

LB 72
General Affairs Committee
Testimony of Chris Wagner
Project Extra Mile
February 8, 2021

Good morning, Chairman Briese and members of the committee. My name is Chris Wagner, and I am here representing Project Extra Mile, a network of community partnerships working in Nebraska to prevent and reduce alcohol-related harms. I regret that due to my medical history, I cannot be here in person today, but if any of you have questions about the research provided in my testimony on this or subsequent bills, please reach out via e-mail at chris@projectextramile.org and I will be happy to provide you a copy of the study or set up a Zoom call to discuss. We are here today in opposition of LB 72 because this bill will increase alcohol availability in our state, leading to more health and safety problems in our communities.

While it is understandable that exceptions were made during the pandemic to help struggling businesses, these temporary measures should be eliminated when the governor lifts the state of emergency. There is no sunset clause included in Executive Order (EO) 20-09, which is the basis of LB 72. As a result, the Governor can determine when this temporary waiver is no longer necessary, and there is little reason to believe that he would rescind it prematurely given the Omaha World-Herald's reporting indicating that he views this EO as the most popular directive he's ever approved.

Limiting the availability of alcohol has been identified as one of the most effective ways to prevent excessive alcohol use, according to the Community Preventive Services Task Force. Allowing Class C and I liquor licenses to permanently sell cocktails-to-go not only expands off-premises alcohol sales in the state, but also adds additional challenges to enforcement of the state's open container law.

The alcohol landscape in Nebraska will continue to worsen if we do not act now to address excessive alcohol use. According to the Centers for Disease Control and Prevention, our state ranks as the fifth-worst binge drinking state in the country (21% of adults 18 and older have binged at least once in the last 30 days) and has the second-worst rate of self-reported drunk driving at 955 DUIs per 1,000 population. Cocktails-to-go is not going to solve these problems, it's going to make them worse.

The Nebraska Department of Health and Human Services estimated that 703 Nebraskans died in 2015 alone due to alcohol-related causes and the national death toll associated with alcohol continues to climb -- research shows that annual alcohol-related deaths in the U.S. increased from 88,000 to over 95,000 over the last five years.

Unfortunately, the pandemic has compounded these issues. In October 2020, the National Highway Traffic Safety Administration released two reports on traffic crashes during the pandemic. The first report included a synthesis of traffic safety data covering the months of April to June, which found that the motor vehicle fatality rate had increased. A second research report summarized the presence of alcohol and other drugs in road users who were seriously or fatally injured in crashes, reporting increased prevalence of these substances among the study population.

The report states, "These observed increases in alcohol and other drug prevalence relative to before the public health emergency are consistent with the reported data that showed increases in marijuana and alcohol sales and consumption during the public health emergency." Additional data provided by the Substance Abuse and Mental Health Services Administration found that the percent of alcohol-related emergency department visits increased in rural, suburban, and urban communities after COVID-19 was declared a national emergency.

After LB 72 dropped, I met with Sen. Geist about amending the bill to mitigate the negative impacts on public health and safety. These are the provisions we feel would provide some protection against alcohol-related harms resulting from the extension of cocktails-to-go (in order of preference):

- A sunset clause that would keep these provisions temporary by only extending them for no more than 12 months.
- Limit containers-to-go to one standard drink of alcohol and limit the number of containers that each customer can purchase to go.
- Require that containers be clearly marked as containing alcohol for persons 21+ and that the Surgeon General's warning on alcohol use is affixed on the container.
- Allow local governing bodies to opt-in similar to extending sales from 1 a.m. to 2 a.m., or to opt-out if they experience problems.
- Require common sense, mandatory training for all employees involved in the sale or service of alcohol. (Currently, training is typically only required after a licensee has been found guilty of violating liquor laws or regulations.)

Ultimately, we feel EO-09 already provides the industry the relief it seeks during the ongoing pandemic. I have no doubt that these businesses will rebound once more Nebraskans are vaccinated and return to normal life. For these reasons, we urge you to indefinitely postpone LB 72. If the Committee intends to advance the bill, we would ask that the bill be amended to include a sunset clause and any of the other suggestions described above. Thank you for your consideration of our concerns.