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:

<table>
<thead>
<tr>
<th>NAME</th>
<th>DISTRICT/ADDRESS</th>
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<tr>
<td>Kenneth I. Gordon</td>
<td>21st Middlesex</td>
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<tr>
<td>Nika C. Elugardo</td>
<td>15th Suffolk</td>
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<td>Natalie M. Higgins</td>
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<td>Michael J. Soter</td>
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<td>Brian M. Ashe</td>
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<td>Denise Provost</td>
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<td>William L. Crocker, Jr.</td>
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<td>Joseph D. McKenna</td>
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<td>Norman J. Orrall</td>
<td>12th Bristol</td>
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<td>Thomas M. Stanley</td>
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<td>Tommy Vitolo</td>
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<td>Kay Khan</td>
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<td>Tricia Farley-Bouvier</td>
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<td>Natalie M. Blais</td>
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<td>Barry R. Finegold</td>
<td>Second Essex and Middlesex</td>
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<td>Carlos González</td>
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<td>Alyson M. Sullivan</td>
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<td>Mathew J. Muratore</td>
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<td>Paul R. Feeney</td>
<td>Bristol and Norfolk</td>
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<td>Patrick M. O'Connor</td>
<td>Plymouth and Norfolk</td>
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<td>David Allen Robertson</td>
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<td>3rd Hampshire</td>
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<td>David Henry Argosky LeBoeuf</td>
<td>17th Worcester</td>
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<td>John H. Rogers</td>
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<td>Mike Connolly</td>
<td>26th Middlesex</td>
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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-premises consumption licensees, licensed according to sections 12 and 19D of chapter 138 of the Massachusetts General Laws ("Licensees"), may sell for off-premises consumption, whether by delivery or curb-side pickup by the consumer.

(b) Deliveries of wine, malt beverages and spirits accompanying prepared food orders pursuant to subsection shall be made by the owner or officer of the Licensee, or an employee who receives an IRS form W-2 for the employee’s services. It may also be made by an employee or agent of a licensed and certified restaurant delivery service. Such delivery may be made only during the Licensee’s regular hours of operation as determined notwithstanding the Governor’s Executive Order issued on March 15, 2020, to an individual residing or employed at the delivery premises who has appropriate identification for age verification. The Licensee or
employee making the delivery shall have in their possession in the delivery vehicle a copy of the
restaurant license and a delivery invoice showing the quantity, type, origin and destination of the
order being delivered. No order of wine, malt beverages or spirits shall be invoiced or delivered
to a person under 21 years of age. The Licensee or employee making the delivery or receiving
the order shall verify the age of the person invoiced and to whom the order is delivered pursuant
to the provisions and subject to the penalties of section 34 of said chapter 138, and may refuse
delivery if age verification is not met.

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

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

(e) All wines and malt beverages must be sold in their original, manufactured, sealed
containers. All spirits other than wines and malt beverages not sold in their original,
manufactured, sealed containers must be packaged in a container with a secure lid or cap and in a
manner designed to prevent consumption without removal of the lid or cap. All wines, malt
beverages and spirits delivered by a Licensee or certified delivery service must be transported in
the trunk of the motor vehicle used for delivery or if the vehicle has no trunk, it must be kept in
some area away from the reach of the driver.

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

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

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