

Testimony in Opposition to House Bill 770

Baltimore County - Alcoholic Beverages - Sale or Delivery for Off-Premises Consumption
Before the Economic Matters Committee: February 17, 2025

The Public Health Law Clinic submits this testimony in opposition to House Bill 770 because it increases access to alcohol to the detriment of public health. Currently, Maryland law allows for the delivery of alcoholic beverages in the manufacturer's original packaging if local liquor boards adopt provisions allowing the delivery of such packaged goods. Md. Code Ann., Alcoholic Beverages § 4-1107 (2024). However, House Bill 770 seeks to broaden that delivery service by including the delivery of mixed drinks and cocktails. Public health concerns far outweigh any societal benefit to home delivery of mixed drinks.

The Evolution of Alcohol Delivery Services in Maryland

With the goal of promoting economic recovery of small businesses in the wake of the Covid-19 pandemic, the General Assembly passed legislation in 2021 permitting the sale of alcoholic beverages for off-premises consumption, applying to both pre-packaged alcoholic beverages in the manufacturer's original container (pre-packaged alcoholic goods) and mixed drinks or cocktails in sealed containers. Md. Code Ann., Alcoholic Beverages § 4-1107 (2021). The legislation imposed restrictions designed to prevent abuses and sunset on June 30, 2023.

In the 2024 session, the General Assembly revived some aspects of alcohol delivery. Md. Code Ann., Alcoholic Beverages § 4-1107 allows for the retail delivery of alcoholic beverages that are in the "manufacturer's original sealed container." Like the 2021 legislation that sunset in 2023, § 4-1107 is only applicable when local licensing boards adopt regulations authorizing the delivery of pre-packaged alcoholic goods. However, differing from the 2021 provision, in addition to allowing deliveries to be made by the retail license holder and employees of the retail license holder, the 2024 version of § 4-1107 allows deliveries to be made by third-party contractors, such as DoorDash and Instacart.

House Bill 770 would expand § 4-1107 by resurrecting language from the 2021 legislation, allowing the delivery of mixed drinks or cocktails within Baltimore County. House Bill 770 shares § 4-1107 provisions regarding delivery, proving that deliveries of mixed drinks and cocktails can be made by either the retail license holder, an employee of the retail license holder, or a third-party contractor. By merging aspects of the 2021 legislation that sunset in 2023 and current § 4-1107, House Bill 770 broadens access to alcohol in Baltimore County, allowing the third-party delivery of both alcoholic beverages in manufacturers' original containers as well as the delivery of mixed drinks or cocktails in sealed containers.

Enforcement Efforts Do Not Mitigate Public Health Concerns

Enforcing the legal sale and consumption of alcohol is significantly more challenging with delivery services compared to traditional brick-and-mortar stores. In 2021, the Public Health Law Clinic conducted a survey requesting information regarding enforcement operations

performed with respect to ID checks for carry out and delivery cocktails. When contacting representatives from county alcohol enforcement agencies, thirteen of the sixteen representatives contacted reported that they had not performed any compliance checks in relation to carry out or delivery cocktails. Additionally, many representatives reported experiencing issues with being underfunded and understaffed, preventing them from monitoring age restrictive carry out and delivery services. Since the 2024 version of § 4-1107 took effect less than eight months ago, caution dictates waiting for data about enforcement of those provisions before expanding the law.

Alcohol remains the most used substance among young people in the United States. With this, House Bill 770 raises serious concerns regarding public health. Young individuals who consume alcohol face a higher likelihood of engaging in risky behaviors that can lead to injuries and other health complications, making underage drinking a serious public health problem in the United States.¹ This is demonstrated by the fact that alcohol is a leading factor in the deaths of individuals under the age of 21, contributing to fatalities from motor vehicle accidents, homicides, alcohol overdoses, falls, burns, drownings, and suicides.² Annually, approximately 5,000 young people under the age of 21 lose their lives due to alcohol-related incidents. This includes 1,900 deaths from motor vehicle accidents, 1,600 from homicides, and 300 from suicides.³ Given the significant concerns about enforcement of underage access laws for packaged goods delivery expressed by enforcement agents in 2021, any expansion of access by delivery increases the likelihood that underage consumers will be able to access alcohol. Any increased access is bad for public health.

Although third-party delivery services like DoorDash have safety measures—such as requiring ID scans for age-restricted orders⁴—these precautions do not guarantee that alcoholic beverages won't end up in the hands of minors, whether intentionally or accidentally. And there is no effective way for liquor inspectors to survey compliance of any such requirements. The delivery of packaged goods, particularly alcoholic beverages in the “manufacturer’s original sealed container,” should not be expanded to include cocktails. With more than sufficient numbers of brick-and-mortar retail alcohol outlets coupled with expansive delivery access through liquor licenses and third-party vendors, there is no lack of access to alcohol. With the option to have packaged goods delivered directly to homes, there is no need to deliver cocktails—consumers can easily prepare their own drinks. Here, any benefit of House Bill 770 is far outweighed by the increased risk of underage access to alcohol.

¹ *About Underage Drinking*, CDC (Jan. 14, 2025), <https://www.cdc.gov/alcohol/underage-drinking/index.html>.

² *Alcohol’s Effects on Health*, NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM (Jan. 2025), <https://www.niaaa.nih.gov/publications/brochures-and-fact-sheets/underage-drinking>.

³ THE SURGEON GENERAL’S CALL TO ACTION TO PREVENT AND REDUCE UNDERAGE DRINKING (2007), <https://www.niaaa.nih.gov/sites/default/files/calltoaction.pdf>.

⁴ *Alcoholic Beverages – Retail Delivery – Local Delivery Service Permit: Hearing on H.B. 808 Before the Economic Matters Comm.*, 2024 Leg. 446th Sess. (Md. 2024) (statement of Chad Horrell, Senior Manager, Government Relations at DoorDash) (“Before a consumer can actually place an order, they must upload their ID.”).

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Conclusion

Considering that counties have the ability to authorize the delivery of pre-packaged alcoholic goods, there is no reason to further increase the accessibility of alcohol with the delivery of to-go-cocktails at the risk of public health. For these reasons, we request an unfavorable report on House Bill 770.

This testimony is submitted on behalf of the Public Health Law Clinic at the University of Maryland Carey School of Law and not by the School of Law, the University of Maryland, Baltimore, or the University of Maryland System.