

The Facts About To-Go Alcohol and Drunk Driving: The COVID-19 Experience

By C. Jarrett Dieterle



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Introduction

Before the COVID-19 pandemic, the concept of to-go alcohol was largely unheard of in America. Certain locales, such as New Orleans, offered so-called “go-cups” for alcoholic beverages, and a handful of municipalities across the country had open-container zones that allowed consumers to walk from restaurant to restaurant with a drink in hand.¹

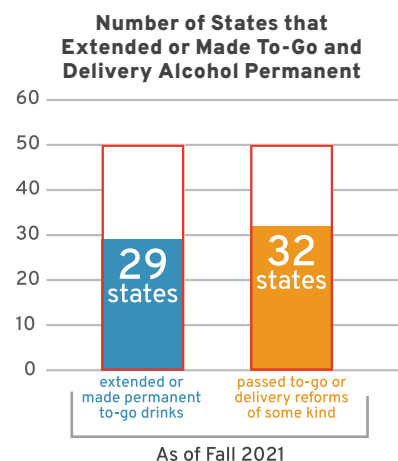
But by and large, alcohol purchased at a bar or restaurant had to be consumed inside the restaurant. When COVID-19 hit and dining inside turned into a public health liability, most restaurants and bars pivoted to a takeout and delivery model of service to keep their doors open. While food was readily convertible to this format, alcohol was not. In most states, antiquated laws governing the sale of alcoholic beverages prevented alcohol from being sold either as a curbside to-go option or via delivery.

In response, governors and alcohol regulatory agencies around the country issued emergency orders that granted both on-premise and off-premise establishments the ability to sell alcohol in a to-go or delivery capacity.² This rapid reaction resulted in some of the fastest alcohol regulation changes in the last hundred years.

To-go and delivery privileges provided a badly needed lifeline to restaurants, bars and liquor stores during an unprecedented time of government-imposed lockdowns and social distancing orders. As one example of the impact of these reforms, states that permitted to-go and delivery drinks saw higher rates of furloughed employees being hired back by restaurants during the pandemic.³

Given this measurable success, many states have since made the decision to legislatively extend, or make permanent, to-go and delivery alcohol. As of last fall, 29 states had extended or made permanent to-go drinks, and 32 states had passed to-go or delivery reforms of some kind (either from on- or off-premise retailers).⁴

Despite this reform wave, opposition has begun to develop against to-go and delivery alcohol reform—specifically around concerns that it could raise the prevalence of drunk driving. This paper examines that opposition and presents research to determine if to-go alcohol has had any impact on alcohol-impaired driving fatalities over the past two years.



The Ongoing Debate

To-go and delivery alcohol has become one of the most popular policy ideas in modern-day America. In many surveys, a commanding majority of consumers believe that alcohol should be sold in these ways.⁵

Despite this unusual unanimity in a time of high political polarization, to-go and delivery alcohol is not without its opponents. Entities like the Center for Alcohol Policy have warned lawmakers and regulators to move slowly—if at all—in attempts to overhaul alcohol laws in response to COVID-19.⁶

One of the main arguments against to-go alcohol is the possibility that it could increase drunk driving. Under this theory, consumers who purchase a to-go drink from a restaurant alongside a takeout meal might be tempted to consume the alcoholic beverage on their drive home, raising the risk of an alcohol-impaired driving fatality.

While the delivery of alcohol to a consumer's home—via a third-party delivery service or an alcohol retailer—would not seem to pose the same alleged risk, both to-go and delivery alcohol reforms are often lumped by opponents into the larger bin of COVID-19-inspired alcohol changes. As a result, they often face the same resistance.

