

112TH CONGRESS  
1ST SESSION

# H. R. 1161

To reaffirm state-based alcohol regulation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2011

Mr. CHAFFETZ (for himself, Mr. BRALEY of Iowa, Mr. COBLE, Mr. CONYERS, Mr. DEUTCH, Mr. JORDAN, Mr. GARY G. MILLER of California, Mr. ROSS of Florida, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To reaffirm state-based alcohol regulation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Alcohol  
5 Regulatory Effectiveness Act of 2011”.

6 **SEC. 2. PURPOSES.**

7 The purpose of this Act is to recognize and reaffirm  
8 that alcohol is different from other consumer products and  
9 that it should continue to be regulated by the States.

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

2 The Act entitled “An Act divesting intoxicating liq-  
3 uors of their interstate character in certain cases”, ap-  
4 proved March 2, 1913 (27 U.S.C. 122 et seq.), commonly  
5 known as the “Webb-Kenyon Act”, is amended by adding  
6 at the end the following:

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

8 “(a) DECLARATION OF POLICY.—It is the policy of  
9 Congress to recognize and reaffirm that alcohol is dif-  
10 ferent from other consumer products and that it should  
11 continue to be regulated by the States.

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

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

2       The Act entitled “An Act to limit the effect of the  
3 regulations of commerce between the several States and  
4 with foreign countries in certain cases”, approved August  
5 8, 1890 (27 U.S.C. 121), commonly known as the “Wilson  
6 Act”, is amended by striking “to the same extent” and  
7 all that follows through “Territory,”.

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