

SB 205_Governor's Office_Support.pdf

Uploaded by: Chase, Erin

Position: FAV



LARRY HOGAN
GOVERNOR

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TTY USERS CALL VIA MD RELAY

March 5, 2021

Chair Paul G. Pinsky
Vice Chair Cheryl C. Kagan
Members of the Senate Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401

Senate Bill 205 - Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption

POSITION: Support

Dear Chair Pinsky, Vice Chair Kagan, and members of the Education, Health, and Environmental Affairs Committee:

The Administration strongly supports Senate Bill 205 - Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption. We would like to thank the sponsor for her sponsorship of the legislation, as well as the members of the committee for your hard work and leadership on similar COVID-19 relief measures.

This bill authorizes restaurants, bars, and taverns to sell and deliver alcoholic beverages for off-premises consumption or delivery under certain conditions. In addition, the bill provides that a local licensing board may not charge an additional fee to an alcoholic beverages license holder for selling or delivering alcoholic beverages. The Administration recognizes the hardships our small businesses and restaurants have endured throughout this pandemic. Many of these small businesses have been forced to lay off staff, reduce operation hours, and regrettably, some have been forced to close their doors forever. This legislation will help those struggling local businesses maximize their sales and allow them to provide services to their communities during these difficult times.

Recognizing the immediate negative impact that COVID-19 has on our restaurants and bars, Governor Hogan issued an executive order (20.03.19.02, superseded by 20.05.29.01) on March 19th, 2020, which permits restaurants, bars, State-licensed manufacturers of alcohol, and other entities holding a State or local liquor license to deliver off-premises and sell sealed beverages that will be consumed off of the business' premises. This executive order helps protect restaurants' ability to do carry-out, while also further encouraging Marylanders to support their local businesses. Senate Bill 205 codifies the Governor's executive order, which helps and supports our small businesses by providing additional mechanisms for them to increase their sales and revenues. Additionally, and amid the ongoing pandemic, this executive order encourages Marylanders to stay home and avoid crowding in stores, restaurants, and bars. Currently, and without passage of this legislation, the executive order granting restaurants, bars, and taverns this added flexibility and opportunity for additional revenue will end once the state of emergency is lifted. Governor Hogan remains wholeheartedly committed to supporting retailers, restaurants, and their employees as we continue our economic recovery.

On February 15, 2021, Governor Hogan signed and enacted SB 496 Recovery for the Economy, Livelihoods, Industries, Entrepreneurs, and Families (RELIEF) Act, which, among other economic relief provisions, provides \$22 million in

grants for restaurants, and also makes businesses, such as these, eligible for up to \$9,000 in the sales tax vendor credit. In October 2020, Governor Hogan announced the Maryland Strong: Economic Recovery Initiative, which included \$50 million in direct relief for restaurants, which was allocated through the local jurisdictions. Eligible uses of the funds included working capital, such as the rent and purchase of equipment and services to expand outdoor dining capabilities; sanitization services; purchase of personal protective equipment; technology to support carryout and delivery services; and infrastructure improvements, including HVAC system upgrades.

For these reasons, the Administration asks for your favorable report on Senate Bill 205. For additional details, please contact Keiffer Mitchell, Senior Counselor and Chief Legislative Officer, at 410-974-3336 or keiffer.mitchell@maryland.gov

GCCC Testimony SB 205 Off Premise Alcohol Sales 3-

Uploaded by: Christian, Nicole

Position: FAV



Testimony offered on behalf of:
THE GARRETT COUNTY CHAMBER OF COMMERCE

FAVORABLE:
SB 205 – Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption

**Education, Health & Environmental Affairs Committee
March 5, 2021**

On behalf of the Garrett County Chamber of Commerce, representing 600 member organizations in Western Maryland, I write to express our support of **SB 205 – Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption.**

This legislation would codify an Executive Order that were issued during the pandemic to assist small businesses who were partially mandated to close. Licensed restaurants, bars and taverns were provided the opportunity to offer sale and delivery of alcoholic beverages for off-premise consumption to help compensate for the lost revenues due to the mandatory closures.

Restaurants, bars and taverns are some of the hardest hit by the pandemic. Many adjusted their business models to take advantage of this opportunity. It turned out to be a saving grace for numerous businesses that would have otherwise suffered devastating revenue losses.

The pandemic is far from over and the long-term effects on our economy and businesses remains to be seen. As the Executive Order worked as intended and provided much needed relief for many businesses, the Legislature should codify into law the allowance of sale and delivery of alcoholic beverages for off-premise consumption.

The Chamber respectfully requests a **FAVORABLE committee report on SB 205.**

Sincerely,

Nicole Christian, CCE, GCM

President & CEO

Garrett County Chamber of Commerce, Inc.

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SB205 and HB12 PDF.pdf

Uploaded by: Hafford, Nancy

Position: FAV

March 3, 2021

SB 205 – Alcoholic Beverages- Sale or Delivery for Off Premises Consumption

I am asking you to support SB205/HB12 allowing restaurants, bars, and taverns to continue the temporary pandemic related ability granted by the Governor's Executive Order, to offer alcoholic beverages to customers along with prepared food purchases in a safe and lawful manner for carryout and delivery.

