

Testimony in Opposition to House Bill 12
Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption

Maryland House Economic Matters Committee
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Dear Mr. Chairman and Respected Committee Members:

Thank you for this opportunity to testify in opposition to House Bill 12, Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption. If enacted, HB 12 will have harmful repercussions on the citizens of Maryland.

I am a public health lawyer and policy consultant with nearly 17 years of experience and expertise in public health policies related to alcohol. I currently work as a policy fellow at Johns Hopkins Bloomberg School of Public Health and teach public health courses on alcohol and drug policy as an instructor at the University of Maryland, Baltimore County (UMBC). I was raised and currently reside in Montgomery County, and have served for four years on the Executive Committee (including being the Chair) of the Montgomery County Alcohol and Other Drug Abuse Advisory Council (AODAAC). However, I am testifying today as a private citizen and, as such, these are my own views and do not represent an official position from Johns Hopkins, UMBC, or AODAAC.

I strongly urge you to oppose this bill for the following reasons:

1. Excessive alcohol consumption is already a public health problem in Maryland and the U.S., with both short- and long-term consequences.

Excessive alcohol consumption is defined by the Centers for Disease Control and Prevention as including binge drinking,^{*} heavy drinking,[†] and any drinking by pregnant women or people under the age of 21. Excessive alcohol consumption is responsible for approximately 95,000 deaths annually in the U.S.,¹ making it the fourth leading preventable cause of death.² Alcohol-attributable deaths in Maryland comprise about 1,500 of those deaths. Moreover, 3,500 of those 95,000 deaths occur among youth under the age of 21 with 66 of them occurring in Maryland each year.

^{*} Binge drinking is defined as consuming 4 or more alcoholic beverages per occasion for women or 5 or more drinks per occasion for men (CDC, 2020).

[†] Heavy drinking is defined as consuming 8 or more alcoholic beverages per week for women or 15 or more alcoholic beverages per week for men (CDC, 2020).

Alcohol plays a significant role in suicides,³ homicides,⁴ motor vehicle crashes,⁵ chronic diseases (e.g., liver cirrhosis),⁶ cancers,⁷ sexual transmitted diseases,⁸ and other intentional or accidental injuries and deaths. Alcohol misuse cost the U.S. \$249 billion in 2010, of which \$24 billion – fully ten percent – was due to underage alcohol consumption.⁹

Nationwide, about 1 in 4 people (23.9%) reporting engaging in binge drinking over the past month.¹⁰ Focusing specifically on Maryland, 24.1% of high school students in 2018 (the most recent year there is data from) reported consuming at least one drink in the past month, and 12.0% reported binge drinking.¹¹

2. Increasing alcohol access and availability leads (and will lead) to increased alcohol consumption and related consequences.

Research consistently concludes that increasing alcohol access and availability leads to increased alcohol consumption and related consequences, whether through the creation of new alcohol outlets,¹² the expansion of the hours¹³ or days of sale¹⁴ of existing outlets, or – *as is the case with this bill*– by permanently allowing alcohol to be sold to-go or to be delivered to consumers’ homes.

3. Allowing alcohol to be sold to-go or to be delivered to consumers’ homes during COVID-19 has already created problems.

a. *Alcohol use and binge drinking are increasing.*

Not surprisingly, research shows that alcohol consumption increases after stressful or traumatic events (such as natural disasters,¹⁵ terrorist attacks,¹⁶ and disease outbreaks¹⁷). Alcohol sales data in the U.S. show a large increase in the amount of alcohol that has been sold during the COVID-19 pandemic.¹⁸ For example, between March 1, 2020 and April 18, 2020, in-store alcohol purchases were up by 21 percent and online alcohol sales were up by 234 percent.

There has also been an increase in alcohol consumption and binge drinking since the beginning of the COVID-19 pandemic in the U.S. According to a survey done in May 2020, 60% of U.S. adults reported that their drinking had increased compared to pre-COVID-19.¹⁹ They attributed these increases to increased stress, increased alcohol availability, and boredom. Another study found that 29% of survey respondents reported consuming more drinks per day and 21% reported binge drinking in April 2020 versus February 2020.²⁰

b. *Mixing alcohol to-go and driving results in increased fatalities.*

Data from the National Safety Council (NSC) found that even though people are on the roads less due to COVID-19, the number of fatalities has increased.²¹ The NSC examined data from six months in 2020 and compared it to the same six-month period in 2019. Through this comparison, the NSC found that despite a 17% decrease in miles driven in 2020, fatalities rose by 20% increase. Media coverage nationwide has reported that the increase in fatalities is due to increases in drunk driving and speeding.²²

c. Restaurants are failing to check identifications (IDs) with both alcohol to-go and alcohol deliveries thereby increasing illegal youth access to alcohol.

Recent inspections of alcohol outlets across the U.S. have shown that they are not consistently checking IDs during the COVID-19 pandemic.²³ For example, in California, restaurants and bars sold and delivered alcohol to minors 25% of the time. Or, to put it another way, in 1 out of 4 instances, a minor could successfully order an alcoholic beverage from a restaurant or bar and have it delivered.

Montgomery County, MD used mystery shoppers to determine how many restaurants and bars were checking IDs when people came to pick up their alcohol to-go. Only 15% of the restaurants and bars told mystery shoppers that an ID would be needed when picking up an order and 55% of restaurants and bars never checked for an ID when the mystery shopper arrived. Ten percent of the businesses left the order (including the alcohol) unattended for pick-up.

4. Permanently allowing alcohol to-go and delivery risks creating other unintentional and harmful consequences.

There are two unintentional and harmful consequences that may arise from passing this bill. First, this bill may put the State at risk of losing Federal highway funding. This funding is tied to the State both enacting and enforcing an Open Container law.²⁴ Maryland currently has such a law which makes it illegal to have an open container of alcohol in the passenger area of the car. However, cocktails to-go are often in poorly sealed containers – e.g., a cup with a sticker on top – and must be kept in a cup holder. This makes it easier for drivers to open and consume them while driving, thus violating Maryland’s Open Container law, and possibly putting our highway funding at risk. Moreover, we may expect to see an increase in drunk driving as the research shows that enforcing laws preventing open containers of alcohol in motor vehicles normally reduces this risky practice.

Second, this may overburden Alcohol Law Enforcement (ALE) at a time when they are already overtaxed by COVID-19. According to the National Liquor Law Enforcement Association, there is an average of one ALE agent tasked with monitoring 207 alcohol outlets.²⁵ In addition to their normal jobs, these agents must also ensure that these outlets are also following all the new COVID-19 requirements. They simply do not have the time or capacity to monitor and enforce added requirements as would be the case if this law were enacted.

5. This bill is unnecessary and harmful.

Allowing alcohol outlets to sell alcohol to-go and to deliver alcohol to consumers’ homes is already permissible under Governor Hogan’s Executive Order 20-03-19-02.²⁶ This Order is effective until the COVID-19 pandemic is resolved, and the state of emergency is lifted. It is highly unlikely that a policy allowing alcohol to-go and delivery would have been implemented, except for the unusual circumstances caused by COVID-19. Therefore, given the harms associated with increasing access and availability to alcohol, it is unwise to rush to permanently allow these services.

Although the State should be supporting our local restaurants and bars, fostering increased alcohol sales is neither a necessary nor advisable part of that strategy. There are numerous alcohol policy experts, researchers, and regulators in our State, and I would urge you to consult with them and with law enforcement, to craft a policy that helps our local restaurants without harming public health.

For all the reasons stated above, I strongly urge you to vote against this bill to permanently allow alcohol to-go and alcohol delivery to consumers' homes.

Sincerely,



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