

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 136.00: SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES AT  
GAMING ESTABLISHMENTS

136.03: Issuance of License and Permit

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(4) The commission shall review the application **at a hearing conducted in accordance with 205 CMR 101.01** upon receipt from the Division of Licensing and may approve the application, or parts thereof, and issue the gaming beverage license if it meets all of the requirements of 205 CMR 136.00 and M.G.L. c. 23K, § 26, or deny or condition the gaming beverage license, or parts thereof, if it determines that the application does not meet all of the requirements of 205 CMR 136.00 and M.G.L. c. 23K, § 26 or ~~would~~ **may** in some way compromise the integrity of gaming and/or public health, welfare, or safety.

136.04: Gaming Beverage License Application

(2) Licensed Area Application. A gaming licensee shall file, as part of its application for a gaming beverage license, as part of a renewal of a gaming beverage license, or as an independent application to amend a licensed area of a gaming beverage license, a licensed area application on a form prescribed by the commission, which application form must contain at least the following information:

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(h) **(for the gaming area) At the election of the gaming licensee, a request to serve alcoholic beverages between the hours of 2 a.m. to 4 a.m. The request shall be accompanied by a copy of the applicable provisions of the submission required in accordance with 205 CMR 138.12, and any other information requested by the Division of Licensing.**

136.07: Practices and Conditions of License

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(7) **Prohibited Distribution.** A gaming beverage licensee, jointly responsible person, and their respective agents and employees, except as otherwise provided by 205 CMR 136.07:

- (a) may not offer or deliver more than two drinks to one individual at a time (except that a bottle of wine may be served to one or more patrons);
- (b) may not sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price (i.e. open bar), except at invitation-only private functions not open to the public;
- (c) may not increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
- (d) may not offer or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;

- (e) may not encourage or permit any game or contest which involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes;
- (f) may not serve an alcoholic beverage to any person who is visibly intoxicated;
- (g) may not serve an alcoholic beverage to any person who is younger than 21 years old;  
~~and~~
- (h) may not serve or distribute alcoholic beverages at the gaming establishment between 2:00 A.M. and 8:00 A.M. **subject to 205 CMR 136.07(7)(i); and**
- (i) **may, with the commission's approval, serve alcoholic beverages between the hours of 2 a.m. and 4 a.m. to patrons of the gaming establishment who are actively engaged in gambling, as defined by M.G.L. c.23K, § 2, in the gaming area. Such service shall be conducted in accordance with the procedures approved in accordance with 205 CMR 138.12.**

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205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 138: UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND  
INTERNAL CONTROLS

138.12: Alcoholic Beverage Control

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures designed to ensure compliance with 205 CMR *136.00: Sale and Distribution of Alcoholic Beverages at Gaming Establishments* including, at a minimum, procedures designed to ensure proper training of employees involved in the service of alcoholic beverages, procedures designed to prevent serving alcoholic beverages to underage or visibly intoxicated individuals, procedures to ensure that visibly intoxicated or impaired patrons are not permitted to play slot machines or table games (as further detailed in 205 CMR 138.14), and procedures to ensure that alcohol is properly secured and stored. **If the gaming licensee intends to serve alcoholic beverages between the hours of 2 a.m. and 4 a.m. it shall include policies and procedures in its alcoholic beverage control submission designed to ensure that such service is only provided to patrons who are in the gaming area and actively engaged in gambling as defined by M.G.L. c.23K, § 2.**