

From: [Elyse Grossman](#)
To: [MCP-Chair](#)
Cc: [Margaret Mattson](#)
Subject: Written Testimony -- Agenda Item #11 - 9/17/2020
Date: Wednesday, September 16, 2020 10:43:59 AM
Attachments: [Letter to MPB - alcohol in parks FINAL.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Chairman Anderson,

We have attached our written testimony in opposition to Item #11 on the agenda for the hearing being held tomorrow (September 17, 2020). Please confirm that you have received this testimony and that there is nothing else you need from us for this to become part of the official record.

Thank you,

Elyse Grossman, J.D., Ph.D. & Margaret Mattson, Ph.D.

September 17, 2020

Mr. Casey Anderson, Chair
Montgomery County Planning Board
2425 Reddie Drive
Wheaton, MD 20902

Dear Mr. Chairman and Respected Committee Members:

We have serious concerns regarding the Montgomery County Park Service's and Montgomery Planning Board's proposed park directive (Item 11; September 17, 2020) to temporarily suspend alcohol prohibition in designated parks.

We are the current and past chair of the Montgomery County Alcohol and Other Drug Abuse Advisory Council (AODAAC), although we are writing this letter as individuals and not on behalf of AODAAC. AODAAC is a county advisory council that provides guidance to the County Executive and the County Council by identifying alcohol and other drug prevention and treatment needs and reviewing the county's efforts to address those needs. AODAAC is comprised of experts in prevention and treatment and has representatives from the legal, business, and medical communities.¹

We strongly urge you to reconsider passing this proposal for the following reasons:

- 1. Excessive alcohol consumption is already a public health problem in our county, not to mention in the State of Maryland and the entire 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,² heavy drinking,³ and any drinking by pregnant women or people under the age of 21. Excessive alcohol consumption is responsible for approximately 95,000

¹ More information about the Alcohol and Other Drug Abuse Advisory Council (AODAAC) is available at: <https://www.montgomerycountymd.gov/HHS-Program/BHCS/AODAAC/Index.html>.

² 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).

³ 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).

deaths annually in the U.S.,⁴ making it the fourth leading preventable cause of death.⁵ 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.

Alcohol plays a significant role in suicides,⁶ homicides,⁷ motor vehicle crashes,⁸ chronic diseases (e.g. liver cirrhosis),⁹ cancers,¹⁰ sexual transmitted diseases,¹¹ 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.¹²

Nationwide, slightly more than half of the population (51.1 percent) ages 12 or older reported consuming at least one drink in the past month, with about 1 in 4 people (24.5 percent) reporting engaging in binge drinking over the past month.¹³ Focusing specifically on Maryland youth (ages 12 to 21), 24.1 percent 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 percent reported binge drinking.¹⁴ Those numbers are lower in Montgomery County – 20.4 and 9.3 percent, respectively. That Montgomery County has some of the lowest percentages of underage alcohol

⁴ Centers for Disease Control and Prevention (CDC). Alcohol Related Disease Impact (ARDI) Web site. Available at: https://nccd.cdc.gov/DPH_ARDI/default/default.aspx.

⁵ Stahre, M., Boeber, J., Kanny, D., Brewer, R.D., & Zhang, X. (2014). Contribution of excessive alcohol consumption to deaths and years of potential life lost in the United States. *Preventing Chronic Disease, 11*: 130293. Available at: <http://dx.doi.org/10.5888/pcd11.130293>.

⁶ Kaplan, M.S., Huguet, N., McFarland, B.H., Caetano, R., Conner, K.R., Giesbrecht, N., et al. (2014). Use of alcohol before suicide in the United States. *Annals of Epidemiology, 24*(8): 588-92.e2.

⁷ Snowden, A.J. (2019). Exploring violence: The role of neighborhood characteristics, alcohol outlets, and other micro-places. *Social Science Research, 82*, 181-194.

⁸ National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation. (2018, November). *Traffic Safety Facts: Alcohol-Impaired Driving* (DOT HS 812 630). Washington, D.C. Available at: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812630>.

⁹ Rehm, J. & Shield, K.D. (2014). Global alcohol-attributable deaths from cancer, liver cirrhosis, and injury in 2010. *Alcohol Research: Current Reviews, 35*(2): 174-183.

¹⁰ Nelson, D.E., Jarman, D.W., Rehm, J., Greenfield, T.K., Rey, G., Kerr, W.C., et al. (2013). Alcohol-attributable cancer deaths and years of potential life lost in the United States. *American Journal of Public Health, 103*(4): 641-48.

