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WSWA APPLAUDS EIGHTH CIRCUIT COURT OF APPEALS' DECISION TO UPHOLD MISSOURI'S RIGHT TO REGULATE ALCOHOL UNDER THE 21ST AMENDMENT

WASHINGTON, D.C., 02/17/2021 – Wine & Spirits Wholesalers of America (WSWA) President and CEO Michelle Korsmo released the following statement regarding the Eighth Circuit Court of Appeals' Decision to Uphold Missouri's Right to Regulate Alcohol Under the 21st Amendment:

"We commend the opinion handed down by the 8th Circuit in the *Sarasota Wine Market v. Schmitt* case that upholds Missouri's law that allows in-state retailers to ship wine to Missouri consumers but prohibits out-of-state retailers from doing the same. In reaching their conclusion, the court recognized that "[t]he licensing requirements and restrictions at issue have been consistently upheld, before and after Granholm and Tennessee Wine, as essential to a three-tiered system that is 'unquestionably legitimate.'" The court also noted that those seeking change to a state system must do so through the legislature as this law is valid.

"Today's decision follows the 6th Circuit's decision in *Lebamoff v. Whitmer* that came out last year on this same issue regarding retailer interstate shipping. Now there are two Courts of Appeals (6th and 8th Circuits) that have upheld the states' ability to allow in-state (but not out-of-state) retailers to ship to in-state consumers as valid under the 21st Amendment. WSWA – with American Beverage Licensees – submitted an amicus brief with the 8th Circuit in support of the state's right to regulate alcohol – taking the 21st Amendment into the 21st Century."

Click [here](#) to read the opinion.

To read a copy of WSWA's Amicus Brief click [here](#).

About Wine & Spirits Wholesalers of America

WSWA is the national trade association representing the distribution tier of the wine and spirits industry, dedicated to advancing the interests and independence of distributors and brokers of wine and spirits. Founded in 1943, WSWA has more than 380 member companies in 50 states and the District of Columbia, and its members distribute more than 80 percent of all wine and spirits sold at wholesale in the United States.

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