



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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**ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY
REGARDING ON-PREMISES LICENSEES PERMANENTLY SELLING MIXED
DRINKS FOR OFF-PREMISES CONSUMPTION**

On April 30, 2024, Governor Maura Healey signed a bill into law creating M.G.L. c. 138, § 12 ½ which permanently allows on-premises licensees licensed for the sale of all alcoholic beverages, distilled spirits, or cordials/liqueurs to sell mixed drinks for off-premises consumption with the purchase of at least one item of food prepared on-site sufficient to serve one individual as part of the same transaction. The text of the law can be found [HERE](#).

Effective immediately, on-premises alcoholic beverages licensees licensed for the sale of all alcoholic beverages, distilled spirits, or cordials/ liqueurs¹ may sell mixed drinks² permitted under their type and category of license for off-premises consumption subject to the following conditions:

- 1) The mixed drink must be combined on the licensed premises;
- 2) The mixed drink shall not be sold to a person under 21 years of age;
- 3) 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;
- 4) The mixed drink must be sold in a sealed container³;
- 5) The mixed drink must be sold as part of the same transaction as the purchase of food, and any order that includes a mixed drink must be placed not later than the hour of which the establishment is licensed to sell alcohol or 12:00 A.M., whichever time is earlier; provided,

¹ An establishment licensed to sell alcoholic beverages for on-premises consumption applicable to the new legislation includes establishments licensed pursuant to section 12, subsection (b) of section 19, section 19D, subsection (o) of section 19E or section 19H; provided, that an establishment licensed pursuant to said section 19D shall also hold a license pursuant to said section 12.

² “Mixed drink” is defined as, distilled spirits, cordials or liqueurs, with mixers, that are combined on a licensed premises and sold in a sealed container; provided, that a mixed drink may contain wines and malt beverages in addition to distilled spirits, cordials or liqueurs; and provided further, that the volume of distilled spirits, cordials, liqueurs, wines, malt beverages and mixers contained in said mixed drink shall be of the same proportion and same price as if served for on-premises consumption.

³ “Sealed container” is defined as, a packaged container with a secure lid or cap designed to prevent consumption without removal of the lid or cap; provided, however, that 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 shall be affixed before sale 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.

that a transaction must include at least 1 item of food prepared on-site sufficient to serve 1 individual;

- 6) A customer is limited to 64 fluid ounces of mixed drinks per transaction consistent with #5 above;
- 7) 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 the motor vehicle must transport the mixed drink in the trunk of the motor vehicle or an area that is not considered the passenger area, as defined by section 24I of chapter 90; and
- 8) The volume of distilled spirits, cordials, liqueurs, wines, malt beverages and mixers contained in a mixed drink must be of the same proportion and same price as if served for on-premises consumption.

M.G.L. c. 138, § 12 ½ DOES NOT allow on-premises licensees to sell wine or malt beverages for off-premises consumption unless the wine and/or malt beverages is part of a mixed drink that contains distilled spirits, cordials or liqueurs with mixers. For example, on-premises licensees cannot sell bottles and/or cans of beer or wine for off-premises consumption but beer or wine can be used in a “mixed drink” containing distilled spirits, cordials or liqueurs with mixers. M.G.L. c. 138, § 12 ½ also requires that mixed drinks be combined on a licensed premises therefore ready to drink cocktails containing distilled spirits, cordials or liqueurs may not be sold for off-premises consumption in their unopened original containers.

Alcoholic beverages manufacturers may still sell alcoholic beverages at retail for off-premises consumption if and as allowed by their type and category of license.

On-premises licensees licensed for the sale of all alcoholic beverages, distilled spirits, or cordials/ liqueurs that delivers mixed drinks for off-premises consumption in vehicles owned or leased by the establishment or its employees must obtain a transportation permit pursuant to M.G.L. c. 138, § 22 for each vehicle used for delivery of mixed drinks. On-premises licensees licensed for the sale of all alcoholic beverages, distilled spirits, or cordials/ liqueurs may use a third party with a permit for express transportation pursuant to M.G.L. c. 138, § 22 for delivery of mixed drinks.

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law.

Questions concerning this Advisory may be directed to Ralph Sacramone, Executive Director of the Massachusetts Alcoholic Beverages Control Commission at (617) 727- 3040 x 731.

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