

Enactment of State Prohibition Laws, 1851-1924

Year of prohibition	State	Method	Notes
First Prohibition Wave/ "Maine Law" Wave			<p>This does not include Illinois or Ohio, which in the 1850s experimented with strict licensing regimes that some consider as enacting statewide prohibition, nor Wisconsin, where an 1855 gubernatorial veto blocked legislative enactment even after an approving advisory referendum in 1853.</p> <p>Not all of these laws went into effect during the year of passage; foreshadowing national prohibition, one-to-two-year lags between passage and effectiveness were common.</p>
1851	Maine	Legislative Bill	Repealed in 1856, re-enacted 1858, constitutionalized in 1884 during second wave.
1852	Massachusetts		Repealed in 1868, re-enacted 1869, repealed 1875
	Minnesota		Repealed in 1858
	Rhode Island		Repealed in 1874, re-enacted by constitutional amendment 1886, repealed 1889
	Vermont		Repealed in 1903
1853	Michigan		Repealed in 1875
1854	Connecticut		Repealed in 1872
1855	Delaware		Repealed in 1857
	Indiana		Overturned by courts in 1858
	Iowa		Repealed/overturned piecemeal over course of 1856/1857. Constitutional amendment passed in 1882 overturned by courts on procedural grounds. Statutorily re-enacted in 1884, Mulct Law effectively suspends in 1893 with licensing
	Nebraska		Repealed in 1858
	New Hampshire		Repealed in 1903
	New York		Overturned by New York courts in <i>Wynehamer v. People of New York</i> (1856)
Second Prohibition Wave			As of 1880, Maine, New Hampshire, and Vermont maintained their prohibition laws. After 1880 first wave states Iowa and Rhode Island briefly re-enacted their laws, in addition to the states below enacting new ones.
1880	Kansas	Constitutional Amendment	
1889	North Dakota	Constitution: (upon statehood)	Amendment voted on concurrently as separate issue when accepting state constitution
	South Dakota	Constitutional (upon statehood)	Amendment voted on concurrently as separate issue when accepting state constitution; repealed 1896
Third Prohibition Wave			As of 1906, Maine was the only first-wave state to maintain its prohibition laws, in addition to second-wave states Kansas and North Dakota. South Dakota and Iowa repealed their more recent laws, while in 1903 both New Hampshire and Vermont finally repealed their longstanding laws.

1907	Georgia	Legislative Bill	
	Oklahoma	Constitution (upon statehood)	Amendment voted on concurrently as separate issue when accepting state constitution
1908	Mississippi	Legislative Bill	
	North Carolina	Legislatively Authorized Referendum	
1909	Tennessee	Legislative Bill	
1912	West Virginia	Constitutional Amendment	
1914	Virginia	Legislatively Authorized Referendum	
	Oregon	Constitutional Amendment	
	Colorado	Constitutional Amendment	
	Arizona	Constitutional Amendment	
	Washington	Legislative Bill and Referendum	Technically extremely strict licensing requirement passed by referendum in 1914 and effective 1916; considered by most observers as prohibition; bone-dry law legislatively enacted in 1917 and upheld by referendum year after
1915	Alabama	Legislative Bill	Prohibition enacted in 1908 but repealed by 1911
	Arkansas	Legislative Bill	
	Iowa	Legislative Bill	Legislature repeals Mule Law, effective 1916; legislatively referred constitutional amendment narrowly fails by roughly 1000 votes in 1917
	Idaho	Legislative Bill	Also constitutionalized in 1916
1916	South Carolina	Legislatively Authorized Referendum	
	Montana	Constitutional Amendment	
	South Dakota	Constitutional Amendment	
	Michigan	Constitutional Amendment	
	Nebraska	Constitutional Amendment	
1917	Indiana	Legislative Bill	
	New Hampshire	Legislative Bill	
	Utah	Legislative Bill	Also constitutionalized in 1918
	Washington, D.C.	Congressional Bill	
1917 December 18	Eighteenth Amendment Proposed		Sources split on whether there were 26 or 27 dry states, not including Washington D.C., at the start of World War I. The difference comes in counting New Mexico as 1917 or 1918 (see below).
1918	New Mexico	Constitutional Amendment	The legislature passed a bill in spring 1917 authorizing a constitutional prohibition amendment, but which was not voted on until the follow year. See SB21 <i>JS NM 1917</i> , 85-86, 161; <i>JH NM 1917</i> , 227-228.