The sale of alcohol has always been a necessary component of profit margins for restaurants and bars with alcohol licenses. Allowing the off-premises sale during the pandemic has been a lifeline keeping many of these small businesses alive.

Even before COVID there was growing consumer demand for the convenience of foodservice carryout and delivery. The growth of online and app-based ordering has had a positive impact on restaurant and bar operations which operate on razor-thin profit margins typically between 4-6%.

Updating Maryland laws to reflect changes to consumer preferences protects the investment that businesses make in alcohol licenses.

Many of our restaurants are holding on by a string. Now they have to pay to renew their liquor licenses, restaurant license and the have to pay taxes on the worst year they ever had.

The hospitality industry has been gravely impacted by the pandemic and those businesses that survive will require three to four years to recover from the losses of the pandemic related closures. Allowing the temporarily granted ability to become permanent will aid their survival and help them recover in the future.

The second reason is that consumers want the convenience of picking up a bottle of wine with their Wednesday night spaghetti, or a six pack of beer with their Thursday takeout barbeque, or a margarita with their Friday night fajitas. Hospitality is different in 2021 than it was in 1980 and it is time to modernize our liquor law in Maryland to allow restaurants to adapt to changing consumer preferences.

They need your continues support till this is over.

Thank you and I ask for a favorable report for SB205

Nancy Hafford
Executive Director
Towson Chamber of Commerce, Inc.
44 West Chesapeake Ave
Towson Maryland 20204
410-825-1144

DIAGEO testimony SB205 2021.pdf

Uploaded by: Harting, Marta

Position: FAV



**TESTIMONY OF
Dwayne A. Kratt**

**In support of Senate Bill 205
House Judiciary Committee, Maryland House of Delegates**

March 5, 2021

Good afternoon Chairman Davis and distinguished members of the Committee. Thank you for the opportunity to submit written testimony in support of Maryland Senate Bill 205.

My name is Dwayne Kratt and I am a Sr. Director of State Government Affairs for Diageo. Diageo is the world's leading premium drinks business with an outstanding collection of beverage alcohol brands across spirits and beer. Many of you are also aware that Maryland is home to our Guinness Brewery where we have been brewing beer since 2017 and have welcomed more than 600,000 guests since our grand opening in 2018.

We offer our enthusiastic endorsement for SB205 as we join our bar and restaurant customers in support of this legislation.

Essentially, SB205 codifies Governor Hogan's Executive Order permitting on premise licensees to add beer, wine or spirits products along with a take-out food order. This permissive activity has been viewed extremely favorably among on premise licensees throughout Maryland as it has served as a "lifeline" of sorts to these businesses. We would also note that this privilege has been extended via Executive Order and/or state legislation in 33 states along with the District of Columbia. Further, let me share with you that state policy makers throughout this country are contemplating similar legislation that will codify this new permissive activity.

And finally, to my knowledge, this practice has not resulted in any negative drunk driving consequences.

Thank you for your consideration in this matter. I welcome any questions that you or your Committee members may have regarding our support.

SB205_FAV_Hettleman.pdf

Uploaded by: Hettleman, Shelly

Position: FAV



The Senate of Maryland

ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN

SB 205 – ALCOHOLIC BEVERAGES - SALE OR DELIVERY FOR OFF-PREMISES CONSUMPTION

Exactly one year ago today, the first case of COVID 19 was diagnosed in the state of Maryland. Over the course of this unprecedented year, over 7,700 lives have been lost in our state and countless other lives have been disrupted in ways we never could have imagined. Businesses are struggling to stay afloat and among the hardest hit has been the hospitality industry.

According to a [National Restaurant Association](#) report,¹ the pandemic has brought U.S. restaurants and bars catastrophic losses in revenue. As of Feb. 1, 17 percent of establishments in the industry have either closed permanently or had long-term closures.² Other findings from the report include-

- Restaurant and foodservice industry sales fell by \$240 billion in 2020 from an expected level of \$899 billion.
- As of December 1, 2020, more than 110,000 eating and drinking places were closed for business temporarily, or for good.
- The eating and drinking place sector finished 2020 nearly 2.5 million jobs below its pre-coronavirus level

In Maryland, countless restaurants have closed since the onset of the COVID restrictions, that were prudent to keep us safe but resulted in a ripple effect of unemployment and economic distress. Restaurants operate on thin margins and the loss of inside dining has been devastating.

SB205 would allow these restaurants, bars, and taverns to continue the temporary pandemic related ability granted by the Governor's Executive Order, to offer alcoholic beverages to customers along with prepared food purchases in a safe and lawful manner for carryout and delivery.

Currently, 33 states plus the District of Columbia are allowing restaurants and/or bars to sell cocktails to-go as temporary measures and as of last month, thirty-nine bills in 22 states have been filed to provide long-term extensions or permanent drinks to-go privileges

This bill is the result of a collaborative effort between the Restaurant Association of Maryland and the Maryland State Licensed Beverage Association. SB205 will put what was allowed by the Executive Order into statute, but with some important guardrails. These safeguards are the result of a robust discussion with liquor board administrators and the industry itself.

