

HOUSE No. 4856

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 16, 2020.

The committee on Ways and Means, to whom was referred the Senate Bill to expand take-out/delivery options in response to COVID-19 (Senate, No. 2812), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4856.

For the committee,

AARON MICHLEWITZ.

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Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill to expand take-out/delivery options in response to COVID-19 (Senate, No. 2812). July 16, 2020.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Section 13 of chapter 53 of the acts of 2020 is hereby amended by inserting
2 after the word “emergency” the following words:- or until February 28, 2021, whichever is later.

3 SECTION 2. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Mixed drink”, distilled spirits and mixers that are combined on a licensed premises and
6 sold in a sealed container; provided, however, that the volume of distilled spirits and mixers
7 contained in said mixed drinks shall be of the same proportion as if it was served for on-premises
8 consumption.

9 “Sealed container”, a packaged container with a secure lid or cap designed to prevent
10 consumption without removal of the lid or cap; provided, however, if the packaged container has
11 a lid with sipping holes or an opening for straws said container shall be covered or affixed with
12 an additional seal; provided, further, that said lid, cap or seal are affixed in such a way to prevent

13 reopening without it being obvious that said lid, cap or seal was removed or broken, which may
14 include tape or a sticking adhesive, before sale.

15 (b) Notwithstanding any general or special law to the contrary, in order to address
16 disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19 and
17 the effects of the governor's March 10, 2020 declaration of a state of emergency, an
18 establishment licensed to sell alcoholic beverages for on-premises consumption may, during the
19 March 10, 2020 state of emergency or until February 28, 2021, whichever is later, sell mixed
20 drinks for off-premises consumption subject to the following conditions: (i) the mixed drink shall
21 not be sold to a person under 21 years of age; provided, that any delivery of mixed drinks for off-
22 premises consumption shall not be made without verification that the person receiving the order
23 has attained 21 years of age; (ii) the mixed drink shall be sold in a sealed container; (iii) the
24 mixed drink shall be sold as part of the same transaction as the purchase of food; provided,
25 however, that any order that includes mixed drinks shall be placed not later than the hour of
26 which the establishment is licensed to sell alcohol or 12:00A.M., whichever time is earlier; (iv) a
27 customer is limited to 64 fluid ounces of mixed drinks per transaction; and (v) if the mixed drink
28 in a sealed container is to be transported by a motor vehicle, either by delivery or pick-up, the
29 driver of a motor vehicle shall transport the mixed drink in the trunk of the motor vehicle or
30 some other area that is not considered the passenger area, as defined by section 24I of chapter 90
31 of the General Laws.