¹¹ Cook R.L. & Duncan, C.B. (2005). Is there an association between alcohol consumption and sexually transmitted diseases? A systematic review. *Sexually Transmitted Diseases, 32*(3), 156-164.

¹² Sacks, J.J., Gonzales, K.R., Bouchery, E.E., Tomedi, L.E., & Brewer, R.D. (2015). 2010 National and state costs of excessive alcohol consumption. *American Journal of Preventive Medicine, 49*(5): e73-e79. Available at: [https://www.ajpmonline.org/article/S0749-3797\(15\)00354-2/fulltext](https://www.ajpmonline.org/article/S0749-3797(15)00354-2/fulltext).

¹³ Substance Abuse and Mental Health Services Administration. (SAMHSA, 2019). *Key substance use and mental health indicators in the United States: Results from the 2018 National Survey on Drug Use and Health* (HHS Publication No. PEP19-5068, NSDUH Series H-54). Rockville, MD: Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration. Available at: <https://www.samhsa.gov/data>.

¹⁴ Maryland Department of Health. (2019). *Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS) 2018-2019: State Level Data, 2018-2019*. Available at: <https://phpa.health.maryland.gov/ccdpc/Reports/Pages/YRBS2018.aspx#Montgomery>.

consumption in Maryland is due, for the most part, to the alcohol control system Montgomery County currently has in place.

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,¹⁵ the expansion of the hours¹⁶ or days of sale¹⁷ of existing outlets, or – *as is the case with this proposal* – by allowing alcohol in previously prohibited locations.

3. Alcohol use and binge drinking are already increasing due to COVID-19.

Not surprisingly, research shows that alcohol consumption increases after stressful or traumatic events (such as natural disasters,¹⁸ terrorist attacks,¹⁹ and disease outbreaks²⁰). Alcohol sales data in the U.S. show a large increase in the amount of alcohol that has been sold over the last few months during the COVID-19 pandemic.²¹ For example, between March 1 and April 18, in-store alcohol purchases were up by 21 percent and online alcohol sales were up by 234 percent. Preliminary data have also shown an increase in alcohol consumption and binge drinking since the beginning of the COVID-19 pandemic in the U.S. Given the harms described above that result from excessive alcohol consumption, why would the Montgomery County Park Service and Montgomery Planning Board want to provide even more opportunities for the consumption of alcohol?

¹⁵ Campbell, C.A., Hahn, R.A., Elder, R., Brewer, R., Chattopadhyay, S., Fielding, J., et al., Task Force on Community Preventive Services. (2009). The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *American Journal of Preventive Medicine*, 37(6): 556-69.

¹⁶ Hahn, R.A., Kuzara, J.L., Elder, R., Brewer, R., Chattopadhyay, S., Fielding, J., et al., Task Force on Community Preventive Services. (2010). Effectiveness of policies restricting hours of alcohol sales in preventing excessive alcohol consumption and related harms. *American Journal of Preventive Medicine*, 39(6): 590-604.

¹⁷ Middleton, J.C., Hahn, R.A., Kuzara, J.L., Elder, R., Brewer, R., Chattopadhyay S, et al., Task Force on Community Preventive Services. (2010). Effectiveness of policies maintaining or restricting days of alcohol sales on excessive alcohol consumption and related harms. *American Journal of Preventive Medicine*, 39(6): 575-89.

¹⁸ Vetter, S., Rossegger, A., Rossler, W., Bisson, J.I., Endrass, J. (2008). Exposure to the tsunami disaster, PTSD symptoms and increased substance use – an Internet based survey of male and female residents of Switzerland. *BMC Public Health*, 8, 92-98.

¹⁹ Boscarino, J.A., Kirchner, H.L., Hoffman, S.N., Sarorius, J., & Adams, R.E. (2011). PTSD and alcohol use after the World Trade Center attacks: A longitudinal study. *Journal of Trauma and Stress*, 24(5): 515-25.

²⁰ Wu, P., Liu, X., Fang, Y., Fan, B., Fuller, C.J., Guan, Z., et al. (2008). Alcohol abuse/dependence symptoms among hospital employees exposed to a SARS outbreak. *Alcohol and Alcoholism*, 43(6), 706-12.

²¹ The Nielsen Company. (2020, May 7). Rebalancing the ‘COVID-19 Effect’ on alcohol sales. Available at: <https://www.nielsen.com/us/en/insights/article/2020/rebalancing-the-covid-19-effect-on-alcohol-sales>.

