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ALCOHOLIC BEVERAGES CONTROL COMMISSION ("ABCC") ADVISORY REGARDING SERVING WINE IN PRIVATE CLUBS

On January 13, 2017, Governor Charlie Baker signed into a law, "An Act Relative to Serving Wine in Private Clubs," amending M.G.L. c. 138, § 12. The ABCC provides the following guidance regarding this amendment to Chapter 138.

As of January 13, 2017, a club[1] licensed under M.G.L. c. 138, § 12, may permit its members to bring on to the club's licensed premises wine lawfully purchased by them, to be consumed on the premises with a meal purchased at the club. Please be aware that club licensees have the discretion to refuse to permit members to bring wine on to the licensed premises.

If a club permits its members to bring wine on to the licensed premises, then several requirements must be followed:

- the member may only bring wine on to the premises, and not malt beverages, spirits and/or liqueurs;
- the member must purchase a meal at the club and consume the wine with that meal;
- at all times the club must control the handling, serving, and dispensing of the member's wine;
- unopened bottles of wine must be returned to the patron, who then must remove them from the premises at the conclusion of the meal, and any opened and unfinished bottles of wine must be recorked in accordance with 204 CMR 2.18 and M.G.L. c. 90, § 24I; and
- the club must charge a reasonable corkage fee of at least $30.00 per bottle of wine that is opened.

As a reminder, all licensees must ensure that they are in compliance with the Laws of the Commonwealth of Massachusetts and that the manufacture and sale of alcoholic beverages take place only as authorized by applicable law.

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[1] A "club" is defined as "a corporation chartered for any purpose described in section two of chapter one hundred and eighty, whether under federal or state law, including any body or association lawfully operating under a charter granted by a parent body so chartered, and including also any organization or unit mentioned in clause twelfth of section five of chapter forty, owning, hiring, or leasing a building, or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members . . . ." M.G.L. c. 138, § 1.