¹ National Restaurant Association. 2021 State of the Restaurant Industry
<https://www.restaurant.org/research/reports/state-of-restaurant-industry>

² National Restaurant Association (2021). *COVID-19 Restaurant Impact Survey VI* (Key Findings Feb. 11, 2021).
<https://restaurant.org/downloads/pdfs/advocacy/covid-19restaurantimpactsurvey-vi-keyfindings>

The sale of alcohol has always been a necessary component of profit margins for restaurants and bars with alcohol licenses. Allowing the off-premises sale during the pandemic has been a lifeline keeping many of these small businesses alive. Struggling restaurants reported that pivoting and utilizing new business strategies has allowed them to rehire staff, pay rent, and reestablish relationships with customers.

Even before the pandemic, there has been well documented, growing consumer demand for the convenience of foodservice carryout and delivery. The growth of online and app-based ordering has had a positive impact on restaurant and bar operations which operate on razor-thin profit margins typically between 4-6%.

Updating Maryland laws to reflect changes to consumer preferences protects the investment that businesses make in alcohol licenses.

For those licensees who are, in normal times, not allowed to serve alcohol for carry out or delivery, the law would allow them to do so. This is what the bill requires:

1. It requires alcoholic beverages purchased for carryout or delivery be purchased along with prepared food (not prepackaged food).
2. It requires valid identification of proof of age to ensure that purchasers of alcoholic beverages for carryout or delivery are at least 21 years of age. If delivered, must be delivered by an employee, not by a third party such as Uber or Door Dash.
3. It requires alcoholic beverages sold for carryout or delivery must be in the manufacturer's original sealed container, or in a container with a cap, cork, seal, or lid, with no holes for straws or sipping.
4. It requires appropriate local oversight and enforcement by requiring licensees to register and receive written authorization from local liquor licensing Boards to sell alcoholic beverages for carryout or delivery.
5. It prohibits alcoholic beverages with food for carryout or delivery after 11 p.m.
6. It permits delivery only within the jurisdiction where the license is issued. This is in keeping with the rules we already have for package stores making deliveries.

There are some licensees who are already authorized to serve on and off-premises, and the only change for them is that they would now be able to also deliver mixed drinks or cocktails.

You will hear today from multiple industry representatives speaking in support of the bill and there may be differing opinions provided on whether there should be limitations on quantity and how that would be decided. This is a matter that the committee will need to decide.

I ask the committee to consider two main reasons for supporting this bill:

- The hospitality industry has been gravely impacted by the pandemic and those businesses that survive will require three to four years to recover from the losses of the pandemic related closures. Allowing the temporarily granted ability to become permanent will aid their survival and help them recover in the future.
- The second reason is that consumers want the convenience of picking up a bottle of wine with their Wednesday night spaghetti, or a six pack of beer with their Thursday takeout barbeque, or a margarita with their Friday night fajitas. Hospitality is different in 2021 than it was in 1980 and it is time to modernize our liquor law in Maryland to allow restaurants to adapt to changing consumer preferences.

For these reasons, I ask a request a favorable report for SB205

WineInstitute_SB205_FAV.pdf

Uploaded by: Snyder, Gregory

Position: FAV



March 3, 2021

The Honorable Paul G. Pinsky, Chair
& Members of the Maryland Senate Education, Health and Environmental Affairs Committee
Sent via email

RE: Support for SB 205

Dear Senator Pinsky and Members of the Committee,

On behalf of the 1,000+ California winery members of Wine Institute, **I write to ask that the House Economic Matters Committee pass SB205 (and HB 12) to make permanent to-go sales of wine, beer and spirits alongside prepared food from bars, restaurants and taverns.** If this bill passes, on-premises alcohol licensees would be permitted to continue selling alcohol to patrons in the same manner allowed since March 19, 2020 pursuant to Maryland Executive Order No. 20-03-19-02 "Expanding Alcohol Delivery and Carry-out Services". The bill requires written approval by local alcohol licensing boards in Maryland's 23 counties and two cities and prevents those boards from imposing additional fees upon licensees for this privilege. Sales must stay within the relevant jurisdiction and cannot be delivered via unlicensed third parties.

This temporary provision has been a lifeline for many Maryland restaurants during trying times when indoor seating has been severely curtailed, and in many counties at certain times, eliminated entirely. According to the National Restaurant Association (NRA), as of December 2020 approximately 17% of restaurants nationally—nearly 110,000 of them -- have closed either permanently or indefinitely. Additional revenue from alcohol sales on each order represents an average of 10% of restaurants' off-premises sales, estimates the NRA.

