### Stellenbosch 2023 Abstract Submission

#### Title
Geospatial Aspects of State Wine Laws in the United States

#### I want to submit an abstract for:
Conference Presentation

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#### Keywords
wine law, regulation, states, United States, Twenty-First Amendment, Commerce Clause, geography

#### Research Question
What are the geospatial patterns of United States state wine laws regarding direct shipping, wine distribution, and corkage/BYOB laws? Are patterns affected by religion, political affiliation, wine production, or race/ethnicity?

#### Methods
Spatial pattern analysis of maps generated through ArcGIS and open source data, analysis of state regulatory systems from state state regulatory websites and legislative documents.

#### Results
Few regional spatial patterns exist across the 50 states for direct shipping, state wine distribution, and corkage/BYOB laws, despite substantial regional differences in religion, political affiliation, wine production, race/ethnicity.

#### Abstract
In recent decades wine has surged to a position of significance in American culinary culture. With the increase in public acceptance and interest in wine have come increases in wine production; wine tourism, heavily promoted in some areas; and public desire for access to a wide variety of wines. Wine production and distribution can be a significant asset to a state, and persistence of the control policies of the past can present significant obstacles to
benefiting from the opportunities presented. Desire to protect markets from out-of-state competition has prevailed in some states, however, over the hope for increasing sales through easy access to external markets. Still, there is substantial variation in state policies concerning wine production and distribution. The Twenty-First Amendment, which repealed Prohibition in the United States, gave states regulatory powers over alcoholic beverages that they did not have over other products. From an obscure line in the Constitution derived the patchwork of state regulations governing wine, beer and spirits in the United States today.

Interest in wine has increased in the United States, yet geographic research on wine law in the United States is in its infancy. This paper explores geospatial aspects of wine laws in the United States at the state level. We examine the legal basis for state wine law, which largely stems from the Twenty-First Amendment to the Constitution and from the Commerce Clause. The Twenty-First Amendment gives states the right to regulate wine and other alcoholic beverages in a way that states are not able to regulate other products, and post-Prohibition state wine laws vary considerably from state to state. After reviewing the status of state wine laws, we describe three vignettes, each introducing a geospatial aspect of wine law: direct shipping laws, state wine distribution systems, and corkage/BYOB laws.

With the exception of a thirteen-year period of national prohibition (1920 - 1933) established by the Eighteenth Amendment to the U.S. Constitution and repealed by the Twenty-first, states have had relatively free reign to create and enforce policies relating to the manufacture, distribution, and consumption of alcoholic beverages. As a result, alcohol policies have tended to reflect the geographic, social, economic, political, and historic diversity of the states. In making policy, states have tended to treat alcoholic beverages primarily as a problem to be controlled, with substantial variation in control systems among the states, however. Even during the late nineteenth century laissez faire period of economic policy, alcohol production and distribution continued to be highly regulated by state governments, to the point of prohibition in a number of states, before the adoption of national prohibition. Tight state control systems have persisted to the present.

Wine laws in the United States—and laws regulating all kinds of alcohol products—exist at the federal, state, county, and municipal level, and over 40,000 governments have the power to regulate wine. The federal government imposes taxes on wine and other alcoholic beverages, and production statistics must be reported to the Alcohol and Tobacco Tax and Trade Bureau (TTB) (formerly known as the Bureau of Alcohol, Tobacco, and Firearms). Wineries must keep detailed records of production, store their product in bonded warehouses until taxes have been paid, and keep data on materials sourcing (the latter to comply with bioterrorism laws). Moreover, the federal government must approve all wine labels, including text and graphics. This includes statements and claims made about the product as well as ingredient disclosure.

State governments (and county, municipal, and tribal governments) may impose additional laws on all entities involved in the wine industry. As noted above, the power of state governments derives from the Twenty-First Amendment in the wake of the repeal of Prohibition. Thus, states are able to regulate wine and other alcoholic beverages in a way that they are not able to regulate other products. State wine laws are complex and vary completely among states. These are divided largely into regulations on shipping, and laws pertaining to taxation and regulation of production, distribution, and consumption of wine in-state.

Geographic research on wine legislation in the United States is still in its infancy. Few scholars have explored the geospatial dimensions of the complexity of wine regulation at the state level, and these scholars have typically been legal analysts. Our initial study, still continuing, has noted that no clear regional or sectional patterns have emerged with respect to wine laws at the state level. Instead, we hypothesize that regional and sectional patterns are minimal or non-existent, as wine legislation is based on myriad factors and not on cross-cutting ones such as religion, culture, or revenue dependence. Future research will identify and explore these explanatory factors.

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