



AT THE BAR WITH BOWDITCH

A Legal Blog for the Craft Brewing Community

Approaching Sunset Date for Temporary Expanded Patio Service and Takeaway/Delivery of Alcohol

BY JOSEPH R. DUQUETTE • JANUARY 30, 2023

During the early days of the COVID-19 pandemic, Massachusetts lawmakers temporarily authorized on-premises consumption licensees to expand their outdoor dining premises and offer to-go and delivery sales of alcoholic beverages. That temporary authorization is set to expire on **April 1, 2023**.

The Alcoholic Beverages Control Commission (ABCC) issued an advisory in April 2022 encouraging on-premises consumption licensees seeking to continue the service of alcoholic beverages within the expanded outdoor dining premises *after* April 1, 2023, to apply in the ordinary course for an alteration of premises with their local licensing authorities (LLA). The ABCC advisory further provides that failure to apply will result in the amended licenses to automatically revert to the status prior to the approval of the temporary expansion of outdoor service.

Many on-premises consumption licensees (e.g., restaurants, bars and farmer-breweries) have utilized the temporary outdoor dining program to expand their premises. While Section 12 on-premises consumption licensees may file an alteration of premises application with their LLA to ensure the continued use of their expanded outdoor premises, Section 19B farmer-wineries, Section 19C farmer-breweries, Section 19D pub breweries and Section 19E farmer-distilleries will need to seek amendments to their federal and state permits and licenses before filing an alteration of premises application with their LLA.

Obtaining an alteration of premises can take some time and planning, so please do not hesitate to contact your Bowditch attorney for assistance with the amendment process.

For more information, please see the [ABCC advisory](#) referenced above.