We carefully term this bill "drinks to-go" rather than "cocktails to-go" since it permits wine and beer sales in single serving and bottle sizes, as well as single serving to-go cups of cocktails for licensees appropriately licensed. Said otherwise, "drinks to-go" includes wine, beer and spirits, while "cocktails to-go" suggests only spirits sales. As one might expect, our concern is with sales of wine by the single glass and bottle. While more than two dozen states allowed beer and wine to-go sales before the pandemic, usually in conjunction with the sale of food, allowing mixed drinks to-go is a new addition to state policies since March of 2020. Since last March, at least 33 other states have passed executive orders or legislation to temporarily authorize drinks to-go alongside meals delivered or sold from restaurants. To date, DC, Iowa and Ohio have made to-go sales of alcohol from restaurants a permanent change. Temporarily, Michigan has enabled such sales for five years and Virginia for one year. Many other states and localities are still considering legislation making these alcohol sales permanent.

More than 80% of all wine sold domestically is produced in California, accounting for 40% of wine sold in most US stores and restaurants. These partners in the hospitality industry have been significantly hard hit by efforts to keep the public fed and safe during the coronavirus pandemic. Likewise, the public has embraced the takeout experience to limit the number of stops they must make when picking up food and other necessities. Since this new normal is likely to stay, we respectfully request that Maryland pass SB 205 and HB 12. Thank you for your thoughtful consideration.

Sincerely,

Terri Cofer Beirne

Terri Cofer Beirne
Eastern Counsel

Senate Bill 205 - MoCo Chamber - Alcoholic Beverag

Uploaded by: Swanson, Tricia

Position: FAV



To Lead, Advocate, and Connect as the Voice of Business

Senate Bill 205 - Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption

Education, Health, and Environmental Affairs Committee

March 5, 2021

SUPPORT

The Montgomery County Chamber of Commerce (MCCC), as the voice of Montgomery County business, supports Senate Bill 205. This bill authorizes restaurants, bars, and taverns to sell and deliver certain alcoholic beverages for off-premises consumption or delivery. The bill also states that a local licensing board may not charge an additional fee to an alcoholic beverages license holder for selling or delivering alcoholic beverages under the bill.

Over the last 11 months, the Montgomery County Chamber of Commerce (MCCC) has been advocating at the local, state, and federal level on behalf of our members. MCCC has also hosted webinars on best practices in this new COVID-19 world. And through these webinars, and in advocating for our members, we have heard about the importance of pivoting and utilizing new business strategies to survive. One way the restaurant and bar industry has sought to increase business, and to try and stay afloat, was the ability to deliver alcoholic beverages with food sales.

This legislation would allow our restaurants and bars to continue business and helps an industry that remains one of the most impacted during the COVID-19 pandemic. Further, the restaurant and bar industry will be one of the last to return to a sense of normalcy. Any additional relief so these key small businesses can survive the public health emergency and continue to employ our neighbors and grow our economy is essential.

It is important to emphasize that restaurant and bars across the state have been delivering alcohol with food safely and without issue since the Governor's Executive Order was issued last year. This bill simply makes that permanent. For the aforementioned reasons, **the Chamber strongly supports Senate Bill 205 and respectfully urges a favorable report.**

The Montgomery County Chamber of Commerce (MCCC) accelerates the success of our nearly 500 members by advocating for increased business opportunities, strategic investment in infrastructure, and balanced tax reform to advance Metro Maryland as a regional, national, and global location for business success. Established in 1959, MCCC is an independent non-profit membership organization and is proud to be a Montgomery County Green Certified Business.

Tricia Swanson, Vice President, Government Relations
Montgomery County Chamber of Commerce
301-738-0015 www.mcccmd.com

SB205_QAC_Moran_FWA.pdf

Uploaded by: Moran, James

Position: FWA



**Queen
Anne's
County**

**THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY**

The Liberty Building
107 North Liberty Street
Centreville, MD 21617

e-mail: QACCommissioners&Administrator@qac.org

County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
Stephen Wilson, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

County Administrator: *Todd R. Todd, PE*
Executive Assistant to County Commissioners: *Margie A. Houck*
County Attorney: *Patrick Thompson, Esquire*

February 25, 2021

The Honorable Senator Paul G. Pinsky
Education, Health, and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

**RE: SB 205 - Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption
FAVORABLE with AMENDMENTS**

Dear Senator Pinsky:

We support SB 205 with the following amendments:

- 1) Sunset Clause – We recognize the challenges facing the restaurant and bar industry as well as many others in the Hospitality Industry. SB 205 codifies Governor Hogan's Executive Order permitting on premise licensees to add a beer, wine or spirits beverages along with a takeout food order. This permissive activity has been viewed favorably among on premise licensees. We support this legislation provided that a sunset provision giving the local licensing board the discretion to determine if or when this permissive activity is ended.
- 2) Fees – Because this new policy will necessitate additional administration oversight and potential enforcement activities for local liquor boards, we would encourage the language in the legislation, prohibiting a local licensing board from establishing a fee, be struck. Whether a fee is established or not, should be left to the discretion of the local licensing board.

Thank you for the opportunity to support this legislation.

Respectfully,

QUEEN ANNE'S COUNTY
BOARD OF COUNTY COMMISSIONERS


Christopher M. Corchiarino, President


Stephen Wilson


Philip L. Dumenil


James J. Moran


Jack N. Wilson, Jr.

