



*Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
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**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY**  
**REGARDING ON-PREMISES LICENSEES SELLING MIXED DRINKS**  
**FOR OFF-PREMISES CONSUMPTION**

On July 20, 2020, Governor Charlie Baker signed a bill authorizing on-premises licensees to sell mixed drinks for off-premises consumption for the duration of the Governor's declared state of emergency or until February 28, 2021, whichever comes later.<sup>1</sup>

**Effective immediately and until the end of the state of emergency or February 28, 2021, whichever comes later, all on-premises licensees licensed for the sale of all alcoholic beverages or wine, malt, and cordials,<sup>2</sup> may sell mixed drinks for off-premises consumption subject to the following conditions:**

- 1) the mixed drink must be of the same distilled spirits proportions as if it was prepared for on-premises consumption;
- 2) the mixed drink shall be sold in a sealed container, meaning:
  - a) a packaged container with a secure lid or cap designed to prevent consumption without removal of the lid or cap;
  - b) if the packaged container has a lid with sipping holes or an opening for straws, the container shall be covered or affixed with an additional seal;
  - c) the lid, cap or seal shall be affixed in such a way as to prevent reopening without it being obvious that the lid, cap or seal was removed or broken; and
  - d) affixing the cap may be completed by the use of tape or other sticking adhesive before sale;

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<sup>1</sup> The text of the bill and amendment can be found [HERE](#). The Governor's March 10, 2020, declaration of a state of emergency can be found [HERE](#).

<sup>2</sup> This includes § 12 bars, restaurants, general on premises, hotels, taverns, clubs, war veterans' clubs, and continuing care retirement communities, § 19E(o) farmer-distilleries with pouring permits; and all-alcohol § 19(b) manufacturers with pouring permits. The bill does not apply to licensees authorized to sell wine and malt beverages only.

- 3) each customer shall be limited to not more than 64 fluid ounces of mixed drinks per transaction;
- 4) if the mixed drink is to be transported by a motor vehicle, either by delivery or pick-up, the driver of the motor vehicle shall transport the mixed drink in the trunk of the motor vehicle or in some other area that is not considered the passenger area as defined in section 24I of chapter 90 of the General Laws.

The sale of mixed drinks may only be done from opening until 12:00 am midnight, or the licensee's closing time previously approved by the Local Licensing Authority, whichever is earlier. All licensees must verify that both the purchaser and recipient of alcohol are at least 21 years old.

Sales must be made as part of a takeout order by way of pickup, including curbside pickup, and delivery. Licensees do not need to obtain a separate transportation permit under M.G.L. c. 138, § 22, in order to make deliveries. Licensees are advised to check with their Local Licensing Authority on any additional requirements in order to sell alcohol for curbside pickup.

All sales must be accompanied by a receipt reflecting the purchase of food along with alcohol, and licensees must keep copies of all receipts for inspection by licensing authorities.

This Advisory should be read in conjunction with the April 3, 2020, Advisory Regarding On-Premises Licensees Selling for Off-Premises Consumption, which can be found [HERE](#).

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to the ABCC Executive Director Ralph Sacramone at [rsacramone@tre.state.ma.us](mailto:rsacramone@tre.state.ma.us) or (617) 727-3040 x 731.

(Issued July 21, 2020)