The Police Benevolent Association of the New York State Troopers (NYS Troopers PBA) is one of the groups that has sounded the alarm about to-go alcohol sales potentially leading to a rise in drunk driving.⁷ In a legislative memo on the topic, NYS Troopers PBA generically claimed that there were “numerous incidents” involving to-go drinks being consumed in a vehicle after pick up.⁸ The memo also mentioned estimates by the National Highway Transportation Safety Administration (NHTSA) showing “disturbing trends” in impaired driving rates during the pandemic.⁹

Likewise, while public opinion remains very much in favor of to-go and delivery alcohol reforms, respondents who registered opposition cited a concern over drunk driving.¹⁰

Although it is natural for concerned citizens to be wary of anything that could increase the chance of drunk driving, the debate over whether to-go alcohol actually increases drunk driving has lacked data. In the absence of empirical data on the subject, vague references to “numerous incidents” and “disturbing trends” have been allowed to persist unchallenged.

For instance, it is true that NHTSA found an increase in impaired driving during the pandemic, but they provide no empirical evidence to demonstrate that to-go or delivery alcohol reforms caused this increase. In fact, the NYS Troopers PBA memo itself calls for the “collection and analysis” of data on the topic.¹¹

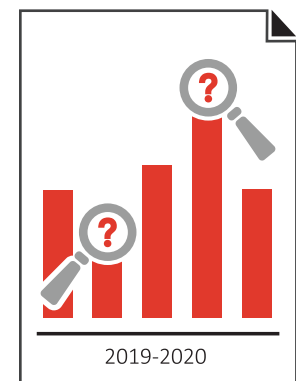
This dearth of data has largely stemmed from the relative newness of COVID-era to-go and delivery reforms, which were enacted starting in early 2020. As data starts to trickle in from 2020 onward, policy analysts are finally able to engage in more data-grounded analyses of how to-go and delivery alcohol might impact drunk driving.

The COVID-19 Experience

Measuring the potential impact of to-go and delivery alcohol on drunk driving raises several challenges. Most prominently, it is difficult to find comprehensive state-level data on drunk driving rates—particularly for years as recent as 2020, when COVID-19 alcohol reforms were first implemented.

However, agencies like NHTSA do systematically track alcohol-impaired driving fatalities on an annual basis.¹² Critically, NHTSA breaks down these fatalities by state, allowing for cross-state comparisons between jurisdictions that allowed and prohibited to-go and delivery alcohol during the first year of the pandemic.

In the absence of empirical data on the subject, vague references to “numerous incidents” and “disturbing trends” have been allowed to persist unchallenged.



In March of this year, NHTSA published its “Overview of Motor Vehicle Crashes in 2020.”¹³ The data in this report can be used to compare state rates of alcohol-impaired driving fatalities to investigate whether to-go and delivery alcohol might have increased alcohol-impaired driving fatalities.

It is important to note that compared to 2019, 2020 saw a significant across-the-board increase in overall traffic fatalities throughout the United States.¹⁴ Sadly, alcohol-impaired driving fatalities also rose in this period.¹⁵ Numerous commentators have attempted to provide explanations for this increase, citing everything from less seatbelt usage to greater substance abuse.¹⁶

Given that NHTSA’s 2020 data shows that alcohol-impaired driving fatalities rose, it is reasonable to conclude that more Americans chose to drink and drive in the first year of the pandemic. But NHTSA’s data does not provide any conclusions as to whether to-go and delivery alcohol reforms contributed to this rise in drunk driving.

For the purpose of determining whether to-go and delivery alcohol policies had any impact on alcohol-impaired driving fatalities, a cross-state analysis must be conducted. By comparing states that allowed to-go and delivery alcohol during COVID-19 with states that did not, we can determine whether these reforms might be related to an increase in drunk driving.

To conduct our analysis, we categorized states by whether they allowed to-go/delivery alcohol during the early part of the pandemic in 2020 (2021 data on traffic fatalities has yet to be released). Specifically, we looked at whether states permitted to-go or delivery alcohol for at least five months between spring 2020 and December 2020.

The to-go and delivery allowances in these states involved either temporary emergency orders or legislation. It should be noted that some of these states may no longer allow to-go/delivery alcohol; this study is merely a reflection of the 2020 state of play.

