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**Municipal Regulation of Alcohol and Tobacco**

According to the Centers for Disease Control and Prevention (CDC) 2013 “Prevention Status Report,” “Excessive alcohol use is responsible for about 88,000 deaths and 2.5 million years of potential life lost in the United States each year,” with 183 of those deaths and 4,335 years of potential life lost attributed each year to Vermont alone. Not to be outdone, smoking, the report found, “is the leading cause of preventable death in Vermont.” In addition to the loss of life, in Vermont “smoking causes \$242 million in personal healthcare expenditures and \$192 million in lost productivity annually.”

What power do municipalities in a Dillon’s Rule state such as Vermont have to help reduce these figures? Probably more than you think. For instance, towns have the authority to:

- prohibit the sale of malt and vinous beverages and/or spirits and fortified wines within their jurisdictional limits (i.e., “dry towns,” such as Athens, Baltimore, Holland, Maidstone, and Weybridge);
- ban the sale of all liquor, but not malt beverages (“wet for beer” towns, including Addison, Granby, Marshfield, Rupert, Tunbridge; and Wolcott); and
- prohibit the possession of open or unsealed containers of alcoholic beverages in public places as well as their consumption.

The State of Vermont also grants a fair amount of discretionary authority to municipalities to regulate smoking. Vermont’s Clean Indoor Air Act already prohibits the possession of lighted tobacco products in any form in most common areas of enclosed public access, but, with few exceptions, leaves the regulation of smoking outdoors up to municipalities. And an ever expanding number of municipalities (the cities of Barre, Burlington, Montpelier, Rutland, and St. Albans) have done just that.

What municipalities may not be able to achieve through town-wide votes, policies, and ordinances they may be able to achieve through zoning and sign regulations. Studies have shown that how your municipality exercises these two powers can have a substantial impact on purchasing habits. But as is the case with most other aspects of municipal regulatory authority in Vermont, the exercise of these powers is not without limit.

For more information about options available to municipalities to regulate the sale and advertising of alcohol and tobacco, municipal officials can email the Municipal Assistance Center at [info@vlct.org](mailto:info@vlct.org) to request a copy of “Vermont Municipal Regulation of Alcohol and Tobacco and Alcohol and Tobacco Advertising,” a report commissioned by the Chittenden County Regional Planning Commission.

Garrett Baxter, Senior Staff Attorney  
VLCT Municipal Assistance Center