



City of Boston
Mayor Martin J. Walsh
Licensing Board

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Lesley Delaney Hawkins

**THE LICENSING BOARD FOR THE CITY OF BOSTON'S ADVISORY REGARDING
RULES AND REGULATIONS FOR THE SALE OF MIXED DRINKS FOR
OFF-PREMISE CONSUMPTION BY SECTION 12 LICENSEES**

Issued: July 21, 2020

On July 20, 2020, due to the ongoing public health crisis, Governor Charles Baker signed into law [legislation](#) passed by the State Legislature (the "Legislation") temporarily permitting the sale of mixed drinks by Section 12 Licensees for off-premise consumption via take-out or delivery during the state of emergency declared by the Governor.

The Licensing Board for the City of Boston (the "Board") issues this advisory regarding rules and regulations for the sale of mixed drinks for off-premise consumption during the temporary prohibition of on-premise consumption (the "Advisory") in accordance with the Legislation. **The Legislation and the Advisory are effective immediately. This Advisory should be adhered to in conjunction with the Board's [previous advisory](#) regarding the sale of wine and malt beverages for off-premise consumption by Section 12 Licensees.**

1. Section 12 Licensees are responsible for reviewing the Legislation in its entirety as the Advisory is meant to supplement the same and is not exhaustive.
2. The Legislation and Advisory are applicable only to Section 12 Licensees (restaurants). Any establishment not presently holding a valid Section 12 License may not sell any alcohol nor may it allow any alcohol on the licensed premise at any time.
3. A Section 12 Licensee may only sell mixed drinks using the types of alcohol it is specifically licensed to sell. A Section 12 Licensee with an all alcoholic beverages license may sell wine, malt beverages, and spirits while a Section 12 Licensee with a wine and malt beverages license may only sell wine and malt beverages.
4. The Legislation as enacted allows for the sale of wine and malt beverages for off-premise consumption by a Section 12 Licensee by both take-out and delivery and does not require additional licensure for delivery (there is no requirement of a Transportation Permit issued by the Alcoholic Beverages Control Commission for delivery).
5. The sale of a mixed drink may take place until 12:00a.m. midnight or the closing hour listed on the Section 12 License, whichever is earlier.

6. The mixed drink must be of the same portions as if it was being sold for on-premise consumption.
7. The mixed drink must be sold in a sealed container which must be a packaged container with a secure lid or cap designed to prevent consumption without the removal of the lid or cap. If the sealed container has a lid with a sipping hole or an opening for a straw the container must be covered or affixed with an additional seal. Further, the lid, cap, or seal must be affixed in such a way as to prevent reopening without it being clear that the lid, cap, or seal was removed or broken. Tape or another sticking adhesive may be used to seal the container prior to the sale.
8. The sale of mixed-drinks for off-premise consumption must be part of the same transaction as the purchase of food.
9. The maximum number of mixed drinks which may be sold is two (2) mixed drinks with the sale of one (1) entree and no more than sixty four (64) ounces per transaction.
10. The Section 12 Licensee must verify that the recipient of the mixed drink is twenty one (21) years of age or older.
11. If the mixed drink is being sold as part of a delivery order, the individual delivering the order must verify the recipient of the mixed drink is twenty one (21) years of age or older.
12. If the mixed drink is being sold as part of a delivery order, the mixed drink must be stored in the trunk of the vehicle or other area not considered the passenger area under Massachusetts General Law.
13. The Legislation and the Advisory do not impact other Licensees that have the appropriate licensure for the sale of alcoholic beverages for off-premise consumption (e.g.: Section 15 Retail Package Stores).

The Advisory is issued in response to the ongoing public health crisis related to the spread of COVID-19 (coronavirus) and will be strictly enforced by the Board and the Boston Police Department. Failure to adhere to any of the above, previously issued orders or advisories currently in effect, the Rules and Regulations of the Board and the Alcoholic Beverages Control Commission, and the laws of the Commonwealth of Massachusetts regarding the sale and service of alcohol will result in disciplinary action from the Board including, but not limited to, the immediate suspension of the Section 12 License.

Claims of ignorance of the law, the Legislation, or the Advisory are not a defense.

Please refer to boston.gov/coronavirus for more information on COVID-19. Any questions should be directed to the Board's Executive Secretary, Lesley Delaney Hawkins, Esq., who can be reached at (617) 635-4170 or Lesley.hawkins@boston.gov.

For the Board,

Lesley Delaney Hawkins

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