State Preemption Research

The state preemption categories that form the basis for the CityHealth coding of Alcohol Sales Control originate from a state scan that was originally conducted in 2011. Four categories of preemption are available to describe the authority a state grants its local governments to regulate alcohol outlets, and a fifth “mixed” category is also included to describe states that use two or more of the four categories for differing aspects of their alcohol retail outlet structure. Using the legal citations identified in the original scan, the legal dataset has been updated.

The update process utilized Westlaw, an online legal research tool, and involved reviewing each citation and confirming whether there had been any relevant changes made to it. A relevant change was defined as one that resulted in a substantive revision to the text of a law or regulation, or a subsequent court case that changed how a law or regulation was interpreted. A substantive revision was defined as a change that granted additional authority for local government to regulate alcohol retailers or that restricted previously existing authority.

City Outlet Regulation Research

Initial coding involved conducting original research into each city’s municipal code. Every city tracked by CityHealth makes their code available online in a digital format. To identify relevant local laws addressing the regulation of alcohol retailers, a search with alcohol-related keywords was conducted in each city code. The search string used in each city depended on how the code was structured and indexed. However, the keywords (and their derivations) remained constant: alcohol, beer, wine, liquor, spirit, malt, vinous.

All results were reviewed, and relevant laws collected for coding. Relevant laws were those laws that indicated that the city directly regulated alcohol retailers. Examples of the types of laws that indicated direct regulation included local licensing of retailers, ability to block a specific new licensee, ability to impose alcohol-related operating conditions on retailers, and ability to pull a license to operate.

A gold medal was awarded to those cities that had a comprehensive set of local laws addressing alcohol sales for both on- and off-premises consumption, and gave the city the authority to address these both prospectively (new retailers) and retrospectively (existing retailers). A silver medal was awarded to those cities that had a law or laws addressing at least one aspect of those listed above, but not all. Cities with no local laws directly regulating outlets received no medal.

The update process involved reviewing each citation and confirming whether there were any relevant changes. A search with alcohol-related keywords was conducted in each city code (including those previously coded as “no medal”) to determine if there were any new laws.