



Mission: To improve public health in Maryland through education and advocacy Vision: Healthy Marylanders living in Healthy Communities

HB787: Alcoholic Beverages—Retail Delivery—Alterations and Third-Party Delivery Service Permit

Hearing Date: February 20, 2023

Committee: Economic Matters

Position: OPPOSE

On behalf of the Maryland Public Health Association’s Alcohol, Tobacco & Cannabis 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 HB787, which would allow for third party delivery services to deliver alcohol across the state.

Public health and substance misuse experts and advocates from across the state, in addition to local liquor board staff and enforcement officers, have shared their concerns on the possibility of making to-go and delivery alcohol sales permanent in Maryland. The initial legislation to put a version of the Governor’s Executive Order into statute for two years was a temporary measure in response to a global emergency, the likes of which we have never seen before in our lifetimes. MdPHA supported this legislation, with adequate guardrails, until the 2023 sunset.

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 umbrella of solid evidence. What we do know is that some studies show that people who use alcohol delivery services tend to be heavier drinkers overall.¹ Delivery services have also been shown to be used to continue drinking sessions when they otherwise would have ended.² In addition to supporting heavier drinking, there is greater risk of increased youth access. Most delivery service laws use point of delivery ID checks. Compliance checks on these systems with underage youth find failure rates up to 58% of the time.^{1,2}

Presented as a way to address declining sales due to COVID-19, we have seen an increase in alcohol sales nationwide. Increased alcohol sales accompanied by worsening mental health issues among Marylanders is a real concern for professionals and for our communities. Increasing access to alcohol leads to an increase in consumption and related harms, including mental health and substance use disorders.

In response to anecdotal stories that there have been “no problems” associated with to-go and home delivery 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.

Delivery drivers also have no incentive NOT to deliver the alcohol, as they are reliant on tips from customers. Cancelling a delivery involves not only losing a tip, but then losing paid time due to the trip back to the store and the time to return the product. It is also concerning that a delivery driver is the one responsible for assessing whether the recipient is intoxicated or whether the ID is fake. Retail outlets are better equipped to refuse sales and adequately check IDs. It is also concerning that this legislation appears to allow pickup of alcohol anywhere in the state and deliver it to anywhere else in the state, circumventing the strength of local oversight of alcohol within a jurisdiction. It also presents an easy opportunity for a brick and mortar retailer to essentially turn into a warehouse for online orders.

To put it simply, we have concerns about the constant promotion of legislation that continues to chip away at our strong public health-based regulatory system and expand access, especially in ways that are higher risk and a risk to our youth. In HB12, the “cocktails to go” and home delivery legislation from 2021, a study was mandated to evaluate “the impact of the expansion of alcohol access under the Governor’s proclamation...and [this new act] for the years 2020, 2021, and 2022, including the impact on public health...”, and this report is not yet available for review and evaluation. Considering that almost none of the jurisdictions undertook compliance checks or conducted any enforcement activities, it is unclear how even this report will be illustrative of the entire system.

We urge an unfavorable report on HB787.

The Maryland Public Health Association (MdPHA) is a nonprofit, statewide organization of public health professionals dedicated to improving the lives of all Marylanders through education, advocacy, and collaboration. We support public policies consistent with our vision of healthy Marylanders living in healthy, equitable, 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 health disparities that plague our state and our nation.

¹ Huckle, T, et al. "Online alcohol delivery is associated with heavier drinking during the first New Zealand COVID-19 pandemic restrictions." *Drug and alcohol review* 40.5 (2021): 826-834.

² Mojica-Perez, Y, Callinan, S, and Livingston, M. "Alcohol home delivery services: an investigation of use and risk." *Foundation for Alcohol Research and Education: Canberra* (2019).