

STATUS OF LOCAL AUTHORITY TO REGULATE DAYS & HOURS OF ALCOHOL SALES

Background

Excessive alcohol consumption is associated with many health and societal problems, including chronic diseases, injuries, and violence. Limiting the days and hours of sale is one strategy recommended by the Community Preventive Services Task Force on the basis of strong evidence for the prevention of excessive alcohol consumption and related harms.¹ The extent to which local policymakers can modify days or hours of alcohol sales in their jurisdiction is not widely known and varies across states. Therefore, legal research was conducted to identify states with policies that specifically authorized localities to regulate the days, hours, or both of alcohol sales such that localities would have the option to reduce the availability of alcohol through the implementation of such policies.

Scope of Legal Research

The legal research focused on state laws or regulations that specifically authorized local governments to regulate the days, hours, or both that on- and off-site retailers can sell alcohol, with a particular focus on authority to reduce days or hours of sale. For the purposes of this memo, on- and -off-sale refer to retailers that are licensed to sell alcohol for on- or off-site consumption (e.g., bars or restaurants as compared to liquor stores). A number of states also permit local governments to impose a range of restrictions specifically on Sunday sales, which are included in Table 2.

Included in this research are state-level laws or regulations authorizing local governments to regulate days and hours of sale with respect to specific types of:

- (1) Jurisdictions (e.g., municipalities only);
- (2) Retailers (e.g., off-sale only); and
- (3) Beverage types (e.g., beer only).

Excluded from this research are the following:

- (1) Grants of authority to localities to regulate alcohol retail sales generally that do not specifically refer to authority to regulate days or hours of sale;
- (2) Grants of authority to regulate the time businesses generally can operate (for example, local governments throughout the United States typically may use police powers to restrict private property rights² – including by using zoning to limit the days and hours during which certain activities can take place – but these laws are not necessarily specific or limited to alcohol retailers);
- (3) Limited restrictions that apply to specific holidays (e.g., religious holidays, election day);
- (4) Case law, because its applicability can be nuanced and fact dependent; and
- (5) Any state-level laws that directly regulate days or hours of sale statewide.

Because of the scope of this research, the findings represented in the table below should not be interpreted as providing a complete picture of local authority to regulate days, hours, or both of sale. Localities in a state with no coding may still have authority to regulate days, hours, or both. Likewise, localities in states with authority coded in the table may have additional authority to regulate beyond what is coded.

Legal Research Methodology

The legal research was conducted in early 2020, using primary sources. Searches were conducted in Westlaw, an online legal research service, in every state's statutes and regulations, using search terms and manual review. The first round of searches focused on those areas of state law that focused on the regulation of alcohol (commonly referred to as a state's alcoholic beverage control (ABC) code because ABC codes often include language describing the ways in which localities can regulate alcohol retailers. A second round of research was conducted to see if state law more generally conferred specific authority to localities to regulate alcohol retailers. Relevant laws were collected and then coded. Another scan was run in early 2021 to confirm that the laws collected are accurate as of January 1, 2021.

Table 1 Coding Variables Key: Authority to regulate days and/or hours of sale

The following variables were coded for states that grant localities specific authority to limit the days, hours, or both of alcohol sales:

- **Jurisdiction type(s):** Names the type of local jurisdiction with specific authority to restrict day(s) or hours of sale
- **Retail type(s):** Indicates whether local authority applies to on- and/or off-sale retail outlets.
- **Day(s):** X indicates authority to regulate days of sale
- **Time:** X indicates general authority to regulate hours of sale; if the authority is restricted to specific hours, those hours are indicated
- **Beverage type(s):** Indicates the beverages to which the restriction may apply
- **Sunday Specific Authority:** Indicates whether there is authority to regulate days and/or hour sales specifically on Sundays and refers users to Table 2 to see specifics
- **Note(s):** Provides additional relevant information regarding the coding or authority

Findings

Example of how to read findings: In Alaska, all municipalities may regulate the hours of on- and off-sale retailers that sell beer, wine, and/or liquor.

Note: Because of the scope of this research, the findings represented in the table below should not be interpreted as providing a complete picture of local authority to regulate days, hours, or both of sale. Localities in a state with no coding may still have authority to regulate days, hours, or both. Likewise, localities in states with authority coded in the table may have additional authority to regulate beyond what is coded.

