

TESTIMONY OF PHILLIP COSBY **OPPONENT OF SB 253**
STATE DIRECTOR AMERICAN FAMILY ACTION OF KANSAS AND MISSOURI KANSAS SENATE
FEDERAL AND STATE AFFAIRS COMMITTEE March 2023

SB - 253 — Authorizing home delivery of alcoholic liquor and cereal malt beverage by a licensed retailer, including delivery through a third-party delivery service.

2022 Kansas Special Committee on Liquor Law Modernization REPORT

“The Committee wishes to make the Legislature aware of the collateral effects of alcohol on the lives of Kansans and urges the Legislature to be diligent in monitoring such effects.” - Proposed Legislation: None

“Don’t remove a fence until you understand why it was put there” - G K Chesterton

Alcohol is the most commonly used addictive substance in America. Excessive drinking—on a single occasion or over a length of time—can lead to serious health problems, chronic diseases and even death. Alcohol abuse also impacts users’ behavior, which can result in accidents and violence. The effects of alcohol addiction are grave and far-reaching.

Definition of insanity – 2022 Alcohol Beverage Control hearing, 80+ out of state purchases for alcohol delivery resulted in over 90 % being fulfilled. Often to children, no one at home, refused to check I.D.s. While those out of state deliveries have jurisdictional enforcement issues, think this new delivery system with Uber drivers being the compliance official will be better? Uber sobriety tests? What could possibly go wrong? Keep em face down drunk at home vs. on the road?

A 2012 study in the United States found nearly half of all online alcohol orders placed by underage drinkers were delivered. (1)

Fiscal note – “would increase agency’s revenues by an unknown amount” . Let’s think beyond “unknown”. What is known...

- Physical Health – Brain, Heart, Liver, Kidneys, Pancreas , Immune system
- Mental Health – Addiction, Mental Health disorder, Anxiety disorder
- Financial Health – Addiction could cost over \$ 10,000 a year
- Family Life – divorce, domestic violence, suicide, Adult children experience depression, child abuse , neglect, workplace injuries

Not just thinking about the consequences of a decision, but the consequences of those consequences. Generational impact.

Driving Under the Influence - K.S.A. 8-1001(v) This act is remedial law and shall be liberally construed to promote public health, safety and welfare.

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1. Williams RR, Ribisl KM. Internet Alcohol Sales to Minors. Archives of Pediatrics & Adolescent Medicine. 2012;166(9):808-13.
2. Encl: FOX 4 “I want everyone to understand that two years ago we’d write 500 DUIs a year. Now they’ve done 1,300 this year.
3. Encl: Alcohol and Drug Foundation article re: online alcohol delivery

ONLINE ALCOHOL DELIVERY – CAUSE FOR CONCERN - ALCOHOL AND DRUG FOUNDATION – March 27, 2020

As Australians move to social distancing and self-isolation in a bid to slow coronavirus(COVID-19), there's also a move towards ordering alcohol online for home delivery Find out why this trend is concerning health professionals.

In recent years, Australian online sales of alcohol have experienced rapid growth¹, driven by new companies and existing retailers.²

There is limited research regarding the impact of these sales on alcohol-related harm but international research shows that generally, increased availability of alcohol is likely to lead to higher rates of consumption and harm.²

The risk of underage supply

Many public health advocates are concerned that this method of selling alcohol has made underage and excessive consumption more accessible and is increasing alcohol-related harms.^{1, 2}

Ineffective regulation of online alcohol sales and deliveries has led to easier access to alcohol by people under 18 years of age.

A 2012 study in the United States found nearly half of all online alcohol orders placed by underage drinkers were delivered.³ The study also found that less than 40 percent were rejected due to:

- the person's age
- no age verification
- inadequate identification
- no one home.³

Online purchasing and delivery of alcohol puts young people's health at risk by providing an easy way to access alcohol.²

It is a requirement in Australia that anyone selling alcohol in a licensed venue completes a Responsible Service of Alcohol (RSA) course. A key component is to train participants to verify that a person is of legal drinking age. However, RSA does not apply to online alcohol sales and delivery drivers.¹

Supply to intoxicated persons

The World Health Organization has found that alcohol intoxication can lead to increased deaths, suicides, injury, domestic violence, road accidents and child abuse and neglect.⁴

The online sale and delivery of alcohol is concerning as it provides ways for already intoxicated people to access more alcohol without having to leave the home.

