

### **1.11. Entertainment at Premises Which Serve Food or Beverages to be Consumed on Premises**

- a. No licensee may provide entertainment of any kind unless the licensee holds an entertainment license issued pursuant to the General Laws, Chapter 140, section 183A. Such license must be held in the same name, by the same owners, and with the same manager as the food or beverage licensee; provided, however, that in cases where entertainment on the premises is to be conducted by a person or entity who is an independent contractor at the premises, the food or beverage licensee may seek the approval of the Commission for an exemption from this rule based upon a written contract with the independent contractor to book and/or to produce the entertainment. The food or beverage licensee shall be responsible for the actions of such independent contractor on the premises in addition to the responsibility held by the independent contractor pursuant to the entertainment license. The food or beverage licensee shall pay the independent contractor a fee according to the written contract, said fee to be commensurate with the market value of the services, and the independent contractor shall not be given any direct or indirect interest in the licensed premises other than the fee set out in the contract. Said fee shall not be based upon the number of patrons attending an entertainment event. The food or beverages licensee shall provide in the contract for removing the independent contractor in the event that the entertainment is poorly managed or causes violations to occur at the licensed premises. Any food or beverage licensee who permits entertainment at the licensed premises pursuant to a license held by a person in violation of this rule will be subject to disciplinary action by the Commission.
- b. No entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment can be heard outside the boundaries of the premises.
- c. No dancing by patrons is permitted except upon proper licensing pursuant to General Laws, Chapter 140, section 183A, and confined to a particular dance floor area which has been approved by the Commission and which is not inconsistent with the entertainment license requirements.
- d. No entertainment may take place at a licensed premises and no member of the public may be at the licensed premises except during the hours and days when the Commission has approved the premises to be open to the public. It shall be a violation of the food or beverage license if entertainment is conducted on the premises prior to the opening hour set by the Commission or subsequent to the closing hour set by the Commission for the exercise of the food or beverage license or during any period when the food or beverage license has been suspended.
- e. No licensee may permit any electronic games to be on the premises unless such machines are properly licensed pursuant to the General Laws, Chapter 140, section 177A.
- f. Licensees shall not permit any games of chance to be played at the premises for money or for a prize of alcoholic beverages or for any other prize or prizes; provided, however, that games of chance may be played for money at certain fund raising activities for which the licensee holds other appropriate licenses.

g. Licensees who hold licenses under General Laws Chapter 138, section 12, to serve alcoholic beverages for on premises consumption, may petition the Commission for approval to allow dancing on Sundays between the hours of twelve midnight and one o'clock antemeridian or two o'clock antemeridian for the same hours for which the licensee is authorized to sell alcoholic beverages (MGL Chapter 138, Section 33).

h. Licensees must enable and utilize the closed captioning function on all public facing televisions during their hours of operation. Closed captioning must be enabled and utilized during their hours of operation regardless of the television being on mute. Closed captioning in languages other than English are not required. If closed captioning is enabled in a language other than English that serves the licensee's patrons, that will be considered in compliance with this requirement. Licensees are exempt from this requirement if their public-facing televisions do not have a closed-captioning function. Venues that are open to the public for the purpose of mass gathering for entertainment are also exempt from this requirement. These venues include but are not limited to theaters, cinemas, sports venues, and festivals.