The following has special meaning:
green underline denotes added text
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SENATE No. 2812

Chapter 118 of the Acts of 2020

THE COMMONWEALTH OF MASSACHUSETTS

(2019-2020)

AN ACT TO EXPAND TAKE-OUT/DELIVERY OPTIONS IN RESPONSE TO COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expand revenue-generating options in response to the COVID-19 economic crisis for local establishments licensed to sell alcoholic beverages, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Section 13 of chapter 53 of the acts of 2020 is hereby amended by inserting after the word “emergency” the following words:- or until February 28, 2021, whichever is later.

SECTION 2. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

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

“Sealed container”, a packaged container with a secure lid or cap designed to prevent consumption without removal of the lid or cap; provided, however, if the packaged container has a lid with sipping holes or an opening for straws said container shall be covered or affixed with an additional seal; provided, further, that said lid, cap or seal are affixed in such a way to prevent reopening without it being obvious that said lid, cap or seal was removed or broken, which may include tape or a sticking adhesive, before sale.

(b) Notwithstanding any general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19 and the effects of the governor’s March 10, 2020 declaration of a state of emergency, an establishment licensed to sell alcoholic beverages for on-premises consumption may, during the March 10, 2020 state of emergency or until February 28, 2021, whichever is later, sell mixed drinks for off-premises consumption subject to the following conditions: (i) the mixed drink shall not be sold to a person under 21 years of age; provided, that any delivery of mixed drinks for off-premises consumption shall not be made without verification that the person receiving the order has attained 21 years of age; (ii) the mixed drink shall be sold in a sealed container; (iii) the mixed drink shall be sold as part of the same transaction as the purchase of food; provided, however, that any order that includes mixed drinks shall be placed not later than the hour of which the establishment is licensed to sell alcohol or 12:00A.M., whichever time is earlier; (iv) a customer is limited to 64 fluid ounces of mixed drinks per transaction; and (v) if the mixed drink in a sealed container is to be transported by a motor vehicle, either by delivery or pick-up, the driver of a motor vehicle shall transport the mixed drink in the trunk of the motor vehicle or some other area that is not considered the passenger area, as defined by section 24I of chapter 90 of the General Laws.

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