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Cheers to Lifting Blue Laws on Pub Brewers

BY JULIE K. O'NEILL • JANUARY 16, 2018

Separation of church and state? Not so much when it comes to some liquor laws.

For centuries, the so-called "blue laws" have placed restrictions on the sale of alcohol in Massachusetts. To be clear, the U.S. Supreme Court has held several times that blue laws do not violate the constitutional right of freedom of religion, even though U.S. blue laws originated in colonial New England to encourage attendance at Christian churches. The Court has reasoned that states have a legitimate interest in setting one day of the week aside for rest and relaxation.

These laws have been relaxed in many respects in recent years; the Commonwealth started to allow Sunday liquor sales statewide in November of 2003. But, an anomaly still persists. Whereas package stores and farmer brewers are permitted to make sales for off-premises consumption on Sundays and holidays, pub brewers are not.

However, progress is in sight! The Massachusetts House of Representatives passed a bill on November 1 that, if approved by the Senate and Governor Baker, will allow pub brewers to sell their products to consumers for off-premises consumption on Sundays and holidays. The bill is currently pending before the Senate Rules Committee. Representative Chris Walsh of Framingham, the home of Jack's Abby Craft Lagers and Exhibit 'A' Brewing Company, filed the bill.

This certainly is a development that bears watching.

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