Given the fast-paced rate at which states across the country were enacting to-go and delivery reforms during the pandemic, there are few authoritative sources available that comprehensively track which states allowed to-go and delivery alcohol and when they allowed it. Therefore, we drew on numerous sources.

Throughout 2020 and early 2021, the National Institute on Alcohol Abuse and Alcoholism produced a periodically updated tracker of COVID-inspired alcohol reforms by state.¹⁷ The National Restaurant Association and the Competitive Enterprise Institute also compiled lists of COVID-era to-go and delivery alcohol rules.¹⁸ At the R Street Institute, we likewise produced numerous databases categorizing state rules around to-go and delivery alcohol.¹⁹

By cross-referencing these sources, we created three lists in [Table 1](#). The first list lays out which states allowed to-go alcohol (also sometimes referred to as curbside/takeout alcohol) from on-premise establishments such as restaurants and bars. The second list shows which states allowed alcohol delivery from on-premise establishments. Finally, the third list shows which states allowed alcohol delivery from off-premise establishments like grocery or liquor stores.

In each of these lists, states are sorted into three categories based on their allowance of alcohol reform in 2020: yes, no, or partial. The partial category was used to denote states that had some type of limitation on to-go/delivery alcohol rules in 2020. For instance, some states allowed to-go beer/wine but not mixed drinks; only allowed certain localities within the state to deliver alcohol; or only permitted employees of retailing establishments—and not third-party delivery services—to deliver alcohol.



By comparing states that allowed to-go and delivery alcohol during COVID-19 with states that did not, we can determine whether these reforms might be related to an increase in drunk driving.

We then overlaid NHTSA's data on the rise in alcohol-impaired driving fatalities between 2019 and 2020 to compare the average increase in fatalities in states that allowed to-go and delivery alcohol during COVID-19 with those that did not.

Table 2 summarizes the results.

Table 1: States To-Go and Delivery Rules from Spring 2020 Through December 2020 (must have rules in effect for at least 5 months in 2020)

