



City of Boston
Acting Mayor Kim Janey
Licensing Board

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

LICENSING BOARD FOR THE CITY OF BOSTON'S ADVISORY REGARDING THE DELIVERY OF ALCOHOLIC BEVERAGES

Issued: June 16, 2021

The Licensing Board for the City of Boston (the “Board”) issues this advisory regarding rules and regulations applicable to the delivery of alcoholic beverages as well as the prohibition of the delivery of alcoholic beverages to Department of Conservation and Recreation (“DCR”) property (the “Advisory”). It is the responsibility of every licensee licensed to sell, serve, or delivery alcoholic beverages including Section 12 Licensees, Section 15 Licensees, and Farmer Brewery, Winery, or Distillery Licensees (the “Licensees”) to review and adhere to this Advisory as well as all other Rules or Regulations of the Board or the Alcoholic Beverages Control Commissioner (the “ABCC”) and the laws of the Commonwealth of Massachusetts as they pertain to the sale and service of alcoholic beverages.

The Board, the Boston Police Department, the State Police Department, and the South Boston elected officials have received numerous quality of life and public safety complaints in South Boston resulting from the delivery of alcohol to public spaces including, but not limited to, parks and beaches. On June 10, 2021 the Board, the Boston Police Department, the State Police Department, and the South Boston elected officials held a mandatory emergency hearing for all Section 15 Licensees in South Boston. This hearing was held in response to concerns regarding unpermitted delivery of alcoholic beverages by Section 15 Licensees to DCR property in South Boston including, but not limited, to beaches and parks. Additionally, the hearing was held in response to concerns that delivery of alcoholic beverages throughout South Boston was not being conducted in accordance with the requirements of Massachusetts General Law ch. 138 including failure to properly inspect identification upon delivery and sale and delivery of alcoholic beverages to intoxicated individuals. As such, the Board issues this Advisory to Licensees.

1. In accordance with 302 CMR 12.17(2), “no person may: (a) [c]onsume, possess, distribute, sell or drink alcoholic beverages” at a DCR property including, but not limited to, beaches and parks unless issued a “special use” permit. **As such, the delivery of alcoholic beverages for off-premise consumption, including alcohol that is permitted to be sold and delivered “to go” by special legislation, to any DCR property is prohibited. This prohibition applies to all DCR property throughout the City of Boston however the majority of complaints received to date have been regarding the delivery of alcoholic beverages to DCR property in South Boston including the beaches and parks.**
2. Any Licensee, whether utilizing a delivery service or providing delivery by its direct employees, found to be in violation of this prohibition will be subject to disciplinary action including, but not limited, the suspension or revocation of the License issued by the Board.

3. **Pursuant to Massachusetts General Law ch. 138 s. 22, a Section 15 Licensee may transport and deliver alcoholic beverages directly to consumers via vehicles holding a valid transport permit issued by the ABCC subject to the following requirements:**
 - a. Each vehicle used must be issued a valid transport permit by the ABCC which must be stored the vehicle at all times for inspection by the Boston Police Department, State Police Department, or any other agenda of the Board or the ABCC. Failure to do so may result in revocation or suspension of the transport permit and may constitute illegal transport of alcoholic beverages.
 - b. The individual delivering the alcoholic beverages must possess the proper invoice and the record for these deliveries at all times.
 - c. The parcel containing the alcoholic beverages must be clearly labeled with words that indicate the package contains alcohol.
 - d. The individual delivering the alcoholic beverages must certify upon arrival that the recipient is not under 21 years of age and must obtain the recipient's signature regarding the same. Just as a Licensee at its brick and mortar establishment has a responsibility to confirm the individual receiving the alcoholic beverages at the point of sale is not under 21 years of age, the same requirement applies when delivering directly to consumers.
 - e. The individual delivering the alcoholic beverages is prohibited from delivering to an individual that is exhibiting signs of intoxication.
4. Any Licensee, whether utilizing a delivery service or providing delivery by its direct employees, found to be in violation of the requirements of Massachusetts General Law ch. 138, s. 22 will be subject to disciplinary action including, but not limited, the suspension or revocation of the Licensee issued by the Board.
5. This Advisory is not exhaustive and it is the responsibility of each Licensee to ensure it is familiar with and adheres to the Rules and Regulations of the Board and the ABCC and the laws of the Commonwealth as they pertain to the sale and service of alcoholic beverages.

Any questions should be directed to the Board at licensingboard@boston.gov or (617) 635-4170.

For the Board,

Lesley Delaney Hawkins, Esq.
Executive Secretary