TABLE 1: AUTHORITY TO REGULATE DAYS AND/OR HOURS

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Alabama						X	
Alaska ³	Municipality	On-sale; Off-sale		X	Beer; Wine; Liquor		
Arizona							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Arkansas⁴	City; County (population between 53,000 and 58,000)	On-sale (restaurants and hotels)		X	Beer; Wine; Liquor	X	Cities and some counties may extend hours of sale for restaurants and hotels, and by implication may limit hours if previously extended.
	Incorporated municipalities	Off-sale		X	Beer (no more than 5% alcohol by weight); Light wine (no more than 5% alcohol by weight)		
California							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Colorado							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
Connecticut⁵	Towns	On-sale (restaurants and entertainment venues)		X	Beer; Wine; Liquor	X	
Delaware⁶	Municipality	On-sale		X	Beer; Wine; Liquor	X	
	Municipality (population 50,000 or more)	Off-sale		X	Beer; Wine; Liquor		
Florida⁷	County; Incorporated municipality	On-sale; Off-sale		X	Beer; Wine; Liquor		

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Georgia⁸	Municipality; County	On-sale		X	Liquor	X	
Hawaii⁹	County	On-sale; Off-sale		X	Beer; Wine; Liquor		
Idaho¹⁰	City; County	On-sale		X	Liquor	X	
	City; County	On-sale; Off-sale		X	Beer		
	City; County	On-sale; Off-sale	X	X	Wine		
Illinois							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Indiana							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
Iowa							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
Kansas							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Kentucky						X	
Louisiana¹¹	Municipality (within a parish with population between 53,000 and 60,000)	On-sale		X	Beer; Wine; Liquor		
Maine						X	
Maryland							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
Massachusetts						X	
Michigan						X	

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Minnesota ¹²	Municipality	On-sale; Off-sale	X	X	Beer; Wine; Liquor	X	
Mississippi ¹³	Municipality; County	On-sale; Off-sale		X	Beer; Light wine (no more than 5% alcohol by volume); Light spirit product (no more than 4% alcohol by weight containing one or more distilled spirits)		Additionally, some specific resort areas have broader authority to regulate hours of sale. ¹⁴
Missouri							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Montana¹⁵	Municipality	On-sale; Off-sale		X	Beer; Wine; Liquor		
Nebraska¹⁶	City; Village; County	On-sale; Off-sale		X	Beer; Wine; Liquor		
Nevada							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
New Hampshire							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
New Jersey¹⁷	Municipality	On-sale; Off-sale		X	Beer; Wine; Liquor	X	Municipalities may only limit hours of alcohol sales by referendum.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
New Mexico ¹⁸	Class B County (population between 70,000 and 76,000); Municipality (within Class B County with population between 70,000 and 76,000)	Off-sale		X	Beer; Wine; Liquor		May restrict hours between 7 a.m. and 10 a.m.
New York							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
North Carolina ¹⁹	Local Board	Off-sale	X	X	Liquor	X	Local ABC Boards in North Carolina are local subdivisions of the state. These boards may set the days and hours of sale at local ABC stores.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
North Dakota							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
Ohio						X	
Oklahoma²⁰	Municipality	On-sale		X	Beer; Wine; Liquor	X	Municipalities may extend opening time from 8 a.m. to 6 a.m., and by implication may limit hours if previously extended.
Oregon							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Pennsylvania							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
Rhode Island²¹	Providence (economic development zone only)	On-sale; Off-sale		X	Beer; Wine; Liquor		The local licensing authority may establish hours of sale for sales within economic development zones (class ED) in Providence.
South Carolina						X	
South Dakota						X	
Tennessee²²	Incorporated municipality; Class B County	On-sale (beer and liquor); Off-sale (beer only)		X	Beer; Liquor		

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Texas ²³	Incorporated municipality	On-sale; Off-sale		X	Beer		Additionally, some cities and counties may extend hours of sale for mixed drinks, and by implication may limit hours if previously extended. ²⁴
Utah							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
Vermont							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Virginia						X	
Washington							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
West Virginia							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.

State	Jurisdiction Type(s)	Retail Type(s)	Day(s)	Hours	Beverage Type(s)	Sunday Specific Authority (see Table 2)	Note(s)
Wisconsin							We did not identify any affirmative grant of authority to local governments to regulate days, hours, or both of alcohol sales.
Wyoming²⁵	Incorporated city; Incorporated town; Incorporated county	On-sale; Off-sale		X	Beer; Wine; Liquor		Hours may be set by the "local licensing board," which is defined as the governing body of an incorporated city, town, or county in Wyoming with the responsibility to issue a particular license.