MDDCSAM - SB 205 UNF - Alcohol Delivery.pdf

Uploaded by: Adams, MD, Joseph

Position: UNF

MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.

SB 205 Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption

Senate Education, Health, and Environmental Affairs

March 5, 2021

OPPOSE

Although most people who use alcohol do not have discernable resulting problems, the spectrum of unhealthy patterns of alcohol use are extremely common. **Alcohol is the fourth leading cause of preventable death in the U.S, and results in twice the number of deaths as do opioids.**

Making alcohol available for delivery **will predictably increase the rate of hazardous or harmful alcohol use.**

There has been a **significant pandemic-related rise in serious mental health and substance use problems and in alcohol-related traffic fatalities**, making resulting harms especially severe at this time.

For these reasons the bill is not supported by public health organizations or by many people affiliated with local liquor control boards.

Home delivery presents additional challenges in monitoring compliance by liquor boards, which do not have the resources to adequately monitor compliance currently. **Currently over half of restaurants do not check ID of mystery shoppers.**

Although sales to youth are of concern, **alcohol use disorder is primarily prevalent in adults**, and this would not be addressed by prohibition of sales to minors, even if it were enforced.

The regulation of the sale of ordinary household goods, for example, is very different from regulation of products with the risk of addiction and serious health consequences in a significant proportion of users.

The bill's rationale appears to be to enhance revenue for retail establishments affected by the pandemic. However, **a temporary circumstance should not be the basis for a permanent change** in long-standing policy with major public health implications. Although we are opposed to the bill, if it passes there should be a sunset after one year, with an evaluation of unintended consequences.

We respectfully request an unfavorable report

SB205--Sales-delivery-alcohol-off-premise-2021.pdf

Uploaded by: Eck, Raimee

Position: UNF



Mission: To improve public health in Maryland through education and advocacy

Vision: Healthy Marylanders living in Healthy Communities

SB205: Alcoholic Beverages--Sale or Delivery for Off-Premises Consumption

Hearing Date: March 5, 2021

Committee: Education, Health, and Environmental Affairs

Position: OPPOSE

Co-signatory: Baltimore Good Neighbors Coalition

On behalf of the Maryland Public Health Association's Alcohol & Tobacco Network, we would like to thank you all for your work to evaluate and establish alcohol regulations that will keep our youth and communities safe. We are opposed to SB205 as it is written, which would make the Governor's Executive Order (E.O.) on off-premise sales from restaurants, bars, or taverns permanent.

Public health and substance misuse experts and advocates from across the state have shared their concerns on the possibility of making to-go alcohol sales permanent in Maryland without additional considerations. Many of our previous laws and policies regulating the availability and access to alcohol have been based on years of scientific evidence and practice to reduce underage drinking, excessive alcohol consumption, alcohol-related injuries, alcohol-related hospitalizations, and alcohol-related deaths. This legislation does not fall under this process.

Presented as a way to address declining sales due to COVID-19, we have seen an increase in alcohol sales nationwide. Increased alcohol sales with a pandemic accompanied by worsening mental health issues among Marylanders is a real concern for professionals. Addressing economic impact is important. However, doing so in an irresponsible and money-driven manner with little-to-no consumer protections is concerning and will put our youth, vulnerable populations, and communities at risk.

In response to anecdotal evidence that there have been no problems associated with to-go alcohol sales, the evidence has not suggested this to be the case; however, because of limited resources, robust assessments of the temporary allowance are yet to be performed to assess its impact fully. In fact, we are only aware of one mystery shop evaluation performed in Montgomery County. They found that **only 15% of restaurants noted that an ID would be required to pick up an order and 55% of restaurants did not check the ID when the order was picked up.** We only know this because MoCo has the resources to conduct this compliance activity, but most other jurisdictions likely do not. This is unacceptable when trying to create safe, well-thought out and researched policies.

Further, the current structure of alcohol regulation in Maryland puts the licensing and regulatory oversight of the producer and wholesaler tiers under State while the retail tier is the responsibility of the Local Liquor Boards. This bill changes this structure by allowing the State to license alcohol to-go for retailers, not the Local Liquor Boards. This will cause confusion for license holders, furthering challenges between State oversight and the Local Liquor Boards that are responsible for monitoring the license holders in their jurisdiction. Historically, there has been poor communication between the State and the Local Liquor Boards, and this could exacerbate these issues by putting the licensing function for alcohol to-go at the state level.

To put it simply, we have concerns about the unintended consequences of to-go alcohol sales in Maryland.

To reduce these effects, we propose:

Adding a 2-Year Sunset Clause to Temporary Allowance

- A sunset clause of a maximum of two years after the Governor's E.O. expires. This allows time for monitoring, evaluation, and re-visiting of the issue when adequate data is available of the possible unintended consequences or benefits of the legislation.
 - Other states (e.g., Michigan) have adopted similar sunset clauses to allow for the assessment of the temporary allowance.

