

State information: Massachusetts

General Regulations

Legal age to Consume Alcohol: 21

Legal age to Serve Alcohol: 18

Limit for Driving While Intoxicated: .08

Limit for Driving While Intoxicated, Under 21: .02

Maximum Alcohol per Drink: Not regulated

Number of Drinks Served at One Time: 2 drinks

Dram Shop Liability Laws: Massachusetts General Law information below indicates that liquor license holders may be liable for 3rd party injuries under specific situations.

G.L. c.138, §69: No alcoholic beverage shall be sold or delivered on any premises... to an intoxicated person.

Adamian v. Three Sons, Inc., 353 Mass. 498 (1968): The Supreme Judicial Court recognized a cause of action against an establishment that sold alcoholic beverages to an intoxicated person who negligently operated an automobile causing injury to a third person

Cimino v. Milford Keg, Inc., 385 Mass. 323, 331 n. 9 (1982): To establish a cause of action for which the tavern owner and bartender are liable for injuries to third parties, one must prove the following

- (1) A patron of premises
- (2) Who is served intoxicating liquors
- (3) While he is intoxicated
- (4) And under circumstances from which the defendant [tavern owner and/or bartender] knew or reasonably should have known that he was intoxicated when served
- (5) Operates a motor vehicle while intoxicated
- (6) Such operation was reasonably foreseeable by the defendant
- (7) And a person of ordinary prudence would have refrained from serving liquor to that patron in the same or similar circumstances
- (8) And such operation causes the plaintiff's death or injury within the scope of the foreseeable risk.

Michnik-Zilberman v. Gordon's Liquor, Inc., 390 Mass. 6, 10-12 (1983): The proprietor of a liquor store owes a similar duty of care to the public, which may also be violated by selling liquor to minors.

Nunez v. Carrabba's Italian Grill, Inc., 448 Mass. 170, 171, 859 N.E.2d 801, 802 (2007): A person or entity may be liable for the serving of alcohol to an intoxicated person who injures himself only where it can be proven that there has been "willful, wanton or reckless conduct on part of the licensee or such person or entity." G.L. c. 231, §85T. When the injured person is an underage adult, however, "the injured plaintiff need not prove willful, wanton or reckless conduct on the part of the



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establishment, but may prevail on a showing that the establishment was negligent in serving alcoholic beverages to an underage patron."

Server Training

Massachusetts currently does not regulate server training, nor does the state offer a training program for licensees.

Acceptable Forms of ID

Valid Massachusetts Drivers License

Valid Military ID

Valid Passport + Passport Card

Valid Massachusetts Liquor ID Card

It is not required for someone to have an identification card on their person in order to be served alcohol

Recommended Age for Carding

None

ID Confiscation

Massachusetts does not have any statute or state regulation addressing this subject. Policies Regarding Minors Massachusetts General Law Chapter 138, section 34 states it is unlawful to serve, sell or furnish alcohol to anyone under the age of 21. Minors are permitted in an establishment provided no alcohol is consumed by the minor.

Non-Alcoholic Beer and Wine

Massachusetts does not have a state regulation, although local licensing authorities may have their own regulations.

Liquor Liability

The penalties for liquor law violations can be criminal, civil, and administrative. Common criminal penalties are monetary fines and jail sentences. Licensees found guilty of civil actions can be made to pay damages to the injured party bringing the suit. Administrative penalties may include suspension or revocation of the license. Typically, the penalty for serving or selling alcohol to a minor is a 6-day suspension of the license for the first offense.

State Contact Information

Massachusetts Alcoholic Beverages Control Commission

239 Causeway St

Boston, MA 02114

617-727-3040

www.mass.gov/abcc

This information has been provided to us by the regulating agency and is believed to be correct. However, laws and regulations may change at any time, and the



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information provided should not be relied upon in place of official documents. For more information or clarification, consult the regulatory body for this jurisdiction directly.