4. The language in this proposal is vague and, as a result, raises many concerns.

The first concern is, in the proposed expansion of the “Picnic in the Park” program, who will enforce the State’s drinking age laws? Recent inspections of alcohol retailers across the U.S. and studies of alcohol delivery services have already shown that neither the alcohol retailers nor the alcohol delivery services are consistently checking IDs during the COVID-19 pandemic.²² How will the Park Service ensure that IDs are checked before alcohol is delivered to individuals in the park?

Second, who will monitor and enforce state and county laws prohibiting the sale of alcohol to inebriated individuals? Under so-called “dram shop” laws, this is the legal responsibility of servers and bartenders, but these individuals will not be present. If there is over-service of alcohol, or problems that arise from the serving of alcohol (e.g. someone getting into a crash from driving from the park while intoxicated), who is responsible? Will the restaurants and bars be liable for this over-service since the “Picnic in the Park” program is an extension of these businesses?

Third, who will be delivering the alcohol from the restaurants? The “Picnic in the Park” website states that some restaurants use third-party delivery services (such as UberEats or DoorDash) to deliver their food. Yet, Maryland law prohibits third-party delivery services from delivering alcohol.²³ Is the Montgomery County Park Service and Montgomery Planning Board encouraging restaurants to break the law? If not, it would seem this proposal puts some restaurants at a disadvantage compared to others.

Fourth, it appears – although it is unclear – that individuals will, for the first time, be able to bring their own alcohol into the parks. Who will be checking their IDs or monitoring their consumption? It appears that it will be up to the Park Police to monitor this program. Has law enforcement weighed in on whether this proposal is feasible and how passing this proposal will affect their capacity to handle this in addition to all of their other responsibilities?

Fifth, this proposed park directive states that it expires on May 31, 2021 with the option to extend for up to twelve additional months. However, the Maryland law prohibiting the delivery of alcohol from on-premise locations such as restaurants has only been temporarily waived by Governor Hogan during the COVID-19 pandemic. This directive therefore must state that the “Picnic in the Park” program and the delivery of alcohol to these public parks will end when the state of emergency is rescinded, and alcohol delivery is no longer allowed.

Although the County should be supporting our local restaurants, 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 County, and we would urge you to consult with them, our Council, and law enforcement, to craft a policy that helps our local restaurants without harming public health.

²² Siddiqui, F. (May 8, 2020). Food delivery apps fueled alcohol sales to minors, California regulators find. *The Washington Post*. Available at: <https://www.washingtonpost.com/technology/2020/05/08/food-delivery-apps-alcohol-sales>.

²³ MD Code, Alcoholic Beverages, § 3-506.

For all the reasons stated above, we strongly urge you not to approve the proposed park directive to temporarily suspend alcohol prohibition in designated parks.

Sincerely,

A handwritten signature in black ink, appearing to read "Elyse Grossman", with a long horizontal flourish extending to the right.

Elyse Grossman, J.D., Ph.D.
Public Health Lawyer and Policy Consultant
Past Chair, Montgomery County Alcohol and Other Drug Abuse Advisory Council

and

Margaret E. Mattson, Ph.D.
Public Health Substance Abuse Specialist
Chair, Montgomery County Alcohol and Other Drug Abuse Advisory Council

cc: Gabe Albornoz, County Council Health and Human Services Chair

From: [Anderson, Casey](#)
To: [MCP-Chair](#)
Subject: FW: Support of Temporary Suspension of Alcohol Prohibition in Designated Parks
Date: Wednesday, September 16, 2020 2:49:01 PM

From: Laura Barclay <laura@mainstreettakoma.org>
Sent: Wednesday, September 16, 2020 12:55 PM
To: Fani-Gonzalez, Natali <Natali.Fani-Gonzalez@mncppc-mc.org>; Cichy, Gerald <Gerald.Cichy@mncppc-mc.org>; Anderson, Casey <Casey.Anderson@mncppc-mc.org>; Patterson, Tina <Tina.Patterson@mncppc-mc.org>; Verma, Partap <Partap.Verma@mncppc-mc.org>
Subject: Support of Temporary Suspension of Alcohol Prohibition in Designated Parks

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Planning Board,

I am writing in support of the Temporary Suspension of Alcohol Prohibition in Designated Parks. The park that will benefit the Takoma Park commercial district is Takoma Urban Park at 7035 Carroll Avenue and is the center of our commercial district and surrounded by small, locally-owned, independent restaurants.

In addition to a difficult 6 months because of the pandemic, our local restaurants experienced their usual summer slow down. We are hopeful that people will return to outdoor dining now that temperatures are cooler. In preparation, we have been working with MoCo Parks to add additional picnic tables to Takoma Urban Park for customers of local restaurants to take advantage of.

