

# PREEMPTION & THE REGULATION OF ALCOHOL

Preemption is a judicially created principal based on the proposition that a lower governmental authority cannot act contrary to a higher level of government.

Each state varies in how it regulates alcoholic beverages – including how much authority is granted to local government.

The 21st Amendment to the US Constitution delegates regulation of alcoholic beverages to the states

## WHO GETS TO DECIDE?

*Why is this an issue when it comes to alcohol?*



## Local Authority to Address Alcohol Environments



Click each state to download more info

	AL	FL	GA	KY	MS	NC	SC	TN
<b>RETAIL SALES ENVIRONMENT</b>								
Alcohol Retail Monitoring	✓		✓		Limited		Limited	✓
Tax Sales		Limited	✓				Limited	
Days & Hours		✓	Limited		✓	Limited		Limited
<b>SOCIAL ENVIRONMENT</b>								
Social Host			✓	✓		Limited	Limited	

**Alcohol Retail Monitoring:** Includes local oversight of alcohol retail operations, such as regulating location of new retailers (outlet density) and imposing operating conditions.

**Tax Sales:** Includes local taxes on the sale of alcoholic beverages.

**Days & Hours:** Includes local authority to regulate days and/or hours of sale of alcoholic beverages.

**Social Host:** Local prohibition on hosting underage drinking parties.



Southeast (HHS Region 4)

# PTTC

Prevention Technology Transfer Center Network  
Funded by Substance Abuse and Mental Health Services Administration

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