

**EASTHAM SELECT BOARD**  
**“BRING YOUR OWN BOTTLE” (BYOB) REGULATIONS**  
**(applicable only to businesses without a liquor license)**

All Common Victualler’s Licensees that choose to allow 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 permit only beer and wine products onto their premises. No hard alcohol shall be permitted. If a patron brings any hard alcohol product, the manager must refuse service until the hard alcohol is removed from the premises.
- b) 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 cancellation:
  - 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 permits consumption of 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.

- c) 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 online training. All persons subject to this training requirement must be retrained every three (3) years in the manner specified by these Regulations 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.
- d) Licensees shall not permit their managers or employees to consume alcoholic beverages while on duty.
- e) 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.
- f) Licensees shall not permit drinking games.

- g) 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).
- h) Licensees shall post conspicuously a copy of the penalties set forth in Massachusetts General Laws Chapter 90, Section 241, 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).
- i) Licensees shall not open, pour, or otherwise handle the alcoholic beverages a customer brings onto the licensed premises. Nothing in these Regulations shall prohibit a licensee from discarding in the trash or recycling an empty or abandoned alcoholic beverages container or its contents.
- j) Licensees shall notify the Board of Selectmen's Office of their plan to allow BYOB no later than thirty (30) days before implementing the plan, except that licensees permitting BYOB as of the date of the adoption of these regulations shall notify Administration Office within thirty (30) days of the adoption of these regulations.
- k) Any violation of the above terms may result in the removal of the establishment's Common Victualler's license.
- l) It is the assumption of the Local Licensing Authority that the establishment has permission from its landlord to allow BYOB.
- m) The Licensee shall carry liability insurance that covers alcohol consumption and shall provide evidence of such coverage to the Select Board.
- n) By exercising the privilege of allowing patrons to BYOB, the Licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Acceptance and exercise of BYOB will be deemed to be acknowledgment of awareness of this potential liability. Licensees are encouraged to discuss the risks associated with exercising the privileges of BYOB and the appropriate precautions to avoid injuries, damage and liability to others with his/her legal advisor. The Town of Eastham and the Select Board acting as the Local License Authority shall not be liable to the Licensee or to others if injury or damage shall result from the exercise of BYOB practice. By allowing BYOB on the licensed premises, the Licensee acknowledges that he/she understands and will comply with all applicable liquor regulations set forth by the Alcoholic Beverages Control Commission and the Licensing Authority of the Town of Eastham.