SENATE . . . . . No. 2812

The Commonwealth of Massachusetts

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

SENATE, July 10, 2020.

The committee on Senate Ways and Means to whom was referred the Senate Bill to expand take-out/delivery options in response to COVID-19 (Senate, No. 2740),- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2812).

For the committee,
Michael J. Rodrigues

FILED ON: 7/10/2020

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In the One Hundred and Ninety-First General Court
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An Act to expand take-out/delivery options in response to COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expand revenue-generating options in response to the COVID-19 economic crisis for local establishments licensed to sell alcoholic beverages, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

(a) As used in this act, the following words shall have the following meanings unless the context clearly requires otherwise:

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

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

prevent reopening without it being obvious that the lid, cap or seal was removed or broken; and provided further, that affixing the cap may be completed by the use of tape or other sticking adhesive before sale.

(b) Notwithstanding any general or special law to the contrary, in order to address disruptions caused by the 2019 novel coronavirus pandemic and the effects of the governor's March 10, 2020 declaration of a state of emergency, an establishment licensed under section 12 of chapter 138 of the General Laws to sell alcoholic beverages to be drunk on premises may sell mixed drinks for off-premises consumption from the effective date of this act until the governor's March 10, 2020 declaration of a state of emergency is lifted subject to the following conditions: (i) the mixed drink shall not be sold to a person under 21 years of age and any delivery of mixed drinks to a person for off-premises consumption shall not be made without verification that the person receiving the order has attained 21 years of age; (ii) the mixed drink shall be sold in a sealed container; (iii) the mixed drink shall be sold in the same transaction as the purchase of food; provided, however, that any order that includes mixed drinks shall be placed not later than the hour until which the establishment is licensed to sell alcohol or 12:00 A.M., whichever is earlier; (iv) a customer shall be limited to not more than 2 mixed drinks per entrée ordered and not more than 64 fluid ounces of mixed drinks shall be included per transaction; and (v) if the mixed drink in a sealed container is to be transported by a motor vehicle, either by delivery or pick-up, the driver of the motor vehicle shall transport the mixed drink in the trunk of the motor vehicle or in some other area that is not considered the passenger area as defined in section 24I of chapter 90 of the General Laws.