

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 take-out/delivery options for local restaurants in response to COVID-19.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Diana DiZoglio</i>	<i>First Essex</i>	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>3/21/2020</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/21/2020</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>3/23/2020</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>3/23/2020</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/23/2020</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>3/23/2020</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/23/2020</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/23/2020</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/23/2020</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/24/2020</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>3/24/2020</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/24/2020</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>3/25/2020</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/25/2020</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>3/25/2020</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>3/30/2020</i>

Mike Connolly

26th Middlesex

5/28/2020

SENATE No.

By Ms. DiZoglio, a petition (accompanied by bill) (subject to Joint Rule 12) of Diana DiZoglio, Adam G. Hinds, Patrick Joseph Kearney, Nick Collins and other members of the General Court for legislation to expand take-out/delivery options for local restaurants in response to COVID-19. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act to expand take-out/delivery options for local restaurants in response to COVID-19.

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, any on-
2 premises consumption licensee under section 12 of chapter 138 may sell for off-premises
3 consumption, at not less than the licensee’s listed menu price or wholesale price, whichever is
4 greater, unopened containers of wine, malt beverages and spirits when accompanying prepared
5 food take-out and delivery orders. Such licensees shall submit written confirmation of their intent
6 to engage in the provisions of this section to local law enforcement and the alcoholic beverages
7 control commission, and shall maintain records available for inspection of all such take-out and
8 delivery sales of wine, malt beverages and spirits.

9 (b) Deliveries of wine, malt beverages and spirits accompanying prepared food orders
10 pursuant to subsection (a) shall be made by the licensee or a TIPS-certified employee of the
11 licensee during the licensee's regular on-premises hours of operation as determined
12 notwithstanding the Governor's Executive Order issued on March 15, 2020, to an individual
13 residing at the delivery premises who has appropriate identification for age verification. The
14 licensee or employee making the delivery shall have in their possession in the delivery vehicle a
15 copy of the restaurant license and a delivery invoice showing the quantity, type, origin and
16 destination of the order being delivered. No order of wine, malt beverages or spirits shall be
17 invoiced or delivered to a person under 21 years of age. The licensee or employee making the
18 delivery shall verify the age of the person invoiced and to whom the order is delivered pursuant
19 to the provisions and subject to the penalties of section 34 of said chapter 138, and may refuse
20 delivery if age verification is not met.

21 (c) Such licensees shall otherwise be subject to all of said chapter 138.

22 SECTION 2. This Act shall take effect upon its passage.

23 SECTION 3. This Act shall sunset upon the earlier of (i) the termination or rescission of
24 the Governor's Executive Order issued on March 15, 2020, including extensions thereof, or (ii)
25 such time as the emergency declaration issued by the Governor dated March 10, 2020, and
26 designated as Executive Order Number 591, is rescinded by the Governor.