



## AT THE BAR WITH BOWDITCH

A Legal Blog for the Craft Brewing Community

### Checking in on Massachusetts' Mixed Drinks To-Go Law

BY BOWDITCH & DEWEY • FEBRUARY 16, 2023

The economic squeeze of COVID-19 led to the passage of a [Massachusetts law granting establishments with liquor licenses temporary powers to sell mixed drinks to-go](#), under certain conditions. Those [temporary powers were extended until April 1, 2023](#), when they are currently set to expire unless further legislation is passed.

For the purposes of these laws, mixed drinks are “distilled spirits and mixers that are combined on a licensed premises and sold in a sealed container,” and “of the same proportion as if [they were] served for on-premises consumption.” A 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,” or “an additional seal” and “said lid, cap or seal [shall be] affixed 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, before sale.”

These sales are subject to five conditions:

1. Verification that the purchaser is at least 21 years old
2. The mixed drink shall be sold in a sealed container
3. Food must also be purchased with the mixed drink, and an order may not be placed after the time the establishment is licensed to sell alcohol or 12:00 A.M., whichever time is earlier
4. Each customer is limited to 64 fluid ounces of mixed drinks per transaction
5. If the mixed drink is being transported by a motor vehicle, either by delivery or pick-up, the [driver shall transport the mixed drink in the trunk of the motor vehicle or in some other area that is not considered the passenger area](#)

While some organizations, such as the [Massachusetts Restaurant Association](#), appreciate the benefits of this temporary option, and are hoping for the passage of a law that will make the mixed drinks to-go a permanent option, there are

other organizations, such as the [Massachusetts Package Stores Association](#), that oppose making mixed drinks to-go a permanent option, as they argue it will undercut their businesses. As for the future of to-go mixed drinks after the current April 1, 2023 expiration, it is possible that this deadline will be made permanent or extended again by legislative action, but there are currently no such bills pending in the legislature as of the writing of this article.