

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 updating section 12½.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and
Hampshire*

SENATE No.

By Mr. Mark, a petition (accompanied by bill) (subject to Joint Rule 12) of Paul W. Mark for legislation to update the sale of mixed drinks for off-premises consumption. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act updating section 12½.

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 updated in section 12½ by striking subsection
2 (b) in its entirety and replacing it with the following new subsection:-

3 (b) Notwithstanding any general or special law to the contrary, an establishment licensed
4 to sell all alcoholic beverages, distilled spirits, cordials or liqueurs for on-premises consumption
5 may sell beer, malt beverages, wine, and mixed drinks for off-premises consumption subject to
6 all of the following conditions: (i) the beer, malt beverage, wine, or mixed drink shall not be sold
7 to a person under 21 years of age; (ii) any delivery of beer, malt beverages, wine, or mixed
8 drinks for off premises consumption shall not be made without verification that the person
9 receiving the order has attained 21 years of age; (iii) the mixed drink shall be sold in a sealed
10 container; (iv) the beer, malt beverage, wine, or mixed drink shall be sold as part of the same
11 transaction as the purchase of food, and any order that includes a beer, malt beverage, wine, or
12 mixed drink shall be placed not later than the hour of which the establishment is licensed to sell

13 alcohol or 12:00 A.M., whichever time is earlier; provided, that a transaction shall include at
14 least 1 item of food prepared on-site sufficient to serve 1 individual; (v) a customer shall be
15 limited to 64 fluid ounces of mixed drinks per transaction consistent with clause (iv); and (vi) if
16 the mixed drink in a sealed container is to be transported by a motor vehicle, either by delivery
17 or pick-up, the driver of the motor vehicle shall transport the mixed drink in the trunk of the
18 motor vehicle or an area that is not considered the passenger area, as defined by section 24I of
19 chapter 90.