



AT THE BAR WITH BOWDITCH

A Legal Blog for the Craft Brewing Community

How Does Your Garden Grow? New Bill Seeks to Limit Beer Gardens

BY ANDREW C. BARTHOLOMEW • FEBRUARY 27, 2019

We heard it through the grapevine that a new bill seeks to nip in the bud the blossoming trend of beer gardens. Beer gardens have sprung up in spades over the past two years, especially in Boston, and the changes proposed in the new bill could cast a shadow over efforts to further nurture that trend.

The bill, [S.D. 1866](#), would amend language in [G. L. c. 138, § 14](#), which currently allows cities and towns to grant special licenses for the sale of alcoholic beverages to “the responsible manager of any indoor or outdoor activity or enterprise.” The [licenses are limited to 30 days per year](#), but different individuals from the same corporate entity may apply for these licenses, thus effectively expanding the 30-day limit. S.D. 1866 would create a hard cap applicable to any type of entity or representatives acting on their behalf, and it also would limit the licenses to 14 days per year.

The concept of a beer garden is particularly appealing to brewers because they don’t require their hosts to lay down roots and bear the burden of maintaining a permanent, brick-and-mortar facility. With the ability to entertain guests outside, often in attractive public spaces, beer gardens present a great opportunity for brewers to showcase their craft.

Although the proposed bill was at first received with some hostility, the discussion has shifted since the news broke, and [one of the sponsors is now asking](#) the Boston City Council to instead support seasonal licenses, allowing the public to have more control over the locations of beer gardens, as well as how they’re operated. The City had previously [submitted a letter](#) to the state legislature requesting additional liquor licenses, and the idea is to include this proposal within that document.

We’ll be sure to keep an eye on this development, but let’s hope all parties can mend fences to allow the public at large to reap the benefits of having more options for imbibing outdoors.