



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150*

Jean M. Lorizio, Esq.
Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING
INCREASING RETAILERS' CAPACITY LIMIT TO FORTY PERCENT**

On February 4, 2021, Governor Charlie Baker increased certain retailers' capacity limits from 25% to 40%. An explanation of the Governor's announcement can be found [HERE](#)

As of Monday, February 8, 2021, all retail alcohol licensees may increase their customer occupancy to 40% capacity limit. This applies to indoor and outdoor seating separately.

For on-premises licensees, the 40% capacity limit is based on a licensee's seating capacity. Questions regarding seating capacity should be directed to your local licensing authority.

For off-premises licensees, the 40% capacity limit is calculated by the occupancy load as stated on a licensee's certificate of inspection issued under the State Building Code.

Workers/staff are excluded from the occupancy count.

Licensees for on-premises consumption are reminded that food must be served with alcohol sales, as explained in the ABCC's August 10, 2020, Advisory, which can be found [HERE](#).

These licensees are also reminded of the 90-minute time limit per table, with a maximum of 6 patrons per table, which remains in effect. An explanation of these requirements can be found [HERE](#).

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. All questions should be directed to the ABCC Executive Director Ralph Sacramone at rsacramone@tre.state.ma.us or (617) 727-3040 x 731.

(Issued February 5, 2021)