Implementing a Compliance Check/Mystery Shopper Program to Assess the Allowance

- Require the local liquor boards collect data that will be used by the Department of Legislative Services to conduct a formal evaluation of the temporary policy for the purpose of making recommendations on the legislation as the sunset time period comes to an end.
- Provide funding to each jurisdiction to conduct alcohol compliance checks and/or mystery shops to ensure the local liquor boards have adequate funds to conduct these operations that will be key to evaluate compliance and report results.

Allowing Local Liquor Boards to Assess an Administrative Fee for the Additional Privilege

- Local jurisdictions should not be barred from charging an administrative fee. This is not in lieu of the funding recommended above, as license fees are rarely high enough to cover adequate enforcement activities.

Ensuring Secure and Tamper-proof Sealing Requirements for Containers

- Tamper-resistant packaging with labels clearly marking the contents as "alcohol". Labels should also include instructions for consumers that packaging should not be opened in a vehicle and that they must be transported in the trunk of the vehicle.
 - Some states have found they are in violation of their open container laws jeopardizing their federal highway funds.

Limits on the Amount of To-Go Alcohol Permitted

- Place limits on the number of drinks per patron to two drinks and limit the alcohol content contained in the cup. Drinks with several shots (Long Island Iced Tea) or doubles or triples of a drink should not be allowed. Retail bottles of liquor (e.g., small bottles or "nips," 750mL of bourbon) should also be excluded. *As written, this legislation allows for the purchase of a side of fries, a case of beer, and a fifth of vodka, for example.*

Requiring Responsible Beverage Service Training for Staff Permitted to Transport To-Go Alcohol Sales

- Staff permitted to transport alcohol to-go orders must obtain their Alcohol Awareness Certificate for responsible beverage training to ensure they understand how to verify the age of purchaser and identify and manage intoxicated patrons, including delivery drivers and for cashiers, servers, and bartenders or anyone else who may deliver food/alcohol orders to patrons in vehicles or hand it off at pick up.

Instituting Penalties for Illegal To-Go Alcohol Sales

- Penalties for sales to minors or to intoxicated patrons is generally set at the state and occasionally enhanced at the jurisdictional level, but we also recommend loss of the license for a 12-month period for any sales to minors or sales to intoxicated patrons.
- Clarify whether it is the employee or the license holder who is ultimately responsible for any inappropriate sales leading to administrative or criminal penalties.

Adding Opt-out Provision to Permit Local Jurisdictions to Allow or Not Allow To-Go Sales

- Provide clear language allowing jurisdictions to opt out of the license type or to create rules and regulations that are more detailed than and enhance this legislation.
- All jurisdictions have zoning requirements and distance restrictions (e.g., surrounding primary schools, places of worship, other alcohol outlets) for traditional off-premise outlets that should now also be applicable to restaurants, bars, and taverns who wish to sell for off-premise consumption.

Overall, this vague legislation creates a situation where restaurants, bars, and taverns permanently become de facto off-premise outlets, which have been documented to be the type of alcohol outlet that has a stronger association with crime, underage drinking, and violence. It is concerning that the state will create this license, but makes no provisions for regulation, enforcement, or compliance of it. This further takes away the opportunity for jurisdictions to monitor and control their own alcohol environments.

Further, MD Code, Alcoholic Beverages, Section 1-308 (effective January 1, 2021) states that "The [Alcohol and Tobacco] Commission shall develop best practices for: (8) the development of a public health impact statement for all changes to the State alcoholic beverages laws.

Given the substantial changes to the manner in which alcohol can be sold and distributed and the potential, serious health and safety harms that could result from expansion of license privileges without adequate enforcement/compliance, no further action on BS205 should be taken without a public health impact statement. At a minimum, if passed, this proposed legislation should be subject to a formal, comprehensive review after one to two years to determine the consequences and impact of the legislation based on data obtained from the monitoring and evaluation of the initial implementation.

As Marylanders and professionals, we ask you to continue to protect our youth and strengthen our communities by taking a very cautious look at the expansion of availability in Maryland as well as any attempts to weaken alcohol policies.

We urge an unfavorable report on SB205 as it is currently written.

MdPHA is a nonprofit, statewide organization of public health professionals dedicated to improving the lives of all Marylanders through education efforts and advocacy of public policies consistent with our vision of healthy Marylanders living in healthy communities. MdPHA is the state affiliate of the American Public Health Association, a nearly 150-year-old professional organization dedicated to improving population health and reducing the health disparities that plague our nation.

