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Package Stores Aim For Alcohol License Compromise With Food Stores

Competing Ballot Proposals Possible in '22

Chris Lisinski 8/2/21 9:56 AM

AUG. 2, 2021.....Package stores in Massachusetts are offering a compromise ballot question that would increase the number of licenses available to food stores, but leave a license cap in place.

The head of the Massachusetts Package Store Association, which has filed with the attorney general's office to launch a 2022 ballot question campaign, described the proposal as an "olive branch" to food and convenience stores who previously sought to uncork an unlimited number of beer and wine licenses and may do so again with their own ballot law proposal.

"We should be working through the Legislature, not working through this process, but we're in a situation where if we don't do this, my members face extinction, and that's just not acceptable," MPSA Executive Director Robert Mellion said. "That's the reason why ultimately we had to do this. We felt like we had no other alternative."

The proposal would also limit how many licenses permit the sale of spirits, explicitly ban the sale of alcohol at self-checkout stations, and would allow alcohol

sellers to rely on identification from another state as part of a "reasonable defense" against allegations of selling to a minor.

Sellers can currently accept an out-of-state ID, but only Massachusetts IDs, passports and military cards offer defense against liability for selling to a minor.

Mellion said some sports venues such as TD Garden have at times required patrons with out-of-state IDs to be 25 or older to purchase alcoholic beverages due to the current status of state law, which he said is at odds with the legal landscape in all other states.

The proposal also states that any store that sells alcohol to someone younger than 21 could be fined based upon gross sales rather than just alcohol sales, a stricter punishment aimed at cracking down on underage purchases.

In 2020, Cumberland Farms pushed its own ballot question, opposed by the package store association, that would have created a new food store license for the sale of alcohol and eventually lifted all license caps. The company [suspended its campaign](#) several months before the election and said it would try again in 2022.

In an interview on Friday, Mellion said he anticipates that Cumberland Farms and its allies will bring a new ballot question forward before Wednesday's deadline reflecting the intent of bills (H 318, H 319 and H 414) that would authorize food store alcohol sales or repeal license limitations.

"We're trying to get ahead of the issue," Mellion said.

Because many shoppers want to purchase beer or wine alongside their groceries and because package stores rely on spirits to drive much of their business, the language could serve as a compromise that offers benefits to both camps, Mellion said.

"We have to be the adults in the room," he said. "This bill should be the basis of any possible compromise down the road. It gives (the) Mass Food (Association) what they've been wanting. Cumberland Farms could potentially walk away with nine additional licenses. It's something our members could live with."

Each corporate entity or individual is currently limited to a maximum of nine alcohol licenses total, split between malt beverage and wine licenses and all-spirits licenses. The package store-backed [question](#) would increase the number of alcohol licenses a single company could hold to 12 starting in 2023, 15 starting in 2027 and 18 starting in 2031. Only seven of those licenses at maximum could allow the sale of all liquor and spirits, while the rest could be for beer and wine. Any licensee with nine all-liquor licenses now would be grandfathered.

Mellion said he informed Cumberland Farms and the Mass Food Association that he planned to file an initiative petition, but the groups did not collaborate on it. Supporters of the 2020 proposal could file their own competing ballot question, a step that Mellion said he anticipates.

A representative for Cumberland Farms's 2020 campaign could not be reached for comment Friday. Sponsors have until the close of business Wednesday to file ballot question language with the attorney general's office.