

**Testimony before the Ohio Senate Agriculture Committee
House Bill 674**

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Chairman Hoagland, Vice Chair Schaffer, Ranking Member O'Brien and members of the Agriculture and Natural Resources Committee, thank you for the opportunity to provide testimony regarding House Bill 674.

My name is Chris Lane, I am the Vice President of Operations for BASEC Management, Inc., a Wendy's franchise with seven restaurants in Tuscarawas, Stark, and Carroll counties for the last twenty-nine years. My wife and I are second generation owners making us both a woman owned and Veteran owned business. We employ more than 500 people in our restaurants annually accounting for more than 200 full time equivalent positions, many of which are high school or college aged students gaining their first employment experience. We are also proud parents to four children; Lucas(15), Elizabeth(13), Abigail(11), and Addison(7). There is no doubt that COVID-19 has changed our world, our country, our state, and our communities. Both from an economic and social perspective it has been one of the most destructive events in modern times. Businesses have been shuttered. Business models have been forced to evolve or be destroyed. Education delivery and facilitation have been turned on-end. Extracurricular activities such as sports, music, and the arts have been drastically limited or removed entirely from many of our young peoples' lives. Most importantly, the solidification of change and uncertainty as a "new normal" has never been clearer.

I applaud our legislative leaders for recognizing these difficult challenges and springing to action to help address them. Many of the initiatives have made significant positive impacts on businesses, communities, and families. Although we must continue to find creative ways to address these challenges, we cannot do so without also considering the short and long-term impacts that these changes can have on our country, our state, our communities, and our children. Further, we must also consider if the changes that we do make are a permanent solution to a temporary problem. One of the greatest responsibilities I had while serving in the Army, and that I have today as a business owner and father, is to conduct appropriate risk assessments. Specifically, looking at the associated costs, risks, and even contemplating the potential tragic and unthinkable outcomes is a responsibility that we cannot evade nor delegate. Developing appropriate compensating controls, guardrails, and protections is a fundamental responsibility of leaders at all levels. Sometimes the positive impacts and the magnitude of the outcomes require that we accept the risks as presented and move forward. Sometimes the risks are far too great compared to the benefits and we must find another path altogether. Most often, we plan and consult with other subject matter experts to identify a compromise of costs and benefits.

I speak here today in opposition to the dangerous, reckless, and short-sighted benefits of House Bill 674. It would be disingenuous to not acknowledge the positive intent of this legislation for small businesses, but it would also be negligent not to consider the known outcomes and potential risks this legislation

brings to our state, our communities, and our most vulnerable populations. As written this legislation lacks standard consumer protections necessary to protect the most vulnerable amongst us. In Ohio, we are seeing a surge of behavioral health issues, overdose deaths, suicides, and texts to the Ohio Department of Mental Health and Addiction Services' Crisis Text Line. Considering these struggles, the last thing our state should do is increase access to a substance that is known to be used as a harmful coping mechanism to the uncertainty, pain, and struggle brought on by this pandemic. Many new sources are reporting that based on CDC information that there is an exponential increase in reported cases of depression and mental health professionals are seeing earlier and greater onset of anxiety because of COVID-19 pandemic. To magnify these problems one of the first responses to this deadly virus has been self-isolation and quarantine. We know that human to human interaction is critical in identifying, preventing, and treating depression and anxiety. I am constantly reminded that 22 veterans commit suicide every day, many times aided by the very system designed to help them. The delivery of anti-depressant medication along with other pain management medications combined with the lack of personal visits creates a tragic combination. Face-to-face assessments and visual recognition create an opportunity to identify the danger signs and risks early.

Very specifically my concerns with House Bill 674 are:

- **Community norms and local control through ballot initiatives has been a mainstay in addressing issues such as 24-hour service, Sunday sale, and Public consumption areas.** This bill removes or diminishes several aspects of local control. "Once Sunday sales are so authorized, no vote on Sunday sales may subsequently occur regarding the particular location or precinct."
- **Removal of the D-6 permit creates a fiscal emergency pertaining to critical funding for the enforcement agencies.** Historically the D-6 Permit has ranged from \$400-500/permit resulting in more than \$5.9mm. The associated replacement permit, K, costs \$100 resulting in 1/5th of the available funding.
- **Research has found that even minor expansion of operating hours of alcohol sales is associated with significant increases in injuries, alcohol-related hospitalizations/emergency department visits, homicides, and crime.** Expansion of operating hours to 24-hours is not minor therefore could result in exponential increases in alcohol-related incidents. Furthermore, this expansion will subject the public to increased harm and may burden an already limited enforcement, regulatory, and compliance resources assigned to monitor these environments.
- **As written, the expansion of Outdoor Refreshment Areas (DORA) is dangerous.** Although DORA expansion could be a temporary solution to impacts from Emergency Health Order restrictions there are no provisions that protect non-alcohol businesses from the impacts of both alcoholic containerized beverages and patrons who are openly consuming these on premises. The increased risk and liability to these businesses will require additional training for employees as well as impact the risk and loss insurance for these establishments.
- **The expansion of Outdoor Refreshment Areas (DORA) removing current day restrictions on acreage, qualified retail liquor permit holders, and the number of DORA's in a municipal corporation through mere administrative action is reckless.** Removal of the elected legislative authority runs contrary to long standing local control policies.
- **The influence and impact of social media platforms is undeniable.** Opening these platforms, which have a long history of abuse by the tobacco and vaping industry, to uncontrolled and unlimited use by alcohol distributors, manufacturers, trade marketing professionals, solicitors,

and brokers is reprehensible. The use of geofencing, age and gender targeting, as well as the free nature of these platforms all but ensure our youth become the targets of

- **Every instance of the removal of long-established policy and safeguards in this legislation immediately become permanent fixtures and new “norms”.** Attempts by the Governor to address negative financial impacts of reduced business have been made on a temporary basis understanding these conditions are not likely to persist.

In closing, let me reaffirm my opposition to House Bill 674 as written. This dangerous, reckless, and permanent expansion of access to alcohol without protections for communities, consumers, and our youth and vulnerable population undermines any economic benefit that may result from its passage. During this global pandemic alcohol sales have increased 55% (beer sales increased 42%; wine sales increased 66%; spirits sales such as tequila, gin, and pre-mixed cocktails increased 75%) under current distribution and sale policies. This legislation was crafted without the engagement and input of the substance abuse, prevention, and treatment community; without the engagement and input of the law enforcement and regulation community; without the mental health and wellness community. I implore you to engage these communities to find and create common-sense protections for communities and consumers before moving this legislation forward.

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