

116TH CONGRESS
1ST SESSION

H. RES. 285

Recognizing over 85 years of successful State-based alcohol regulation since the creation of an effective system of independent beer, wine, and spirits distribution.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2019

Mr. KILMER (for himself and Mr. DUFFY) submitted the following resolution;
which was referred to the Committee on the Judiciary

RESOLUTION

Recognizing over 85 years of successful State-based alcohol regulation since the creation of an effective system of independent beer, wine, and spirits distribution.

Whereas Federal and State regulation of the licensed alcohol beverage industry has effectively balanced competition with control, while maintaining an orderly, transparent, and accountable market, and has moderated the responsible sale and consumption of alcohol, while promoting consumer choice and variety;

Whereas regulated commerce of alcohol beverages annually contributes \$136 billion in Federal and State tax revenues as well as \$682 billion to the United States economy, and further supports the employment of 4.7 million people in the United States in more than 25,000 per-

mitted breweries, distilleries, wineries, more than 20,000 wholesale distributor facilities, more than 640,000 retail outlets, and numerous agricultural, construction, manufacturing, transportation, and service industry businesses;

Whereas prior to the passage of the 18th Amendment to the Constitution (Prohibition), which prohibited “the manufacture, sale, or transportation of intoxicating liquors”, the lack of sufficient regulation led to widespread abuses of alcohol distribution and consumption to the detriment of the public health, welfare, and safety;

Whereas after its passage, a dramatic increase in illegal activity occurred, including unsafe black market alcohol production, a growth in violent organized crime, and increased noncompliance with alcohol laws;

Whereas, in 1933, the 72d Congress submitted to the States the question of repealing the 18th Amendment and requiring the transportation or importation of alcohol beverages for delivery or use in any State to be carried out in compliance with the laws of that State;

Whereas Congress has consistently recognized and respected the primary authority of States to regulate alcohol in order to promote orderly, safe, and stable markets, efficient tax collection, and temperance, as evidenced by and through passage of the Webb-Kenyon Act, creating an exception to the Commerce Clause and empowering States to regulate the importation and sale of alcohol beverages within their own borders (originally enacted in 1913; 27 U.S.C. 122), the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), the 21st Amendment Enforcement Act (27 U.S.C. 122a), and the Sober Truth on Preventing Underage Drinking Act (Public Law 109–422; 120 Stat. 2890);

Whereas, for decades, the legislatures and alcohol beverage control agencies of the 50 States have exercised their primary authority under the 21st Amendment to ensure the creation and maintenance of State-based regulatory systems for alcohol distribution, promote accountability and responsibility by licensing local vendors of alcohol, prevent the vertical integration of the alcohol industry, and maintain the integrity of a three-tier system made up of producers, importers, wholesale distributors, and retailers;

Whereas unlike other nations, the development of a transparent, efficient, and accountable United States system for the distribution and sale of alcohol beverages, temperance in consumption and sales practices, efficient tax collection, and other essential public health and safety policies have been successfully guided by the collective experience and cooperation of government agencies and licensed industry members throughout the geographically and culturally diverse Nation;

Whereas the State-based system of alcohol regulation and a system of independent distribution have resulted in reducing barriers to market and providing unprecedented choice, variety, and selection for consumers; and

Whereas members of the licensed alcohol beverage industry have created, funded, and supported a wide range of national, State, and community programs to address problems associated with alcohol abuse, including drunk driving and underage drinking: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

1 (1) acknowledges over 85 years of effective
2 State-based alcohol regulation since the passage of
3 the 21st Amendment to the Constitution;

4 (2) commends State lawmakers, regulators, law
5 enforcement officers, the public health community,
6 and industry members for achieving a workable,
7 legal, and successful system for the distribution and
8 sale of alcoholic beverages;

9 (3) recognizes that an independent distribution
10 system helps facilitate an orderly marketplace for al-
11cohol that provides unprecedented choice and vari-
12ety, aids in the efficient collection of taxes, protects
13consumers and the public, and works to balance ro-
14bust competition and appropriate control; and

15 (4) reaffirms the continued support of Congress
16 for policies that allow States to effectively regulate
17 alcohol.

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