

~~112th 114th~~ CONGRESS
~~1st 2nd~~ Session
H. R. ~~1161~~ **5034**

To ~~reaffirm state-based alcohol regulation, support State-based alcohol regulation, to clarify evidentiary rules for alcohol matters, to ensure the collection of all alcohol taxes,~~ and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

~~March 17, 2011~~ **April 15, 2010**

Mr. ~~CHAFFETZ DELAHUNT~~ (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 ~~Mr. CHAFFETZ, and Mr. QUIGLEY~~) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To ~~reaffirm state-based alcohol regulation, support State-based alcohol regulation, to clarify evidentiary rules for alcohol matters, to ensure the collection of all alcohol taxes,~~ and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “~~Community Comprehensive~~ Alcohol Regulatory Effectiveness ~~(CARE)~~ Act of ~~2011~~2010”.

SEC. 2. PURPOSES.

The purposes of this Act ~~is are~~ to recognize and reaffirm that alcohol is different from other consumer products and that it should continue to be regulated by the States.
~~(1) to recognize that alcohol is different from other consumer products and that it should be regulated effectively by the States; and~~
~~(2) to reaffirm and protect the primary authority of States to regulate alcoholic beverages.~~

SEC. 3. SUPPORT FOR STATE ALCOHOL REGULATION.

The Act entitled “An Act divesting intoxicating liquors of their interstate character in certain cases”, approved March ~~24~~, 1913 (27 U.S.C. 122 et seq.), commonly known as the “Webb-Kenyon Act”, is amended by adding at the end the following:

“SEC. 3. SUPPORT FOR STATE ALCOHOL REGULATION.

“(a) Declaration of Policy – It is the policy of Congress to recognize and reaffirm that alcohol is different from other consumer products and that it should continue to be regulated by the States~~that each State or territory shall continue to have the primary authority to regulate alcoholic beverages.~~

“(b) Construction of Congressional Silence – Silence on the part of Congress shall not be construed to impose any barrier under clause 3 of section 8 of article I of the Constitution (commonly referred to as the ‘Commerce Clause’) to the regulation by a State or territory of alcoholic beverages. However, State or territorial regulations may not intentionally or facially discriminate against out-of-State or out-of-territory producers of alcoholic beverages in favor of in-State or in-territory producers unless the State or territory can demonstrate that the challenged law advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives.”

SEC. 4. AMENDMENT TO WILSON ACT.

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