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A strong push is under way to extend or make permanent the temporary provisions enacted during the pandemic that allow for “Drinks to Go.” Contrary to demands for deregulation, now is the time to reinstate laws that protect the public from substance abuse and underage drinking. Why? Because substance abuse, drunk driving and underage drinking have observably increased since the relaxing of state alcohol laws last year. Furthermore, the state of emergency is ended.



© Provided by Boston Herald Man blowing into breathalyzer

Lost in the zeal for deregulation is that M.G.L. 138 purposefully splits apart “off” and “on” premises licenses that sell alcohol. Off premises Section 15 licensees can only sell to the public for off premises consumption and Section 12 licenses can only sell alcohol on the premises. The intentional separation of licensees was enacted to prevent over saturation of the marketplace and protect the public against overconsumption, substance abuse and underage drinking. These laws have succeeded in their purpose.

Last year, there was a temporary relaxing of state regulations during perilous times. Containing the spread of the pandemic was a top priority. Therefore, the intention behind temporary “Drinks to Go” was to prevent illegal “speakeasy” saloons from operating, keep people home, help restaurants pay their bills to wholesalers, and financially bridge restaurants until federal and state relief became available. These objectives during the state of emergency were intended to save lives, and they did.

But at what cost? It is now acknowledged that people across the United States are drinking more due to deregulation of alcohol during the pandemic. A study recently published in JAMA Network Open, "Changes in Adult Alcohol Use and Consequences During the COVID-19 Pandemic in the US," found that U.S. adults' frequency of alcohol consumption in 2020 had increased 14% over 2019 levels. The same study also reported that binge drinking among women (four or more drinks within a couple of hours) rose 41% during the same time. Women additionally had a 39% increase in negative consequences of drinking, the study reports.

A survey published this year in Preventive Medicine found that 29% of respondents who drank reported increasing their drinking since COVID-19. While it is still early, research about alcohol consumption in 2020 (published in 2021) shows that there were increases in the amounts people drank, how frequently they drank, and the consequences of overconsumption.

Increased underage drinking has also been linked with relaxing alcohol beverages laws during COVID-19. Underage drinking as reported by the Center for Alcohol Policy had been on a decline in the U.S. Now underage drinking is on the rise for the first time in a decade. One of the best tools against underage drinking has been the preventative role provided by off premises beer, wine and spirits retailers. There is a very strong incentive for stores to prevent illegal sales because failure to follow regulations results in severe criminal and civil penalties. The same cannot be said for the many third-party delivery services that are delivering alcohol beverages on behalf of restaurants, breweries and others to people's homes during the pandemic.

An additional concern is that the Alcoholic Beverages Control Commission lacks funding and personnel to patrol the entire state for delivery transactions that include alcohol. "Drinks to Go" has added thousands of potentially unregulated transactions a day. The quantities of alcohol being home delivered by third party services includes 64 oz. of spirits that equates to 2 1/2 bottles of vodka, 172 oz. of beer (the size of a mini keg) and 2 bottles of wine.

Finally, it cannot be ignored that alcohol related deaths have increased in 2020 despite there being far fewer vehicles on the road. DUI numbers also went up nationally, which is alarming. More than 38,600 people have died in car accidents involving alcohol in 2020, which is a 7% increase from numbers seen in 2019 even as vehicle miles traveled fell by 13%. These statistics were recently reported by the National Highway Traffic Safety Administration.

Therefore, in looking at the negative consequences of deregulation of alcohol laws during the pandemic, now is the right time to sunset "Drinks to Go" in Massachusetts.

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