The announcement about alcohol at parks came at a perfect time and will create a more robust outdoor dining experience for customers and an additional revenue generation option for businesses. Most of our local restaurants are not comfortable offering indoor seating (nor are customers comfortable using), and their own outdoor patio dining still represents just a fraction of their total seating during normal times. The addition of outdoor dining options, with alcohol allowed, will benefit the local restaurants by helping them build business, generate revenue and survive until the pandemic is over.

Thank you to the board for considering this change that will help local small businesses through these difficult times.

Best,
Laura Barclay | executive director
Old Takoma Business Association
Your Main Street Takoma
Visit mainstreettakoma.org

cell: [240-535-0187](tel:240-535-0187)

office: [301-891-6789](tel:301-891-6789)

<https://www.instagram.com/mainstreettakoma/>

<https://www.facebook.com/MainStreetTakoma/>

<https://twitter.com/MainStTakoma>

From: [Bowers, Shelby](#)
To: [Coello, Catherine](#)
Cc: [Bowers, Shelby](#)
Subject: RE: FW: NO - Temporary Suspension of Alcohol Prohibition in Designated Parks CRM:0237388
Date: Wednesday, September 16, 2020 3:08:26 PM

Hi Catherine- not sure if you received a copy of the comments below. Forwarding just in case!

Thank you,

Shelby Bowers (Geraci) | Public Information & Customer Service Manager

Montgomery Parks | The Maryland-National Capital Park and Planning Commission

Mobile: 240.315.6964 | Office: 301.670.8013

2425 Reedie Drive | Wheaton, MD 20902

MontgomeryParks.org

----- Original Message -----

From: InfoMncppc;

Received: Mon Sep 14 2020 13:45:46 GMT-0400 (Eastern Daylight Time)

To: MCP-Parks;

Subject: FW: NO - Temporary Suspension of Alcohol Prohibition in Designated Parks

From: Pauline Wroblewski <pollywro@verizon.net>

Sent: Sunday, September 13, 2020 2:42 PM

To: InfoMncppc <info@mncppc.org>

Subject: NO - Temporary Suspension of Alcohol Prohibition in Designated Parks

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

This is the worst idea I have seen in years.

What is the end goal? What is the real and social price of that goal? Who is accountable for the unintended consequences of this decision? Is this really going to save businesses in our county? Why the need to include a possible 12 month extension if the intent is to support the near term in the pandemic? How were these parks chosen? Is there any hard data to support this directive?

Please think this decision through and see the real cost to our county.

Thank you.

P Wrobl

From: [Bowers, Shelby](#)
To: [Coello, Catherine](#)
Cc: [Bowers, Shelby](#)
Subject: RE: FW: My thoughts on allowing alcohol in the parks CRM:0237389
Date: Wednesday, September 16, 2020 3:12:02 PM

Here's another for you, Catherine. Thank you!

Shelby Bowers (Geraci) | Public Information & Customer Service Manager

Montgomery Parks | The Maryland-National Capital Park and Planning Commission

Mobile: 240.315.6964 | Office: 301.670.8013

2425 Reedie Drive | Wheaton, MD 20902

MontgomeryParks.org

----- Original Message -----

From: InfoMncppc;
Received: Fri Sep 11 2020 12:09:32 GMT-0400 (Eastern Daylight Time)
To: MCP-Parks;
Subject: FW: My thoughts on allowing alcohol in the parks

Forwarding.

From: Chris Wroblewski <striker345@verizon.net>
Sent: Friday, September 11, 2020 11:31 AM
To: InfoMncppc <info@mncppc.org>
Subject: My thoughts on allowing alcohol in the parks

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

I am strongly opposed to allowing alcoholic beverage delivery and consumption in the parks even on a temporary basis. First, does anyone believe the drinkers will pay a restaurant \$30-\$40 for a \$9 bottle of wine? The same price disparity exists for all alcoholic beverages. Restaurants will not experience any positive affect from BYOB drinking in the parks. Also, the parks are already impacted by empty beverage container litter this will only make it worse. Second, this temporary suspension of the current regulation banning alcohol consumption will most likely become permanent. Human nature, it is easy to give something but near impossible to take it away. Third, I find it interesting that Potomac, Chevy Chase, Bethesda and Kensington will not 'enjoy' the amenity of boozing in their neighborhood parks. Why are they left out of this proposal?

Please show this message to Michael Riley so he understands my concerns.

Thanks for your consideration.

Chris W

