

Post-Pandemic Alcohol Public Policy Trends & Mitigating the Risks

The changes to state and local alcohol policies in the last three years are the most significant since the end of Prohibition in 1933. Some of these changes create new opportunities for the hospitality industry, but they also come with a new set of liabilities and risks. Here are a few noteworthy trends:

Reducing the Age to Serve

With 62% of operators reporting labor shortages, many states are considering or have passed laws lowering the age to serve alcohol. Since 2021, nine states have introduced bills to lower the age to serve alcohol. Alabama, Kentucky, New Mexico, and Ohio have all enacted legislation to lower the age to serve to 18. Michigan lowered the age to 17, while Iowa and West Virginia have lowered it to 16.

Alcohol To-Go

Twenty-three (23) states have made alcohol to-go permanent, while another 11 are allowing it on a long-term, but temporary basis.

Digital ID's

Seventeen (17) states currently, or will soon, accept some form of digital ID. This is simply where the ID is stored in a phone, either on a web application provided by the state or in third-party software, such as Apple Wallet. While establishments usually have discretion with what ID's are acceptable, consumers will come to expect their digital ID as valid and acceptable.

Lowering the legal driving BAC limit from .08 to .05

In 2016, the National Transportation Safety Board (NTSB) recommended that states lower their legal driving limits from .08 to .05. In 2017, Utah became the first, and currently only, state to enact .05. Since then, six (6) other states have introduced



legislation to lower the legal limit to .05.

Increase in Liquor Liability Lawsuits

In 2021, a jury in Texas awarded the largest personal injury verdict in history. The jury rendered that a bar in Texas would have to pay \$301 billion to the family of two drunk driving victims for overserving a patron that caused the crash. Some of the largest jury awards in the past decade involved establishments the overserved or served alcohol to someone underage. Most liquor liability lawsuits settle out-of-court for millions of dollars, often putting the establishment out of business.

While a few of these trends' present opportunities, all of them have inherent risks:

- Younger, inexperienced workforce serving alcohol.
- Unique type of transaction with alcohol delivery.
- New forms of ID's to learn.
- Understanding when someone is or isn't legally intoxicated.

A big step towards mitigating these risks is training and certifying your staff with ServSafe Alcohol. More than ever, operators need to demonstrate that they are making reasonable efforts to prevent alcohol-related incidents in their establishments. Certifying your staff in ServSafe Alcohol does just that. It will protect your establishment, employees and the community by preventing drunk driving, underage access, and intoxication. [Learn more](#)