



City of Boston
Mayor Martin J. Walsh
Licensing Board

Commissioners:
Kathleen M. Joyce, Chairman
Keeana S. Saxon
Liam P. Curran
Executive Secretary:
Lesley Delaney Hawkins

**THE LICENSING BOARD FOR THE CITY OF BOSTON’S ADVISORY REGARDING
RULES AND REGULATIONS FOR THE SALE OF WINE AND MALT BEVERAGES
FOR OFF-PREMISE CONSUMPTION BY SECTION 12 LICENSEES DURING THE
TEMPORARY PROHIBITION OF ON-PREMISE CONSUMPTION**

Issued: April 3, 2020

On April 3, 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 wine and malt beverages by Section 12 Licensees for off-premise consumption via take-out or delivery during the temporary prohibition of on-premise consumption of food and alcohol.

The Licensing Board for the City of Boston (the “Board”) issues this advisory regarding rules and regulations for the sale of alcohol 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.**

1. 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.
2. A Section 12 Licensee may only sell wine or malt beverages for off-premise consumption. Spirits may not be sold for off premise consumption.
3. 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).
4. 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).
5. A Section 12 Licensee selling wine or malt beverages for off-premise consumption pursuant to the Legislation and the Advisory must adhere to the following:
 - a. Wine must be sold in its original, sealed container;

- b. Malt beverages must be sold in a sealed container;
 - c. The sale of wine or malt beverages must be part of the same transaction as the purchase of food;
 - d. The maximum amount of wine that may be sold per transaction is 1.5 liters and the maximum amount of malt beverages that may be sold per transaction is 192 ounces.
 - e. All orders including the purchase of wine or malt beverages must be placed by the establishment's closing hour approved by the Board or 12:00a.m. midnight., whichever is earlier; and
 - f. The delivery of wine or malt beverages must include verification that the individual receiving the delivery is 21 years of age or older.
6. The temporary ban of on-premise consumption of food and alcohol remains in effect.
 7. The temporary limit on capacity to ten (10) individuals on the licensed premise, including staff, remains in effect.
 8. Veterans Clubs and Halls and Private Clubs are NOT exempt from the temporary prohibition of on-premise consumption of food and alcohol and the temporary limit on capacity.

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 license.

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

Please refer to [boston.gov/coronavirus](https://www.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

Lesley Delaney Hawkins, Esq.
Executive Secretary & General Counsel