

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 providing cocktails-to-go for restaurants in the Commonwealth.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No.

By Ms. DiZoglio, a petition (accompanied by bill) (subject to Joint Rule 12) of Diana DiZoglio for legislation to provide cocktails-to-go for restaurants in the Commonwealth. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act providing cocktails-to-go for restaurants in the Commonwealth.

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

1 Chapter 138 of the General Laws is hereby amended by inserting after section 78 the
2 following section:-

3 Section 79. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Mixed drink”, distilled spirits and mixers that are combined on a licensed premises and
6 sold in a sealed container; provided, however, that the volume of distilled spirits and mixers
7 contained in any mixed drink shall be of the same proportion as if it were served for on-premises
8 consumption.

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

13 reopening without it being obvious that said lid, cap or seal was removed or broken, which may
14 include tape or a sticking adhesive, before sale.

15 (b) Notwithstanding any general or special law to the contrary, an establishment licensed
16 to sell alcoholic beverages for on-premises consumption may sell wine, malt beverages or mixed
17 drinks for off-premises consumption subject to the following conditions: (i) an establishment
18 licensed to sell only wines and malt beverages for on-premises consumption may sell wine or
19 malt beverages only for off-premises consumption; (ii) the wine, malt beverage or mixed drink
20 shall not be sold to a person under 21 years of age; provided, further, that any delivery of wine,
21 malt beverages or mixed drinks for off-premises consumption shall not be made without
22 verification that the person receiving the order has attained 21 years of age; (iii) the wine shall be
23 sold in its original, sealed container, and the malt beverage or mixed drink shall be sold in a
24 sealed container; (iv) the wine, malt beverage or mixed drink shall be sold as part of the same
25 transaction as the purchase of food; provided, however, that any order that includes wine, malt
26 beverages or mixed drinks shall be placed not later than the hour until which the establishment is
27 licensed to sell alcohol or 12:00A.M., whichever time is earlier; (v) a customer shall be limited
28 to 1.5 liters of wine, 192 ounces of malt beverages and 64 fluid ounces of mixed drinks per
29 transaction; (vi) the wine, malt beverages or mixed drinks shall be sold at the same price for on-
30 premises consumption and for off-premises consumption; and (vii) if the malt beverage or mixed
31 drink in a sealed container is to be transported by a motor vehicle, either by delivery or pick-up,
32 the driver of a motor vehicle shall transport the malt beverage or mixed drink in the trunk of the
33 motor vehicle or some other area that is not considered the passenger area, as defined by section
34 24I of chapter 90 of the General Laws.