

.....  
(Original Signature of Member)

112TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. CHAFFETZ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**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,”.