States	To-Go Drinks	Delivery from On-Prem	Delivery from Off-Prem	% Change in Alcohol-Impaired Driving Fatalities from 2019-2020
Alabama	Partial (no mixed drinks)	No	No	-13.20%
Alaska	Partial (no mixed drinks)	Partial (no mixed drinks)	Yes	-33.30%
Arizona	Yes	Yes	Yes	13.10%
Arkansas	Partial (no mixed drinks)	Partial (no mixed drinks)	Yes (only via emergency order in 2020)	26.70%
California	Yes	Yes	Yes	20.00%
Colorado	Yes	Yes	Partial (employees only)	16.30%
Connecticut	Yes	Yes	Yes	20.40%
Delaware	Yes	No	No	-15.60%
D.C.	Yes	Yes	Yes	0.00%
Florida	Yes	Yes	Yes	12.40%
Georgia	Yes	Partial (no mixed drinks)*	Yes*	13.20%
Hawaii	Yes	Yes	Partial (employees only in some localities)	-25.00%
Idaho	Yes	Partial (no mixed drinks)	Yes	-11.60%
Illinois	Yes	Yes	Yes	21.90%
Indiana	Partial (no mixed drinks)	Partial (no mixed drinks)	Partial (employees only)	24.50%
Iowa	Yes	Yes	Partial (employees only)	10.80%
Kansas	Yes	No	No	10.30%
Kentucky	Yes	Yes	Yes	31.80%
Louisiana	Partial (no mixed drinks)	Partial (no mixed drinks)	Yes**	8.90%
Maine	Yes	Yes	Yes	30.60%
Maryland	Yes	Yes	Partial (employees only in some localities)	9.60%
Massachusetts	Yes**	Yes	Yes	-12.50%
Michigan	Yes	Yes	Yes	15.90%
Minnesota	Partial (no mixed drinks)	No	Yes	25.90%
Mississippi	Yes	No	No	-2.40%
Missouri	Yes	Yes	Yes	32.20%
Montana	Yes	Yes	Partial (employees only via emergency order in 2020)	45.50%
Nebraska	Yes	Yes	Yes	21.70%
Nevada	Partial (not statewide, but some localities allow)	Partial (not statewide, but some localities allow)	Partial (not statewide, but some localities allow)	-6.70%
New Hampshire	Partial (no mixed drinks)	Partial (no mixed drinks)	Partial (employees only)	-2.60%
New Jersey	Yes	Yes	Yes	17.10%
New Mexico	Partial (no mixed drinks)	No	No	4.00%
New York	Yes	Yes	Yes	11.70%
North Carolina	Partial (no mixed drinks)	Partial (no mixed drinks)	Yes	17.60%
North Dakota	Partial (not statewide but some localities allow)	Partial (not statewide but some localities allow)	No	-16.70%
Ohio	Yes	Yes	Yes	23.80%
Oklahoma	Partial (no mixed drinks)	Partial (no mixed drinks)	Partial (employees only)	14.70%
Oregon	Partial (no mixed drinks)	Partial (no mixed drinks)	Yes	11.70%
Pennsylvania	Partial (no mixed drinks unless selling at 60% capacity)	Partial (no mixed drinks unless selling at 60% capacity)	Partial***	7.70%
Rhode Island	Yes	No	Partial (employees only)	16.70%
South Carolina	Partial (no mixed drinks)	No	No	14.10%
South Dakota	No	No	No****	75.00%
Tennessee	Yes	Yes	Yes	12.80%
Texas	Yes	Yes	Yes	11.70%
Utah	No***	No	No	52.60%
Vermont	Yes	Yes	Partial (employees only)	100.00%
Virginia	Yes	Yes	Yes	20.70%
Washington	Yes	Yes	Yes	9.90%
West Virginia	Partial (no mixed drinks)	Partial (no mixed drinks)	No	35.70%
Wisconsin	Partial (no mixed drinks)	No	No	12.90%
Wyoming	No****	No	Partial (not statewide, but some localities allow)	33.30%

Table 2: Rise in Alcohol-Impaired Driving Fatalities During COVID-19 Summary

To-Go States	% Change 2019-2020	On-Prem Delivery States	% Change 2019-2020	Off-Prem Delivery States	% Change 2019-2020
YES to-go drinks	15.58%	YES on-prem delivery	18.90%	YES off-prem delivery	13.86%
NO to-go drinks	53.63%	NO on-prem delivery	17.80%	NO off-prem delivery	14.25%
PARTIAL to-go drinks authorization	7.76%	PARTIAL on-prem delivery	6.41%	PARTIAL off-prem delivery	18.83%
YES/PARTIAL to-go drinks authorization	12.55%	YES/PARTIAL on-prem delivery	14.42%	YES/PARTIAL off-prem delivery	15.48%

Table 1

States To-Go and Delivery Rules from Spring 2020 Through December 2020 (must have rules in effect for at least 5 months in 2020)

Legend

- * Georgia allowed beer/wine delivery from on-premise establishments starting 8/3/20
- ** Massachusetts allowed beer/wine until law expanded to mixed drinks on 7/20/20
- *** Certain Utah licensees can sell weak beer (below 5% ABV) curbside
- **** Wyoming allowed to-go alcohol from 3/30/20 until 5/15/20 when restaurants reopened
- # Georgia allowed beer/wine delivery from off-premise establishments starting 8/3/20
- ## Louisiana expanded law to allow third-party delivery in June 2020
- ### Pennsylvania's law structure makes delivery impractical for many businesses
- #### South Dakota has an off-sale delivery license, but requires the purchase to be made on-premises and in-person before delivery

Table sources

See Page 5.

Table 2

Rise in Alcohol-Impaired Driving Fatalities During COVID-19 Summary

Table sources

See Page 5.

