



LEVEL DOWN PROVISIONS

Level down language explicitly states that, in the event of a legal challenge, **courts should not interpret the law as granting more privileges but instead limit any expansion of privileges.** Level down language limits the court's ability to misinterpret the legislative intent of the law, ensuring that beverage alcohol laws are made by elected officials, as intended by the 21st Amendment, rather than an activist court.

Through "level down" provisions, states benefit by making their intent clear to protect their authority under the 21st Amendment to determine how beverage alcohol will be distributed in their state.



BENEFITS OF LEVEL DOWN PROVISIONS

MARKETPLACE STABILITY

Level down provisions promote greater regulatory control of beverage alcohol, which leads to a stable, predictable, and healthy marketplace.



ACCOUNTABILITY TO LOCAL VALUES

At the core of the 21st Amendment is the understanding that **alcohol laws should reflect the beliefs and values of the citizens of each state, as enacted by their elected representatives.** Strong state regulatory control has benefited the market by ensuring product integrity, preventing counterfeit products, ensuring honest tax collection, and giving consumers access to the widest variety of products available.



LOCAL CHECKS & BALANCES

Level down provisions reinforce the principle of local control because elected officials are accountable to the voters in a way that the courts are not. **If a statutory provision is struck down by a court, level down provisions make clear the legislature's intent to exercise more, rather than less, control over beverage alcohol, and discourage courts from legislating from the bench.**

MODEL LEGISLATION

"If any provision of this Act, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the legislature to further limit rather than expand commerce in alcoholic liquor and to enhance strict regulatory control over taxation, distribution and sale of alcoholic liquor through the three-tier regulatory system imposed by the Act upon all beverage alcohol."