

SENATE No. 2740

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 in response to COVID-19.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Diana DiZoglio</i>	<i>First Essex</i>	
<i>Lenny Mirra</i>	<i>2nd Essex</i>	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>5/28/2020</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>5/28/2020</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>5/28/2020</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>5/28/2020</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>5/29/2020</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>5/29/2020</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>6/1/2020</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>6/1/2020</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>6/1/2020</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>6/1/2020</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>6/2/2020</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>6/4/2020</i>

SENATE No. 2740

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 2740) (subject to Joint Rule 12) of Diana DiZoglio, Lenny Mirra, Patrick M. O'Connor, David F. DeCoste and others for legislation to temporarily expand take-out and delivery options for local establishments licensed to sell alcoholic beverages. 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 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:

1 SECTION 1. Notwithstanding any general or special law to the contrary, an
2 establishment licensed to sell alcoholic beverages on-premises may sell wine, malt beverages,
3 prepared beverages and mixed drinks for off-premises consumption subject to the following
4 conditions: (i) an establishment licensed to sell only wines and malt beverages on-premises may
5 sell wine or malt beverages only for off-premises consumption; (ii) alcoholic beverages shall not
6 be sold to a person under 21 years of age; provided, however, that any delivery of alcoholic
7 beverages for off-premises consumption shall not be made without verification that the person
8 receiving the order has attained 21 years of age; (iii) wine shall be sold in its original, sealed
9 container, and malt beverages, prepared beverages and mixed drinks shall be sold in sealed

10 containers; (iv) alcoholic beverages shall be sold as part of the same transaction as the purchase
11 of food; provided, however, that any order that includes alcoholic beverages shall be placed not
12 later than the hour of which the establishment is licensed to sell alcohol or 12:00 midnight,
13 whichever time is earlier. For purposes of this section, a “prepared beverage and mixed drink” is
14 defined as a sealed container holding between 4 and 64 fluid ounces of spirits (liquor) and mixer
15 that have been combined at the licensed establishment.

16 SECTION 2. Each establishment shall notify the Alcoholic Beverages Control
17 Commission (ABCC) of its intent to engage in the provisions of this act. The ABCC shall
18 promulgate regulations or issue guidance consistent with this act as it deems necessary within 10
19 days of enactment to ensure timely implementation.

20 SECTION 3. This act shall sunset upon the earlier of the date which is 12 months after:
21 (i) the date on which establishments licensed to sell alcoholic beverages on-premises are
22 permitted to resume sales of alcoholic beverages to the public for on-premises consumption; (ii)
23 the date of termination or rescission of the governor’s executive order issued on March 15, 2020,
24 including extensions and modifications thereof; or (iii) the date of termination or rescission of
25 the governor’s state of emergency declaration issued on March 10, 2020.