



Issue Brief: Happy Hour Laws

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Happy Hour Laws

Many states restrict so-called “happy hour” promotions in an attempt to prevent impaired driving and promote public safety. Thirty-two states place some sort of restrictions on what sort of promotions sellers of alcohol may conduct. Of these thirty-two states, twelve states ban any period in which drinks are sold for a reduced price altogether or have regulatory language which has this effect. Some states prohibit any practices which would encourage the excess consumption of alcohol, while some states do not permit vendors to offer alcoholic beverages at a reduced price at any time. Other states prohibit free drinks or two-for-one specials, ban establishment-sponsored drinking games, and/or limit the amount of alcohol that one person may possess at one time. Most states have provisions that provide an exception for private events (like permitting open bars at weddings) or for hotels to provide complementary alcohol. The other twenty states that limit happy hours but do not completely ban them take varied approaches to disincentivize these practices.

The states that restrict happy hours but do not ban them take one of three approaches to do so. Some states restrict the time in which drinks can be sold for a reduced price, others limit the discount that vendors may put on drinks, and the rest merely ban promotions in which people pay a flat fee for unlimited drinks. Eight states place temporal restrictions on happy hours, either limiting the time of day in which drinks may be offered for reduced prices or by giving a set amount of time per day during which vendors may offer specials. Eight states limit the discount that sellers may offer on drinks, some not allowing discounts of more than half, while others only mandate that drinks must be sold for at least how much they cost



the seller to purchase. Finally, six states only ban specials during which unlimited drinks may be acquired for a set price. Many of these provisions, particularly the ban on unlimited drinks, also appear in regulations which completely ban happy hours.

The states which restrict happy hours use two different methods to do so. Half of the states curtailing the practice use administrative codes, while the other sixteen states place the restrictions in their statutes. The states which treat the matter in their administrative codes have merely delegated the matter to their state’s alcoholic beverage commission and given them the power to make whatever rules they feel are best.

Tables

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| States in which Happy Hours are Banned: | (12 states) – Alaska, Delaware, Hawaii, Illinois, Indiana, Maine, Massachusetts, North Carolina, Oklahoma, Rhode Island, Utah, Vermont |
| States that put Temporal Restrictions on Happy Hours: | (8 states) – Alabama, Louisiana, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia |
| States that put Discount Amount Restrictions on Happy Hours: | (8 states) – Arkansas, Kansas, New Mexico, New York, South Carolina, Tennessee, Virginia, Washington |
| States which only ban unlimited drinks: | (6 states) – Arizona, Connecticut, Michigan, Nebraska, New Hampshire, New Jersey |
| States with no Bans or Restrictions on Happy Hours: | (18 states + D.C.) – California, Colorado, District of Columbia, Florida, Georgia, Idaho, Iowa, Kentucky, Maryland, Minnesota, Mississippi, Missouri, Montana, Nevada, North Dakota, South Dakota, West Virginia, Wisconsin, Wyoming |

**Note: South Carolina & Virginia place both temporal restrictions and discount amount restrictions on happy hours



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| States which use Administrative Codes to Regulate Happy Hours | (16 states) – Alabama, Arkansas, Connecticut, Delaware, Massachusetts, Michigan, Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Texas, Vermont, Virginia, Washington |
| States which use Statutes to Regulate Happy Hours | (16 states) – Alaska, Arizona, Hawaii, Illinois, Indiana, Kansas, Louisiana, Maine, New Hampshire, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah |

More information, including the text of each state’s applicable law (if any), can be found in the [attached spreadsheet](#).

Online legal research provided by LexisNexis.

