

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5034  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Comprehensive Alcohol  
3 Regulatory Effectiveness (CARE) Act of 2010”.

**4 SEC. 2. PURPOSES.**

5 The purposes of this Act are—

6 (1) to recognize that alcohol is different from  
7 other consumer products and that it should be regu-  
8 lated effectively by the States; and

9 (2) to reaffirm and protect the primary author-  
10 ity of States to regulate alcoholic beverages.

**11 SEC. 3. SUPPORT FOR STATE ALCOHOL REGULATION.**

12 The Act entitled “An Act divesting intoxicating liq-  
13 uors of their interstate character in certain cases”, ap-  
14 proved March 1, 1913 (27 U.S.C. 122 et seq.), commonly  
15 known as the “Webb-Kenyon Act”, is amended by adding  
16 at the end the following:

1 **“SEC. 3 SUPPORT FOR STATE ALCOHOL REGULATION.**

2 “(a) DECLARATION OF POLICY.—It is the policy of  
3 Congress that each State or territory shall continue to  
4 have the primary authority to regulate alcoholic beverages.

5 “(b) CONSTRUCTION OF CONGRESSIONAL SI-  
6 LENCE.—Silence on the part of Congress shall not be con-  
7 strued to impose any barrier under clause 3 of section 8  
8 of article I of the Constitution (commonly referred to as  
9 the ‘Commerce Clause’) to the regulation by a State or  
10 territory of alcoholic beverages. However, State or terri-  
11 torial regulations may not intentionally or facially dis-  
12 criminate against out-of-State or out-of-territory pro-  
13 ducers of alcoholic beverages in favor of in-State or in-  
14 territory producers unless the State or territory can dem-  
15 onstrate that the challenged law advances a legitimate  
16 local purpose that cannot be adequately served by reason-  
17 able nondiscriminatory alternatives.”.

18 **SEC. 4. AMENDMENT TO WILSON ACT.**

19 The Act entitled “An Act to limit the effect of the  
20 regulations of commerce between the several States and  
21 with foreign countries in certain cases”, approved August  
22 8, 1890 (27 U.S.C. 121), commonly known as the “Wilson  
23 Act”, is amended by striking “to the same extent” and  
24 all that follows through “Territory,”.

