

Private Functions

On-premises licensees who intend to host private functions must be aware of Commission decisions that were issued in May 2004. These decisions list the factors that the Commission will consider in determining whether an on-premises licensee is holding an event that will be considered a “private function” within the meaning of 204 C.M.R. §§ 4.00, et seq. The on-premises licensee must demonstrate that:

1. the private function has a host;
2. access to the private function is restricted to invited guests;
3. invited guests are not charged indirectly or directly;
4. the host is the only individual responsible for payment to the licensee;
5. the private function was not publicly advertised; and
6. written records containing the guest list exist and are available for inspection by the licensing authorities.

Please be advised that a licensee’s obligation to comply with the Liquor Control Act and Commission Regulations cannot be circumvented by using a third party. Allowing a third party to sell tickets, or any other means of admission, where the price of admission includes any alcoholic beverages results in the licensee transferring the privilege of its license to that third party. This is a violation of the Liquor Control Act. Prior approval from both the local licensing authorities and the Commission must be secured before transferring any interest in a license.