Table 2 Coding Variables Key: Sunday specific authority to regulate day and/or hours of sale

- **Jurisdiction type(s):** Names the type of local jurisdiction with specific authority to restrict day(s) or hours of sale
- **Retail type(s):** Indicates whether local authority applies to on- and/or off-sale retail outlets
- **Sunday Day:** X indicates authority to regulate sale on Sundays
- **Sunday Time:** X indicates authority to regulate hours of sale; if the authority is restricted to specific hours, those hours are indicated
- **Beverage type(s):** Indicates the beverages to which the restriction may apply
- **Sunday Specific Authority:** Indicates whether there is authority to regulate days and/or hour sales specifically on Sundays
- **Note(s):** Provides additional relevant information regarding the coding or authority

Findings

Example of how to read findings: In Alabama, counties and municipalities may prohibit Sunday sales and restrict sales on Sundays at on- and off-sale retailers that sell beer, wine, and/or liquor. The Note(s) field provides further specifics on this Sunday regulatory authority.

Note: Because of the scope of this research, the findings represented in the table below should not be interpreted as providing a complete picture of local authority to regulate days, hours, or both of sale. Localities in a state with no coding may still have authority to regulate days, hours, or both. Likewise, localities in states with authority coded in the table may have additional authority to regulate beyond what is coded.

TABLE 2: SUNDAY SPECIFIC AUTHORITY TO REGULATE DAY AND/OR HOURS

State	Jurisdiction Type	Retail Type	Prohibit Sales on Sunday	Restrict Sales Hours on Sunday	Beverage Type(s)	Note(s)
Alabama ²⁶	County; Municipality	On-sale; Off-sale	X	X	Beer; Wine; Liquor	County may extend closing time for on- and off-sale retailers later than 2:00 a.m. on Sunday. Counties and municipalities may set opening time for on-sale retailers at or after 10:00 a.m. Sunday. By implication these jurisdictions may limit hours if previously extended.

State	Jurisdiction Type	Retail Type	Prohibit Sales on Sunday	Restrict Sales Hours on Sunday	Beverage Type(s)	Note(s)
Arkansas ²⁷	City; Town; County	On-sale; Off-sale	X (Off-sale only)	X	Beer; Wine; Liquor	
Connecticut ²⁸	Town	On-sale (restaurants and entertainment venues)		X	Beer; Wine; Liquor	
Delaware ²⁹	Municipality population 50,000 or more	Off-sale		X	Beer; Wine; Liquor	May limit to 4 hours of sale on Sundays.
Georgia ³⁰	City; County	On-sale	X	X	Beer; Wine; Liquor	
Idaho ³¹	City; County	On-sale	X	X	Beer; Wine; Liquor	Cities and counties may extend hours of sale for the sale of liquor-by-the drink on Sundays and may extend closure time to 2:00 a.m., and by implication may limit hours if previously extended.
Kentucky ³²	Any local jurisdiction	On-sale; Off-sale	X	X	Beer; Wine; Liquor	
Maine ³³	Municipality	On-sale; Off-sale	X		Beer; Wine; Liquor	
Massachusetts ³⁴	City; Town	On-sale			Beer; Wine; Liquor	Cities and towns may extend on-premises sales between 1:00 a.m. and 2:00 a.m. and/or 10:00 a.m. and noon, and by

State	Jurisdiction Type	Retail Type	Prohibit Sales on Sunday	Restrict Sales Hours on Sunday	Beverage Type(s)	Note(s)
						implication may limit hours if previously extended.
Michigan ³⁵	County; Local Governmental Unit	On-sale; Off-sale		X	Beer; Wine; Liquor	Counties or local governmental units may prohibit Sunday sales between either 7 a.m. and noon or 7 a.m. and 2 a.m. the next day.
Minnesota ³⁶	City; County; Town	On-sale; Off-sale	X		Beer; Wine; Liquor	
New Jersey ³⁷	Municipality; City of the first class	On-sale; Off-sale	X		Beer; Wine; Liquor	
North Carolina ³⁸	City; County	On-sale; Off-sale		X		Cities and counties may extend opening time to 6 a.m. on Sundays, and by implication may limit hours if previously extended.
Ohio ³⁹	Municipal corporation; Precinct	On-sale; Off-sale	X	X	Beer; Wine; Liquor	
Oklahoma ⁴⁰	County	On-sale	X		Beer; Wine; Liquor	

