



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150*

Jean M. Lorizio, Esq.
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ORDER REGARDING
DELINQUENCY REPORTING PERIOD (CREDIT TERMS)**

In light of the continuing impact of the COVID-19 pandemic, the Alcoholic Beverages Control Commission recognizes the ongoing hardship posed to § 12 licensees to comply with the 60-day delinquency reporting period as outlined in M.G.L. c. 138, § 25 (Credit Terms) for unpaid invoices.

Therefore, after consultation with all tiers of the Massachusetts alcohol industry, and in particular the Massachusetts Restaurant Association, the Beer Distributors of Massachusetts and the Wine & Spirits Wholesalers of Massachusetts, the Commission issues this Order providing relief from being reported and posted as delinquent under § 25 for invoices issued on or after January 18, 2020 and before April 16, 2020 (“eligible invoices”). This Order supersedes and replaces the Commission’s June 11, 2020, Order Regarding Delinquency Reporting Period (Credit Terms).

In order to benefit from this Order, **every § 12 licensee must pay in full all eligible invoices in twelve (12) equal monthly installments. The first payment shall be due on the first of the month that occurs forty-five (45) days following the date the Governor removes the ban on inside service by § 12 licensees selling for on-premises consumption. Payments shall be due thereafter on the first of each month.** Because the Governor is removing the ban on inside service on June 22, 2020, licensees’ first payment shall be due on September 1, 2020.

Every § 12 licensee who owes unpaid eligible invoices must be reported by the seller as delinquent pursuant to M.G.L. c. 138, § 25, on September 4, 2020, unless the licensee complies with this Order. If a licensee fails to make timely monthly payments on their eligible invoices, then the wholesaler to whom such payment was not made shall place the licensee on the delinquent list for the missed payment within three (3) days of the licensee’s failure to make such monthly payment. If a licensee subsequently pays any overdue eligible invoice(s) it shall be removed from the delinquency list for those eligible invoices forthwith.

Furthermore, any § 12 licensee that cannot open until Phase 4 of the Governor’s Plan for the reopening of the Massachusetts economy must pay in full all eligible invoices in twelve (12) equal monthly installments beginning October 1, 2020, whether it is permitted to open by that date or not. Any credits given for returns of empty containers or for returns of any alcoholic beverages for invoices issued on or after January 18, 2020, and before April 16, 2020, must be applied by the seller to pay down the unpaid total of eligible invoices and these credits may be applied by the seller to the oldest invoice to reduce the total owed for all eligible invoices.

Please be aware that this Order does not apply to § 12 licensees already posted on the credit delinquency list as of March 19, 2020.

Licensees who meet the criteria of this Order do not need to apply to the Commission for this

extension of credit terms as these terms apply automatically. Licensees who do not meet the criteria are reminded that they may still apply to the Commission for relief pursuant to M.G.L. c. 138, § 25, in the ordinary course.

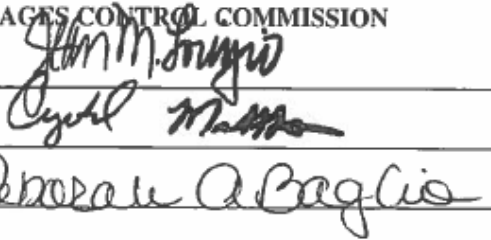
ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Esq., Chairman

Crystal Mathews, Esq., Commissioner

Deborah Baglio, Esq., Commissioner

Date Issued: June 19, 2020

Handwritten signatures of the three commissioners are placed over horizontal lines. The signature of Jean M. Lorizio is at the top, Crystal Mathews is in the middle, and Deborah Baglio is at the bottom.