Massachusetts

2. SUPPLIER LICENSES

2.1 Company Licenses/Permits

Note: Refer to section 14, Direct Shipments to Consumers and/or Retailers for more details (wine only).

A Certificate of Compliance is required, and must be renewed annually prior to the expiration date of December 31. The cost is based on the number of cases sold in the state in a calendar year and is $200.00 for five thousand (5,000) cases or less and $500.00 for sales in excess of five thousand (5,000) cases a year. A separate Certificate of Compliance is required for each shipping location. Proof of FDA registration must be provided. [MA Law, Part I, Title XX, Chapter 138, Section 18B.]

A Certificate of Compliance gives a supplier the right only to ship alcoholic beverages to licensed Massachusetts wholesaler(s). It does not give a supplier the right to solicit orders in any way from Massachusetts wholesalers or retailers. Therefore, in order for a supplier to be represented by a person or entity other than a wholesaler’s employee, a Broker’s License must be held. Refer to Subsection B for details.

2.2 Sales Representative Licenses

There are two types of licenses.

2.2.1 Broker’s License

A Broker’s License can be held in one of the following ways:

• An employee of the supplier who is a citizen and resident of Massachusetts may hold a Broker’s License.

• The supplier entity itself can hold a Broker’s License if it is a foreign corporation admitted to do business in Massachusetts.

• The supplier can ask the Commission to approve a Section 18A Broker’s License for an individual who is both a citizen and resident of Massachusetts, a partnership composed solely of such individuals, a Massachusetts corporation, or an out-of-state foreign corporation admitted to do business in Massachusetts.

This license is renewable annually, prior to the expiration date of December 31. The fee is $5,000.00 with an additional $500.00 due for each principal up to a maximum of three (3), or $6500.00. [MA Law, Part I, Title XX, Chapter 138, Section 18A.]

2.2.2 Salesman’s Permit

A Certificate of Compliance holder or a licensed broker can employ other representatives who must hold a Salesman’s Permit and a Transportation Permit. The total cost for both permits is $350.00—$200.00 for the Salesman’s Permit and $150.00 for the Transportation Permit. These permits must be renewed annually, prior to the expiration date of December 31. Applicants must be residents of the state of Massachusetts and proof of residency is required. [MA Law, Part I, Title XX, Chapter 138, Sections 19A and 22.]

Note: If the supplier has no physical nexus (for example, an office, a warehouse, or an employee residing) within this jurisdiction, it is not required that the supplier qualify to do business within the jurisdiction.
jurisdiction. Even when such a requirement is stated, qualification may generally be avoided by submitting a No Nexus statement.

**Note:** Licensees must access the Alcoholic Beverages Control Commission’s website to apply for and renew licenses. Massachusetts’ licensing portal uses an online system that’s not compatible with some browsers; it requires Silverlight to upload files. The portal can be accessed at the following link: https://elicensing.state.ma.us/CitizenAccess/