



AT THE BAR WITH BOWDITCH

A Legal Blog for the Craft Brewing Community

Are You Happy Now?: The Status of Massachusetts Happy Hour Laws

BY ANDREW C. BARTHOLOMEW • JANUARY 3, 2019

With the holidays in the rearview, many of us will continue to seek shelter in our local taproom to wait out the remainder of the winter. Although there is no lack of incentive to patronize these establishments nowadays, there was a time in Massachusetts when bars and restaurants were allowed to draw in crowds during certain periods of the day with various special offers, a practice we all know as happy hours and which have been banned in the Commonwealth for over 34 years. During this period, this topic has been a divisive one, causing consternation among some and receiving praise from others.

In 1984, [Massachusetts became the first state](#) to ban so-called “happy hours.” Calls for change were heard following one particularly gruesome [drunk-driving death](#) in Braintree in 1983, and the amendment coincided with the Commonwealth [raising the drinking age](#) from 20 to 21 shortly afterward.

[The prohibition of happy hours](#) applies to a number of promotional practices, including offering free drinks, selling more than two drinks to one person at a time, charging a lower price for drinks during a limited period of time, selling an unlimited number of drinks for a set price, selling a pitcher of beer or a mixed drink for consumption by one person, offering a larger-sized drink for the same price as a regular-sized drink, and holding a game or contest that involves drinking or that awards drinks as prizes. These regulations do not apply to private functions not open to the public, and the Alcoholic Beverages Control Commission (ABCC) has laid out [certain criteria](#) to close loopholes related to this exception.

As one might expect, the issue does manage to resurface every now and then. In 2011, the legislature briefly contemplated reinstating happy hours, in connection with a bill related to casinos, which are allowed to serve [free alcohol in gaming areas](#). Although the bill brought the happy hour issue back to the forefront in an effort to assist bars and restaurants in competing with the new casinos, it was [taken out of the final version](#) and did not result in any changes to the status quo. In 2013, the ABCC issued a [report on the happy hour laws](#), again recommending no changes. If recent history is any indication, expect drink prices to remain the same throughout the day for the near

future, no doubt leaving some of us a little less happy than others.