

Free Market: Brewers May Soon Be Able to Sell at Farmers Markets

BY ANDREW C. BARTHOLOMEW • JUNE 28, 2018

Massachusetts brewers may soon be able to sell beer and pour samples at farmers markets. A bill that recently passed initial committee consideration seeks to amend a statute that currently only permits farmer-wineries to hawk their wares at local markets. This change would likely be a boon to the craft beer industry, as the opportunity to showcase a brewer's goods in a public marketplace would result in increased exposure and—hopefully—increased sales.

This change has been a few years in the making. G. L. c. 138, § 15F, which permits wineries to apply for a special license to participate in farmers markets, was passed in 2010. However, the addition of breweries to this rule has, for some reason, lagged behind. Bills that sought to make this change were brought before the state legislature on numerous occasions over the past five years, but for one reason or another, they have all stalled. The current iteration, Senate Bill 2459, was reported favorably in April and is now being reviewed by the Senate Committee on Ways and Means. What's more, this bill not only invites breweries to the marketplace, it also applies to local distilleries as well.

Only brewers who are licensed as farmer-breweries will be eligible for this special license. Individuals or entities holding those licenses are typically only permitted to sell beers produced by the license holder at wholesale or directly to customers on the brewery premises, so this change would effectively allow small breweries to leave the farm. Although the bill also allows the brewery to provide prospective customers with samples, pours must be limited to 2 ounces, and no one customer can have more than 5 such samples. Still, this change would allow the public to try local beers before committing to buying them.

The fact that the bill is currently before the Committee on Ways and Means is reason enough to be optimistic, but it is by no means a guarantee that it will become law. That said, it is difficult to conceive a sufficient distinction between wine and beer that would justify leaving breweries on the outside looking in. If the amendment does pass, enterprising farmer-brewers should prepare to seize the opportunity and go to the market.

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