

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth I. Gordon

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to expand options for local restaurants during the COVID-19 emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>3/23/2020</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>3/23/2020</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/23/2020</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>3/23/2020</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>3/23/2020</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>3/23/2020</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>3/23/2020</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>3/23/2020</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>3/23/2020</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>3/23/2020</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>3/23/2020</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>3/23/2020</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/23/2020</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/23/2020</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>3/23/2020</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>3/24/2020</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>3/24/2020</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>3/24/2020</i>

<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>3/24/2020</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>3/24/2020</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>3/24/2020</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>3/24/2020</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/24/2020</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/24/2020</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>3/24/2020</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>3/24/2020</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>3/24/2020</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>3/24/2020</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>3/24/2020</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/24/2020</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/24/2020</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/24/2020</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>3/25/2020</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>3/25/2020</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/25/2020</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>3/25/2020</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>3/25/2020</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>3/26/2020</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>3/26/2020</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/26/2020</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>3/27/2020</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/28/2020</i>

HOUSE No.

By Mr. Gordon of Bedford, a petition (subject to Joint Rule 12) of Kenneth I. Gordon and others to expand options for local restaurants during the COVID-19 emergency. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act to expand options for local restaurants during the COVID-19 emergency.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expand options for local restaurants suffering substantial economic injury as a result of COVID-19, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety, health and convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, all on-
2 premises consumption licensees, licensed according to sections 12 and 19D of chapter 138 of the
3 Massachusetts General Laws (“Licensees”), may sell for off-premises consumption, whether by
4 delivery or curb-side pickup by the consumer.

5 (b) Deliveries of wine, malt beverages and spirits accompanying prepared food orders
6 pursuant to subsection shall be made by the owner or officer of the Licensee, or an employee
7 who receives an IRS form W-2 for the employee’s services. It may also be made by an
8 employee or agent of a licensed and certified restaurant delivery service. Such delivery may be
9 made only during the Licensee’s regular hours of operation as determined notwithstanding the

10 Governor's Executive Order issued on March 15, 2020, to an individual residing or employed at
11 the delivery premises who has appropriate identification for age verification. The Licensee or
12 employee making the delivery shall have in their possession in the delivery vehicle a copy of the
13 restaurant license and a delivery invoice showing the quantity, type, origin and destination of the
14 order being delivered. No order of wine, malt beverages or spirits shall be invoiced or delivered
15 to a person under 21 years of age. The Licensee or employee making the delivery or receiving
16 the order shall verify the age of the person invoiced and to whom the order is delivered pursuant
17 to the provisions and subject to the penalties of section 34 of said chapter 138, and may refuse
18 delivery if age verification is not met.

19 (c) Sales permitted by paragraph 1(a) of this section shall be limited to no more than 1.5
20 liters of wine, 72 ounces of malt beverage and 10 ounces of spirits per consumer per day when
21 delivery accompanied by a food order for that consumer. The price to be charged to the
22 consumer shall not be greater than the listed menu price as of March 15, 2020. Any inventory
23 acquired on or after March 15, 2020 may not be sold for an amount greater than the price at
24 which it was acquired by the Licensee. For purposes of this section, a consumer is defined as
25 each person at the site of delivery of pick-up who produces identification sufficient to
26 demonstrate appropriate age pursuant to the provisions of section 34 of said chapter 138. For
27 purposes of this section, a food order is defined as an order of food prepared by the Licensee or
28 sold by the Licensee in its ordinary course of business.

29 (d) Sales must be pre-paid prior to delivery or curbside pick-up.

30 (e) All wines and malt beverages must be sold in their original, manufactured, sealed
31 containers. All spirits other than wines and malt beverages not sold in their original,

32 manufactured, sealed containers must be packaged in a container with a secure lid or cap and in a
33 manner designed to prevent consumption without removal of the lid or cap. All wines, malt
34 beverages and spirits delivered by a Licensee or certified delivery service must be transported in
35 the trunk of the motor vehicle used for delivery or if the vehicle has no trunk, it must be kept in
36 some area away from the reach of the driver.

37 Section 2. Licensees may purchase alcoholic beverages from other Licenses to the same
38 extent they can purchase such beverages from suppliers authorized to sell to them (e.g.,
39 wholesalers, beer manufacturers, and winegrowers).

40 Section 3. This Act shall take effect upon its passage.

41 Section 4. This Act shall expire upon the expiration of earlier of the Governor's
42 Executive Order issued on March 15, 2020, including extensions thereof, or the emergency
43 declaration issued by the Governor dated March 10, 2020, designated as Executive Order 591,
44 including any extensions.