

Researchers: More Beer Outlets Means More Violence

Feeney: "There's a Lot to Consider"

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STATE HOUSE, BOSTON, FEB. 10,
2020.....A handful of public health

researchers testified Monday that an initiative petition that could increase the number of stores allowed to sell beer and wine could lead to an increase in violent crime in Massachusetts.



The Consumer Protection and Professional Licensure Committee held a hearing on the legislative version (H 4303) of the ballot initiative that would, as described in the attorney general's [official summary](#), "create a license allowing food stores to sell wine and beer for off-premises consumption, progressively increase and then eliminate the limit on the number of licenses for the sale of alcoholic beverages consumed off-premises that any one retailer could own or control."

In effect, [the proposal](#) would allow more food stores -- think Cumberland Farms, Targets or Wal-Marts that sell groceries and other similar stores -- to sell beer and wine. Under the law now, food store companies can hold up to nine alcohol retail licenses in Massachusetts as of the start of this year.

The proposal would also require alcohol retailers to adopt specific age-verification measures, and make changes related to staffing and funding at the Alcoholic Beverages Control Commission.

David Jernigan, a professor who studies the connections between alcohol policy and public health at Boston University, said the proposal "is fundamentally about public safety."

"There's a close relationship between the number and concentration of alcohol outlets and violent crime. CDC estimates about 47 percent of homicides would not have happened if alcohol had not been in the picture. In Massachusetts, that translates to about 82 deaths a year," Jernigan, who formerly worked at Johns Hopkins University, said. "Largely because Massachusetts, and Boston by extension, has limits on the number of outlets, the relationship between alcohol outlets and violent crime is currently much weaker here than it is in many other cities."

In Baltimore, each additional alcohol outlet in a given neighborhood is associated with a 2.2 percent increase in violent crime and each additional outlet selling alcohol for off-premises consumption -- the type of Massachusetts license that would be affected by the proposed ballot question -- is associated with a 4.8 percent increase in violent crime, Jernigan said.

"Baltimore is a case example of what could happen in Massachusetts communities if this bill goes to the ballot and the public votes it in," he said. In Baltimore, there is one off-premises alcohol consumption license for every 933 residents, while Boston currently has one off-premises alcohol consumption license for every 2,651 residents.

"This ratio alone makes Boston a much safer city," Jernigan said.

Elizabeth Parsons, a substance abuse prevention coordinator at the Mystic Valley Public Health Coalition, said that if alcohol is more available, it will lead to a greater level of consumption at all levels, including among people younger than 21, fueled in part by greater pricing competition between retailers.

"The public health science supports maintaining strong controls for outlet density and preventing rock-bottom prices that go hand-in-hand with increasing density," she said.

Kayla Vodka, also from the Mystic Valley Public Health Coalition, said she fears passage of the question could carry an "enormous public health cost" because of its potential to increase crime and underage drinking.

The lead petitioner for the ballot question is the head of public policy for Cumberland Farms, though the company was not able to send a representative to testify at Monday's hearing on Beacon Hill.

Committee co-chairman Sen. Paul Feeny said he expects his committee to treat the proposed ballot initiative the same as it would any other alcohol license-related legislation.

"When it comes down to liquor licenses and deciding the future of the way alcohol is dealt with in the commonwealth of Massachusetts, we need to make sure that we fully understand what is the objective, right? What is the goal and does it benefit the consumers of Massachusetts and can we balance it with public safety?" he said. "That's what we do with every single liquor bill that we consider. This is the same."

The Massachusetts Package Stores Association has opposed the ballot initiative and turned out Monday to similarly oppose the legislative version of the proposal. Benjamin Weiner of Sav-Mor Spirits, a past president of the Package Stores Association's board, said the ballot initiative is an attempt of "an overseas corporation ... trying to disrupt and destroy

the very laws and regulations that have kept this industry the way it has been since Prohibition."

"I think that they have been effective in controlling the way liquor is distributed throughout the state, it has kept competition within reason," he said of the state's laws, "and I don't believe there is anybody in this room or in this state who has lacked for availability of purchasing of alcohol under the proper conditions."

The Package Stores Association has slammed the ballot effort as an attempt to go around the legislative process "by confusing voters into giving this single company unprecedented control of the retail alcohol marketplace with a potential 200-store network."

Represented by former Supreme Judicial Court Justice Robert Cordy, the Westborough-based association claims that Attorney General Maura Healey improperly certified the proposed initiative petition. They have [appealed her decision](#) to the SJC in an attempt to keep the question off the 2020 ballot.

The plaintiffs, including Sav-Mor Spirits, Julio's Liquors, and Greenwood Wine & Spirits, say the "Frankenstein-like ballot initiative" backed by the Westborough-based Cumberland Farms convenience store chain is impermissible because it contains four independent and unrelated questions, similar to the argument that last year sunk the attempt to put a surtax on income greater than \$1 million.

The association's lawsuit hinges on the argument that the initiative petition combines "four distinct and unrelated questions" -- whether beer and wine should be sold at an unlimited number of establishments that sell food, whether any single company should be allowed to control an unlimited number of liquor licenses, whether all people buying beer or wine should be made to present identification, and whether some alcohol excise taxes should be diverted to fund the Alcoholic Beverages Control Commission.

Matt Durand, the lead petitioner for the question and the head of public policy for Cumberland Farms, previously said that Healey's office had "squarely addressed the issues raised in the recent Package Store Association lawsuit" when it certified that the initiative met constitutional muster and could continue advancing towards the ballot.

The SJC has scheduled oral arguments [in the case](#) for Monday, April 6 and Robert Mellion, executive director of the Massachusetts Package Stores Association, said he expects a ruling from the court sometime in July.

Feeney and his co-chair Rep. Tackey Chan each said they plan to consider the issue separate from the court proceedings.

"It's very nuanced, there's a lot to consider, it's a complicated issue. We are going to undertake our vetting of the bill and consideration of the bill independent of what's going on with the ballot initiative," Feeney said. "We'll dig deep into the issue, but ultimately there is a ballot initiative process that's ongoing and we'll continue to monitor that and make a decision when it's necessary."