State	Jurisdiction Type	Retail Type	Prohibit Sales on Sunday	Restrict Sales Hours on Sunday	Beverage Type(s)	Note(s)
South Carolina ⁴¹	Municipality; County	On-sale; Off-sale	X		Beer; Wine; Liquor	Off-sale retailers cannot sell liquor on Sundays.
South Dakota ⁴²	Municipality; County	On-sale; Off-sale	X	X	Beer; Wine; Liquor	
Virginia ⁴³	County; City; Town Supervisor's election district of county	On-sale; Off-sale	X	X	Beer; Wine	Counties, cities, and supervisor's election districts of a county may allow sales between noon Saturday and 6 a.m. Monday, and by implication may limit hours if previously extended.

This publication was supported by the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$145,873 with 100 percent funded by CDC/HHS. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by CDC/HHS, or the U.S. Government.

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¹ See The Guide to Community Preventive Services. *Excessive Alcohol Consumption*. Available at: https://www.thecommunityguide.org/topic/excessive-alcohol-consumption?field_recommendation_tid=7476&items_per_page=5.

² See e.g., Marice Ashe et al., *Land Use Planning and the Control of Alcohol, Tobacco, Firearms, and Fast Food Restaurants*, Vol. 93, *American Journal of Public Health*, 1404-05 (2003).

³ Alaska Stat. § 04.16.010.

⁴ A.C.A. § 3-4-407, 3-5-213, 3-9-233.

⁵ C.G.S.A. § 30-91.

⁶ Del. Code Ann. tit. 4, § 709.

⁷ Fla. Stat. § 562.45.

⁸ Ga. Code Ann. § 3-4-110.

⁹ Haw. Rev. Stat. § 281-17.

¹⁰ Idaho Code § 23-927, Idaho Code § 23-1012, Idaho Code § 23-1318.

¹¹ La. Rev. Stat. Ann. § 26:493.1.

¹² Minn. Stat. § 340A.504.

¹³ Miss. Code Ann. § 67-3-65.

¹⁴ Miss. Code Ann. § 67-1-5.

¹⁵ Mont. Code Ann. §16-3-304.

¹⁶ Neb. Rev. Stat. § 53-179.

¹⁷ N.J. Rev. Stat. § 33:1-47.1

¹⁸ N.M. Stat. Ann. § 60-7a-1.

¹⁹ N.C. Gen. Stat. § 18B-802.

²⁰ 37A Okl.St. Ann. § 3-125.

²¹ R.I. Gen. Laws § 3-7-16.4.

²² Tenn. Code Ann. §§ 57-4-203, 57-5-106, 57-5-301.

²³ V.T.C.A., Alcoholic Beverage Code § 109.32.

²⁴ V.T.C.A., Alcoholic Beverage Code § 105.03.

²⁵ Wyo. Stat. Ann. § 12-5-101.

²⁶ Ala.Code 1975 § 28-3-24, Ala.Code 1975 § 28-3-25.

²⁷ A.C.A. § 3-3-210.

²⁸ C.G.S.A. § 30-91, C.G.S.A. § 30-91a.

²⁹ 4 Del.C. § 709.

³⁰ Ga. Code Ann., § 3-3-7.

³¹ I.C. § 23-927.

³² KRS § 244.480, KRS § 244.290.

³³ 28-A M.R.S.A. § 123.

³⁴ M.G.L.A. 138 § 33.

³⁵ M.C.L.A. 436.2111. M.C.L.A. 436.2113.

³⁶ M.S.A. § 340A.504.

³⁷ N.J.S.A. 33:1-47.

³⁸ N.C. Gen. Stat. § 1153A-145.7, N.C. Gen. Stat. § 160A-205.3.

³⁹ R.C. § 4301.22; R.C. § 4301.351.

⁴⁰ 37A Okl.St. Ann. § 3-125.

⁴¹ S.C. Code Ann. § 61-6-2010, S.C. Code Ann. § 61-6-4160.

⁴² SDCL § 35-4-81.

⁴³ VA Code Ann. § 4.1-123.