Garrett Delivery Approval Rules Form 03-03-2021.pdf

Uploaded by: Owston, Deborah

Position: UNF

Liquor Control Board of Garrett County *Board of License Commissioners*



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Phone (301)-334-1925
Fax (301)-334-5023

E-mail – liquorcontrolboard@garrettcounty.org

Michael J. Fratz
McHenry, Maryland 21541

David L. Moe
Oakland, Maryland 21550

Lisa M. Herman
Friendsville, Maryland 21531

REGULATIONS FOR ALCOHOLIC BEVERAGE DELIVERY

1. Licensed establishments desiring to deliver alcoholic beverages must complete the Delivery Registration Form and receive a Letter of Authorization from this office before deliveries can be made.
2. Only bona fide employees on the payroll who are at least 21 years of age or the licensees are permitted to make the delivery. The person making the delivery must be registered with the Board of License Commissioners / Liquor Control Board Office and have in his or her possession a letter signed by the Administrator to the Liquor Control Board or a representative of the office indicating he or she has been registered.
3. The licensee shall be strictly liable for ensuring that delivery is made only to persons who are 21 years old or older and may not be left unattended at the delivery location.
4. The person making the delivery must have a valid driver's license and be driving a vehicle that is properly insured. Both the license and registration must be in the vehicle at the time of making the delivery.
5. All persons making deliveries must have current certification in an approved alcohol awareness class and have a current copy of the I.D. Checking Guide in his/her possession at the time of delivery.
6. The sale of alcoholic beverages may not be consummated outside of the licensed place of business.
7. Deliveries may only be made during the approved hours for the type of alcoholic beverages authorized for off-premise sales under their current license.
8. Approved licensed establishments may deliver alcoholic beverages in any quantity in a sealed package or container to a person of legal drinking age in **Garrett County only**.
9. Deliveries may not be made to any other alcoholic beverage licensed premise or any property where alcohol is prohibited.
10. All orders must be recorded on the Delivery Form. The delivery must be made to the address on the form.
11. Every delivery must be acknowledged by the completion of a Delivery Form. Each Delivery Form must be **completely** filled out. Nothing is to be left blank. (You may make copies of the blank Delivery Forms as needed.)

12. The licensee must obtain from the customer / receiver a signed receipt stating the date of delivery, customer's name, phone number, delivery address, and date of birth; supported by documentary proof that the person is at least 21 years of age, including the customer's home address, the kinds and quantities of alcoholic beverages delivered and the name of the employee making the delivery. This information must be placed on each Delivery Form. The employee making the delivery and the customer / receiver must both sign the Delivery Form before the employee completes the delivery.
13. Licensees that have the Delivery Option must file a delivery report by the 10th of each month reporting whether or not deliveries were made in the prior month. This report must be accompanied by the original of all Delivery Forms for that month's deliveries. The licensee must retain a copy of all Delivery Forms for a period of one year. Failure to file a timely report and related Delivery Forms may result in termination of the licensee's Delivery Option.
14. The establishment's first sales to minor violation in the course of an alcohol delivery transaction will result in the suspension of the delivery privilege for the remainder of the license year.
15. Each year at license renewal, the Board must approve the delivery option for the upcoming license year.



Liquor Control Board of Garrett County Board of License Commissioners

Frederick A. Thayer III Courthouse
203 South 4th Street, Room 210
Oakland, Maryland 21550
Phone (301)-334-1925
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Michael J. Fratz
McHenry, Maryland 21541

David L. Moe
Oakland, Maryland 21550

Lisa M. Herman
Friendsville, Maryland 21531

ALCOHOLIC BEVERAGE DELIVERY REGISTRATION FORM

TO THE GARRETT COUNTY BOARD OF LICENSE COMMISSIONERS:

I hereby certify that we fully understand the provisions of the regulations in regards to the delivery of alcoholic beverages in Garrett County and will adhere to all restrictions so stipulated by the Garrett County Board of License Commissioners as to the delivery of alcoholic beverages.

Licensed Establishment: _____

License Class: _____

Business Entity: _____

License Number: _____

Address of Establishment: _____

Printed Name of Licensee	Signature	Date
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Printed Name of Licensee	Signature	Date
--------------------------	-----------	------

Printed Name of Licensee	Signature	Date
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I (We) designate the employees listed below as person(s) permitted to make deliveries for our establishment.

<u>EMPLOYEE'S FULL NAME</u>	<u>EMPLOYEE'S DATE OF BIRTH</u>	<u>TIPS / TAM EXPIRATION DATE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have reviewed the above names and approve those individuals as qualified to make deliveries for the above licensed establishment.

Approved By: _____

Approved On: _____

Garrett County Board of License Commissioners / Liquor Control Board Office



ALCOHOLIC BEVERAGE DELIVERY FORM

NAME OF ESTABLISHMENT: Fireside Deli & Wine Shop

Order Date: _____ Delivery Date: _____

Order Time: _____ Delivery Time: _____

NAME OF CUSTOMER: _____

PHONE NUMBER: _____

DELIVERY ADDRESS: _____

DRIVER'S LICENSE INFO:

State of license: _____ License Number: _____

DOB-Date of Birth: _____ Expiration Date: _____

Address: _____

Brand, Size & Quantity of Alcoholic Beverages Delivered:

*I hereby certify that I am over 21 years of age; my date of birth is listed above. I realize that it is a **criminal offense** for these alcoholic beverages to be turned over to anyone under 21 years of age.*

SIGNATURE OF RECEIVER: _____

*I hereby certify that I am over 21 years of age; my date of birth is listed above. I realize that it is a **criminal offense** for these alcoholic beverages to be turned over to anyone under 21 years of age.*

SIGNATURE OF CUSTOMER: _____

I, [print name] _____, certify that I delivered the above listed beverages to the above listed customer / receiver and that I examined the customer's / receivers identification.

