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An ale sale tale: Who can, and can't, deliver alcohol



By [Jessica Bartlett](#) – Reporter, Boston Business Journal

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To say it is confusing about who can and can't deliver alcohol to your door is an understatement.

Nearly a century of rules developed around the manufacturing, purchase and delivery of alcohol has created a web of requirements, prohibitions and complexities. (The section of Massachusetts law overseeing alcohol has 76 sections by itself.) These already-complex rules became more confusing this month, when Gov. [Charlie Baker](#) allowed bars, restaurants and breweries to deliver mixed drinks, beer and wine to people's homes with the purchase of a food order.

The Business Journal spoke with the state's Alcoholic Beverage Control Commission on what is — and what isn't — permitted by law in this evolving landscape. Here's a comprehensive look at who is allowed to bring booze to consumers' front doors.

WHO CAN'T DELIVER TO CONSUMERS

Wholesalers: Even if wholesalers and distributors obtained a transportation permit, they still wouldn't be allowed to deliver directly to consumers, according to the Alcoholic Beverage Control Commission. A transportation license given to a wholesaler only allows it to pick up and deliver alcohol to other licensed businesses, such as restaurants, hotels, or other licensed manufacturers.

WHO CAN DELIVER TO CONSUMERS

Package stores/grocery stores/convenience stores: These businesses are referred to in regulatory language as "off-premise" license holders, because alcohol is purchased on site but is consumed elsewhere. Such businesses may now obtain a transportation license to deliver directly to any consumer in Massachusetts. A transportation license also allows such retailers to pick up products from wholesalers or manufacturers, which would enable a liquor store or grocery store to avoid minimum purchase requirements or delivery fees. These kinds of businesses can also deliver directly to consumers using a third-party delivery company, such as FedEx, UPS or DoorDash, which have an "express transportation permit" from the state.

Wineries/Cider-makers: Thanks to a law passed in 2006 and amended in 2015, wineries and cider-makers can receive a "direct wine shipper license" to ship wine or hard cider directly to consumers. The amounts aren't unlimited: State law allows a winery to ship up to 12 cases of wine — containing not more than 9 liters of wine per case — per year to any individual resident. As a case of wine holds 12 bottles, that works out to be over 2.5 bottles of wine a week. According to the ABCC, this is the only

alcohol manufacturer in the state allowed to deliver alcohol outright directly to consumers without obtaining a separate transportation license.

Breweries: A brewery can deliver alcohol only under special circumstances; they aren't allowed to deliver directly to a person's doorstep. While breweries may receive a transportation license, it only allows them to ship alcohol to retailers or wholesalers, ABCC officials say. Prior to the coronavirus pandemic, if a brewery wanted to deliver beer to someone's house, it would have to use a third-party carrier that had received an express-transportation permit.

The coronavirus crisis has created a special circumstance, however: After Baker signed a bill on April 3, bars, restaurants, hotels (and by default, breweries with taprooms) now may deliver up to 192 ounces of beer and 1.5 liters of wine to consumers' homes. The big caveat is that those deliveries must include food.

Restaurants: Restaurants may deliver beer or wine with food under the guidelines of the governor's bill that passed in April, and can deliver mixed alcoholic drinks along with the purchase of food thanks to a bill passed in July. The drink can only be sold as if it were being prepared for sale in the restaurant (aka: no glass jars full of only tequila), and cannot be more than 64 ounces of a given mixed drink per transaction. Such deliveries must also include food.

Distilleries: Craft distillers can use a third-party carrier that has obtained an express-transportation permit to deliver to consumers, but they cannot deliver directly to consumers themselves.