Liquor legislation in all Australian states and territories specifies that it is unlawful to sell, serve or supply liquor on a licensed premise to an intoxicated person.^{1, 2} As home delivery does not require visiting a licensed premise, these intoxication laws do not apply.

Increased access to cheap alcohol

Many of the large, warehouse-style liquor stores have also entered the online delivery market, with a major retailer now providing delivery within a two-hour time frame in metropolitan areas and major regional cities. This means that many Australians now have the option to purchase very low-cost alcohol in a considerably short time frame without needing to leave their homes.¹

Potential for the rapid delivery of alcohol

Public health advocates are also concerned about the 'rapid delivery' of alcohol.

Many retailers are now delivering alcohol within thirty-minute time frames after a customer places an online order. One rapid delivery retailer intentionally targets parties by offering large amounts of alcohol as 'party starter', or 'weekend' bundles, at discounted prices.

It has been suggested that this type of service targets young people and enables quick purchase of alcohol, resulting in the continuation of alcohol consumption when the initial alcohol supply has been depleted.⁵

A recent research study from the Foundation for Alcohol Research and Education supports this concern stating that *"on-demand delivery services were most popular among the youngest age group of 18 to 29 year-olds [and] more than a quarter who used on-demand services (28 per cent) reported that the delivery enabled them to continue drinking when they would otherwise have had to stop."*⁵

This type of service delivery may lead to significant harms in young people and others, including people at risk of suicide and domestic violence.

Regulation to reduce harms

Quick and cheap online alcohol delivery services have experienced rapid growth. Public health advocates are concerned this may contribute to increased alcohol-related harm in Australia. Greater regulation is needed, as current alcohol licensing is inadequate.

References:

1. Colbert S, Thornton L, Richmond R. Content analysis of websites selling alcohol online in Australia. *Drug and Alcohol Review*. 2020;39(2):162-9.
2. Mojica-Perez Y, Callinan S, Livingston M. Alcohol Home Delivery Services: An Investigation of Use and Risk. Centre for Alcohol Policy Resear & Foundation for Alcohol Research and Education; 2019.
3. Williams RR, Ribisl KM. Internet Alcohol Sales to Minors. *Archives of Pediatrics & Adolescent Medicine*. 2012;166(9):808-13.
4. World Health Organization. Global status report on alcohol and health. Switzerland: WHO; 2011.
5. La Trobe University. Rapid alcohol delivery service risks. La Trobe University; 2019 Nov 17 [cited 2020 March 27].

As DUIs increase in Kansas City, an officer is recognized for making shocking number of arrests

1,046 DUI arrests in 2020, a 95% jump from 2019. 2021 is higher, up 24% to 1,296.
Heidi Schmidt Fox 4 Sep 28, 2021

KANSAS CITY, Mo. — The DUI unit of the Kansas City, Missouri police department reported it has already made more arrests this year than in the past.

Officers from just that unit are responsible for 1,046 DUI arrests in 2020, a 95% jump from 2019. The number of DUI's they've issued in 2021 is even higher, up 24% to 1,296.

"I want everyone to understand that two years ago we'd write 500 DUIs a year. Now they've done 1,300 this year. That's just absolutely amazing," Capt. Gideon Cody, Kansas City Police Department, said.

"Every day we take a drunk off the street we save a life," Sgt. Corey Carlisle, Kansas City Police Dept., said.

Carlisle continued and said his department is seeing more people driving under the influence of drugs while also refusing to take a breathalyzer when they are stopped. The unit told Kansas City's Board of Police Commissioners Tuesday costs were skyrocketing because when a driver refused the test, they need to get a search warrant to draw a suspect's blood. Blood tests can be expensive.

"Working with the crime lab we were able to identify the top 9 drugs that were found," Capt. Cody, said. "We cut it down to the regular 9, while giving ourselves the option to still use the big panel if we ever have to and we were able to reduce the cost of this by tens of thousands of dollars."

As the department makes more DUI arrests, one of its officers was honored for his role.

Officer Douglas Davidson was recognized at Tuesday's Board of Police Commissioner's meeting for being named the 2020 Officer of the Year at the Law Enforcement Traffic Safety Advisory Conference last month...