SIGNATURE OF DELIVERY PERSON: _____

*Each delivery must be acknowledged by the completion of a Delivery Form. Each form must be **completely** filled out. This **original** Delivery Form must be submitted to the Board of License Commissioner / Liquor Control Board by the 10th of the following month.*
NO EXCEPTIONS

SB 205 sale or delivery off premises opposition co

Uploaded by: Owston, Deborah

Position: UNF

March 5, 2021 @ 2:00 PM

Deborah R. Owston
Administrator to the Board

Board of License Commissioners

Liquor Control Board of Garrett County

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March 2, 2021

The Honorable Paul G. Pinsky, Chairman
Education, Health, and Environmental Affairs Committee
2 West Miller Senate Office Building - 11 Bladen Street
Annapolis, MD 21401

RE: Senate Bill 205 — Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption

Dear Chairman Pinsky:

On behalf of the Garrett County Board of License Commissioners, this office recommends you oppose Senate Bill 205 Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption. Although, we recognize that many restaurants and bars have faced hardships during the COVID-19 pandemic, we object to the bill as written especially the mixed drink component. SB 0205 / HB 0012 would authorize a restaurant or bar to sell certain alcoholic beverages for off-premises consumption or delivery and prohibits a local licensing board from charging an additional fee. This bill basically codifies Governor Hogan's Executive Order permitting on premise license holders to add beer, wine or liquor along with food with a takeout order. The Executive Order was put in place without any dialogue from the alcohol regulators that are directly impacted and required to administer.

The bill does not take into consideration that there are currently jurisdictions that have existing rules, regulations and fees that authorize similar limited carry out and delivery license privileges. Some of which are even more restrictive. For those reasons, we would request to be excluded from the bill. Garrett County does offer a Delivery Option to a qualifying business for a small fee as stated in AB § 21-1903 of the Alcoholic Beverages Article. The license holder must be approved and agree to comply with existing rules, regulations and required delivery forms. The person delivering the alcohol must be an employee at least 21 years of age with current alcohol awareness training. The first sales to minor violation in the course of delivery will result in the suspension of the privilege for the remainder of the license year. All of our Class B restaurants are already permitted to sell brewed beverages to-go in a factory sealed bottle or growler if applicable and our Class D BWL On-Sale bars licensees can sell up to 25% for consumption elsewhere. In addition, we offer an Off-Premise Wine Option for a small cost so that a restaurant can sell limited quantities of wine to go. In Garrett County, a Class D BWL Off-Sale package stores pay twice as much as a Class B BWL On-Sale restaurant and allowing a restaurant to have more privileges with no additional cost is not just. We are very concerned about allowing mixed drinks in to-go cups or containers to be sold off-premise. Alcoholic beverages in passenger vehicles should be in factory sealed containers. Has any research been made on open container laws and how the meager definition of a sealed container in the bill may violate such laws and highway funding?

In closing, it would have been beneficial for a collaboration with the local jurisdictions on the drafting of the legislation as it directly impacts local budgets, staffing requirements and safety of our communities. The Garrett County Board of License Commissioners urge you to oppose Senate Bill 205 as written and thank you for the attention you may give this legislative issue.

Sincerely,

Deborah R. Owston

Deborah R. Owston,
Administrator of the Board of License Commissioners

cc: Senator George Edwards
Delegate Wendell Beitzel

NCADD-MD - SB 205 LOI - Alcohol Delivery.pdf

Uploaded by: Rosen-Cohen, Nancy

Position: INFO



Senate Education, Health & Environmental Affairs Committee

March 5, 2021

Senate Bill 205

Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption

Letter of Information

NCADD-Maryland offers this letter of information on *Senate Bill 205 - Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption*. Reports from around the country indicate that not only is alcohol consumption by adults increasing during the COVID-19 pandemic, underage drinking is also on the rise. There is ample evidence that the anxiety, depression, and isolation caused by the pandemic is leading to more alcohol and drug use¹.

There are also indications people under the age of 21 are increasing able to access alcohol by ordering online and having alcohol delivered to their doors. A new investigation by the Alcoholic Beverage Control (ABC) department of the state of California found that on-demand alcohol delivery apps harm youth by delivering alcohol to minors. The problem appears to be growing and is a serious concern due to the dangers associated with under-age alcohol consumption.²

NCADD-Maryland believes that as the State changes policies around the delivery of alcohol, requirements for ensuring proper identification is provided at the point of sale and at the point of delivery should be stringent. Whether it is the restaurant itself making the delivery, or a food delivery service, those selling and delivering alcohol must ensure that young people under the age of 21 do not have increased access.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.

¹ <https://www.sciencedirect.com/science/article/pii/S0091743521000062?dgcid=coauthor>

² <https://movendi.ngo/news/2020/06/16/california-usa-on-demand-alcohol-delivery-apps-harm-youth/>