

A.15.) BYOB (Applicable ONLY to Businesses WITHOUT a Liquor License)¹

This Section A.15 of these regulations applies only to businesses that do NOT have a liquor license to sell alcoholic beverages.

All licensees that choose to permit patrons to bring their own alcoholic beverages onto the premises (a practice known as “bring your own bottle,” or “BYOB”) shall be subject to the following regulations:

- a) Licensees shall not permit consumption of alcoholic beverages by a person who is intoxicated. Licensees shall not permit consumption of alcoholic beverages by a person who is under 21 years of age. Any licensee who reasonably relies on the following forms of identification for proof of age shall not thereby subject its license to modification, suspension, revocation or cancelation: i) a valid Massachusetts motor vehicle driver’s license with photograph; ii) a valid Massachusetts Liquor Purchase Identification Card, iii) a valid Massachusetts identification card issued by the Registry of Motor vehicles pursuant to M.G.L. c. 90, § 8E, iv) a valid passport or passport card issued by the United States government, or a valid passport issued by a government of a foreign country recognized by the United States government, or v) a valid United States-issued military identification card. Additionally, a licensee who sells alcohol to an under-aged person may be subject to sanction against the license in the event the licensee relied on proof of age other than one of the forms of identification enumerated in this Section.
- b) The Manager, any Alternate Manager(s), and all servers must participate in a safe-service-of-alcohol training program designed for restaurants to train persons in methods of observation and detection of intoxicated persons and the prevention of consumption of alcoholic beverages by intoxicated persons and/or minors. Only insurance industry-approved and qualified training programs will satisfy this training requirement. All Managers and Alternate Managers must receive in-person training in order to be employed as a Manager or Alternate Manager. Non-Managerial employees must be trained within fourteen (14) days of employment by the licensee, and may satisfy this training requirement through on-line training. All persons subject to this training requirement must be retrained every three years in the manner specified by this Section for that position. The licensee shall maintain on the licensed premises and make available for inspection at all times a copy of the certification card and other proof showing that each person subject to this training requirement has been trained in the manner specified by this Section within the prior three (3) years.
- c) Licensees shall not permit their managers or employees to consume alcoholic beverages while on duty.
- d) Licensees shall not permit consumption of alcoholic beverages from a pitcher or carafe or in any container or glass the capacity of which is in excess of sixteen fluid ounces.
- e) Licensees shall not permit drinking games.
- f) Licensees shall post conspicuously a copy of the penalties set forth in Massachusetts General Laws chapter 90, § 24(1) for operating a motor vehicle under the influence of alcohol in the form that such posting is distributed by the Massachusetts Alcoholic Beverages Control Commission (ABCC).
- g) Licensees shall post conspicuously a copy of the penalties set forth in Massachusetts General Laws Chapter 90, Section 24I, for operating a motor vehicle while drinking from an open container in the form that such posting is distributed by the Massachusetts Alcoholic Beverages Commission (ABCC).
- h) Licensees shall not pour or otherwise handle the alcoholic beverages a customer brings onto the licensed premises. Nothing in this Section shall prohibit a licensee from discarding an empty or abandoned alcoholic beverages container or its contents.
- i) Licensees shall not charge a “corkage fee” or any other fee or surcharge for permitting BYOB or providing any service or amenities relative to BYOB.
- j) Licensees shall notify the Board of Selectmen’s Office of their policy permitting BYOB no later than thirty (30) days before implementing such policy, except that licensees permitting BYOB as of the date of the adoption of this regulation shall notify the Board of Selectmen’s Office within thirty (30) days of this regulation’s adoption.

¹ **Businesses WITH a liquor license may NOT permit patrons to bring their own alcoholic beverages onto the premises pursuant to the Town of Brookline’s Sale of Alcoholic Beverages Regulations.**