

Client Alert: Emergency Bill Authorizes Take-Out and Delivery of Beer/Wine for Licensed Massachusetts Restaurants

By Adam Barnosky on April 3, 2020



On April 3, 2020, Governor Charlie Baker signed an emergency bill into law allowing take-out and delivery of beer/wine for licensed restaurants in Massachusetts. The authorization applies to any restaurant which currently holds a valid “all alcoholic beverages” or “malt and wine beverages” license approved by the Alcoholic Beverages Control Commission and issued by the local municipal licensing authority.

The bill puts the following restrictions on sales:

Wine Sales

- *Must be sold in its original, sealed container*
- *Limited to 1.5 liters (i.e. two standard bottles) per transaction*

Beer Sales

- *Must be sold in a sealed container*
- *Limited to 192 oz. of beer (for example, sixteen 12 oz. beers or twelve 16 oz. beers) per transaction*

All Sales

- *Must be sold in a transaction with food*
- *Placed prior to the establishment's liquor license closing hour or midnight, whichever is earlier*
- *No “to go” sales to persons under 21 years of age*
- *For deliveries, the person receiving the order must have valid identification verifying 21 years of age or older*

The authorization allowing takeout and delivery is a temporary measure and will terminate when the emergency declaration ends (currently set at May 4, 2020, but subject to extension). The regulations of the bill should be followed in conjunction with any advisory published by the Alcoholic Beverages Control Commission related to takeout and delivery

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of alcohol.

The full bill can be found [here](#).

To add to the list of ongoing considerations, restaurant operators should review existing insurance policies and contact insurance agents to determine the scope of coverage for: (a) business and personal vehicles, as they apply to liability of both the employee and business owner; and (b) liquor liability policies, for coverage related to takeout and delivery of alcohol. Operators need to be especially careful about liability before implementing expanded takeout and delivery services, particularly where takeout is a new endeavor due to current conditions.

Adam Barnosky is a shareholder and co-leads the firm's **Hospitality Practice Group**. Adam represents various professionals and companies within the hospitality industry, including national hotel brands, James Beard-nominated chefs, industry-recognized fast-casual companies, and numerous premier restaurateurs included in Boston Magazine's Annual "50 Best Restaurants" List. Adam can be reached at arb@riw.com, (617) 570-3519, or on Twitter at [@adambarnosky](https://twitter.com/adambarnosky).

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