



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

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Chairman

**ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING
THE LIFTING OF THE 40% CAP ON SEATING CAPACITY**

On February 25, 2021, Governor Charlie Baker announced that the state will move into Phase 3, Step 2 of its reopening plan. A description of this phase and step of the plan can be found [HERE](#).

Beginning Monday, March 1, 2021, licensees that sell alcohol for on-premises consumption are no longer subject to a 40% cap on seating capacity in their establishments; capacity will be limited only by the requirement of six feet distance between tables. Musical performances may begin again as well, so long as 6-foot distancing between customers' tables is maintained.

These licensees are reminded that the 90-minute time limit per table and table capacity of 6 people remain in effect, as well as the requirement that food must be served with alcohol orders.¹

Food courts must remain closed during this phase of reopening.

As reminders, licensees for on-premises consumption may continue to make alcohol sales for take-out orders until February 28, 2021, or until the end of the COVID-19 state of emergency, whichever comes later.² Licensees with outdoor seating that was approved pursuant to Executive Order 35 may continue their outdoor operations until Order 35 is rescinded by the Governor.³

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 26, 2021)

¹ Advisories regarding these requirements may be found [HERE](#).

² The text of the Acts of 2020, c. 118, permitting such take-out alcohol sales can be found [HERE](#).

³ The text of Order 35 can be found [HERE](#).