

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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 allowing restaurants to sell grocery items and other nondurable items during the COVID-19 pandemic.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>6/1/2020</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>6/2/2020</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>6/2/2020</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>6/2/2020</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>6/3/2020</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>6/4/2020</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>6/8/2020</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>6/11/2020</i>

SENATE No.

By Mr. Brady, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael D. Brady for legislation to allow restaurants to sell grocery items and other nondurable items during the COVID-19 pandemic. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act allowing restaurants to sell grocery items and other nondurable items during the COVID-19 pandemic.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith restaurants to sell grocery items and other nondurable items, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public 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) As used in this section, the following terms shall have the following
2 meanings:

3 “Independent food delivery service”, a third-party website, mobile application or other
4 internet service or platform through which a consumer can purchase food or beverages from
5 restaurants for pick up or delivery.

6 “Order”, a food or beverage order placed by a consumer using an independent food
7 delivery service.

8 (b) Notwithstanding chapter 94 of the General Laws or any general or special law to the
9 contrary, any restaurant may sell grocery items or other nondurable items typically found in a
10 supermarket for off-premises consumption via delivery or curbside pick up without a license for
11 food processing or food distribution at wholesale and exempt the sale from sale tax on meals.

12 (c) Restaurants selling items under subsection (b) shall include: (i) safe product handling
13 information; (ii) a statement identifying the common or usual name for the product; (iii) a
14 statement identifying all the product's ingredients; (iv) the name and place of business of the
15 food manufacturer, packer or distributor; (v) net weight of contents; (vi) allergen information;
16 (vii) open-dating and recommended storage conditions; and (viii) any other product information
17 required by the department of public health or the United States Federal Drug Administration.

18 (d) Restaurants selling and delivering items pursuant to subsection (b) may charge a
19 delivery fee of not more than 10 per cent of the total sale price of items sold before taxes.

20 (e) An independent food delivery service delivering items pursuant to subsection (b) may
21 charge a restaurant a fee of not more than 10 per cent of the purchase price for each order placed
22 by a consumer using the service.

23 SECTION 2. Section 1 is hereby repealed.

24 SECTION 3. Section 2 shall take effect 3 business days after termination of the
25 governor's March 10, 2020 declaration of a state of emergency.