For to-go alcohol from restaurants and bars, it turns out that states that did not allow to-go alcohol at all saw their alcohol-impaired driving fatalities rise an average of 53.65 percent from 2019 to 2020. States that were in the “yes” or “partial” categories for to-go alcohol—i.e., they allowed at least some form of to-go alcohol—saw their alcohol-impaired driving fatalities rise by an average of only 12.55 percent.

It is important to clarify that this data does not necessarily suggest that to-go alcohol reduces alcohol-impaired driving fatalities. However, it does imply that to-go alcohol did not cause the increase in alcohol-impaired driving fatalities in 2020.

Likewise, states that entirely prohibited alcohol delivery from restaurants and bars saw their alcohol-impaired driving fatality rates rise by an average of 17.8 percent. States in the yes or partial categories for alcohol delivery from these establishments saw their alcohol-impaired driving fatality rates rise by an average of 14.42 percent.

For alcohol delivery from off-premise retailers such as grocery or liquor stores, the data is even more nuanced. States that entirely prohibited off-premise alcohol delivery during 2020 experienced a collective 14.25-percent rise in alcohol-impaired driving fatalities. States that had the most robust allowances for off-premise alcohol delivery saw their alcohol-impaired driving fatality rates rise by an average of 13.86 percent, while states with “partial” or limited forms of off-premise alcohol delivery saw an average rise of 18.86 percent. This implies that there is no discernible correlation between alcohol delivery rules and alcohol-impaired driving deaths.

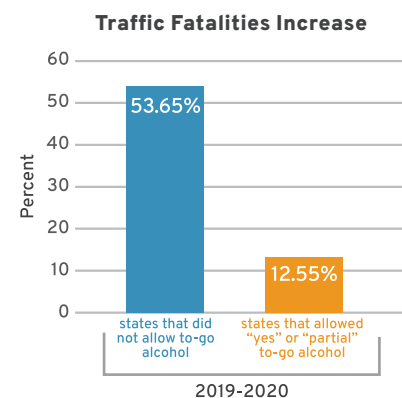
It is also worth noting that several of the states that were the most restrictive across the board when it came to to-go and delivery alcohol had some of the highest increases in alcohol-impaired driving fatalities in 2020. For instance, South Dakota, which prohibited every type of to-go and delivery alcohol we charted, saw a 75 percent rise in its alcohol-impaired driving fatalities. Utah, which likewise prohibited all forms of to-go and delivery alcohol—and has long been recognized as one of the most restrictive states for alcohol in the country in general—saw a 52.6 percent rise in alcohol-impaired driving deaths.

These findings add evidence to a debate that has largely lacked data. Simply put, there is no evidence that COVID-19 to-go and delivery alcohol reforms caused an increase in alcohol-impaired driving fatalities. While America saw a rise in these deaths from 2019 to 2020, it is not traceable to to-go and delivery alcohol reforms.

Conclusion

It is understandable that policymakers would want to ensure the safety and well-being of their constituents. Unfortunately, the lack of empirical evidence about how to-go and delivery alcohol might or might not impact drunk driving has allowed opponents of these reforms to imply false correlation and use theoretical concerns about impaired driving as a weapon to undermine such reforms.

As more data becomes available, we will no longer have to rely on conjecture or anecdotes to guide this public policy debate. Rather, lawmakers around the country can review data from the COVID-19 pandemic to better understand that there is no discernible connection between to-go and delivery alcohol and alcohol-impaired driving fatalities. Evidence-based policymaking can guide us toward a more informed and accurate debate around alcohol reforms in the future.



It is important to clarify that this data does not necessarily suggest that to-go alcohol reduces alcohol-impaired driving fatalities. However, it does imply that to-go alcohol did not cause the increase in alcohol-impaired driving fatalities in 2020.

About the Author

C. Jarrett Dieterle is a resident senior fellow at the R Street Institute in Washington, D.C.

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