

SCOTUS Opinion: State Residency Requirement For Liquor Store Licenses Struck Down

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Tennessee law required that to get a license to sell alcohol, the seller had to first be a Tennessee resident for two years. The state agency tasked with enforcing the law declined to do so after the state's attorney general opined that the law violated the [Commerce Clause of the Constitution](#). When two non-resident businesses applied for licenses, a trade association of in-state liquor stores sued to establish the law as constitutional. The district court and Sixth Circuit held that the law was unconstitutional, and in [Tennessee Wine and Spirits Retailers Assn. v. Thomas](#), the Court, in a 7-2 decision by Justice Alito, affirmed, holding that the law violated the dormant Commerce Clause. The majority held that the law in question clearly favored in-state residents over nonresidents, and was not narrowly tailored to advance a legitimate local purpose. The majority rejected the argument that the law was saved by the 21st Amendment, which prohibited the transportation or importation into any State . . . for delivery or use therein of intoxicating liquors, in violation of the laws thereof, holding that the language did not permit the States to violate the nondiscrimination principle, but merely intended to set the regulatory regime back to what it was prior to Prohibition. Justice Gorsuch, joined by Justice Thomas, dissented, arguing that Congress expressly permitted the States to enact residency requirements, and the 21st Amendment provided an exception to the Commerce Clause. A link to the opinion is [here](#).

TAGGED: [scotus](#), [Commerce Clause](#), [SCOTUS opinion](#), [Residency Requirement](#), [Tennessee Wine and Spirits Retailers Assn. v. Thomas](#), [dormant Commerce Clause](#), [21st Amendment](#), [Sixth Circuit](#)