	Texas	Legislative Bill	Also constitutionalized in 1919
	Ohio	Constitutional Amendment	Ohio reverses to pass prohibition after refusing in 1917 referendum; 1919 amendment modifying definition of intoxicating to exempt ABV of less than 2.75% narrowly fails
	Wyoming	Constitutional Amendment	
	Florida	Constitutional Amendment	
	Nevada	Popular Referendum	
1919 January 16	Eighteenth Amendment Ratified		
1919	Kentucky	Constitutional Amendment	
	Delaware	Legislative Bill	Klair Act
1920 January 16	Eighteenth Amendment Effective		
1920	Missouri	Constitutional Amendment	Reverses to pass after voter refusal in 1918 referendum; referendum to repeal fails overwhelmingly in 1926
	Wisconsin	Legislative Bill	Mulberger Act- approved in referendum held in 1920 election under direction of by 1919 legislature. Modified by Severson Act in 1921
1920 June 7	National Prohibition Cases Uphold Eighteenth Amendment and Volstead Act		
1921	Illinois	Legislative Bill	
	New York	Legislative Bill	Mullan-Gage Act
	New Jersey	Legislative Bill	Van Ness Act: veto overruled, but act overturned by courts; new law (Hobart Act) passed in 1922
	Louisiana	Legislative Bill	Hood Act
	Connecticut	Legislative Bill	
	Vermont	Legislative Bill	Referendum to implement prohibition narrowly failed in 1916
	Minnesota	Legislative Bill	Constitutional amendment narrowly failed in 1918, garnering majority voting on issue but not majority of all ballots cast
1922	Rhode Island	Legislative Bill	Had failed in 1921
	California	Legislative Bill	California voters reject prohibition in 1916 referendum. Legislature passes (Harris Act) in 1919; voters kill in 1920. Legislature passes (Wright Act) in 1921, voters allow in 1922.
1923	Pennsylvania	Legislative Bill	Snyder Act; updates 1921 Woner Act which created local licensing for low ABV drinks

1923/4	Massachusetts	Legislative Bill	After postponement in previous sessions, legislature passes in 1922, voters kill in November 1922. Legislature passes (Brimblecom Act) in 1923, voters allow in 1924.
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Sources:

Lee J. Vance, "The Fight for More Anti-Liquor Legislation," *Case and Comment: The Lawyer's Magazine* 23 (Rochester: Lawyer's Cooperative Publishing Company, 1917), 40; Szymanski, *Pathways to Prohibition*, 271; Merz, *Dry Decade*, 307-9; Boeckel, "States and the Prohibition Amendment"; Chuck Cecil, *Prohibition in South Dakota* (Charleston, Arcadia Publishing, 2016), 209; Norman H. Clark, *The Dry Years: Prohibition and Social Change in Washington*, (Seattle: University of Washington Press 1988), 130-36; Sellers, *Prohibition Movement in Alabama*, "Chronology of Prohibition," *BG*, 1930/1/16, 13 "State Constitutional Amendments Considered", Minnesota Legislative Reference Library, <https://www.leg.state.mn.us/lrl/mngov/constitutionalamendments#p>; "Ohio Constitution, Table of Proposed Amendments," Cleveland Marshall College of Law, <http://guides.law.csuohio.edu/c.php?g=190570&p=1258419>

Repeal of State Concurrent Enforcement Laws, 1920-1932			
Year of Repeal	State	Method	Notes
1920-	Maryland	Refusal to Pass*	*Never repealed as never passed
1920	California	Referendum: Repeal of Legislative Bill	Repeal vote overridden by legislature in 1921. Repeal votes fail in 1922, 1926
1923	New York	Legislative Bill: Repeal	
	Nevada	Legislative Bill: Repeal and re-enactment via obviously defective prohibition bill struck by courts as expected	
1926	Montana	Referendum: Repeal of Constitutional Amendment	Referendum to restore fails in 1928
1929	Wisconsin	Legislative Authorized Referendum and Legislative Bill:	Advisory repeal of Severson Act implemented by legislature
1930	Massachusetts	Referendum: Repeal	
1932	Rhode Island	Legislative Repeal	
	New Jersey	Legislatively authorized referendum repeal	
	Louisiana	Legislatively authorized referendum repeal	
	Arizona	Referendum repeal	
	California	Referendum repeal	
	Colorado	Referendum repeal	
	Michigan	Referendum repeal	
	Oregon	Referendum repeal	
	Washington	Referendum repeal	

On the ambiguity of the term “intoxicating liquor”:

From the beginning, the ASL recognized that anti-prohibition forces would focus not simply on repealing concurrent enforcement but on changing the definition of “intoxicating,” quickly branding such attempts (whether by Congress or states) as nullification. (“Anderson Fears Nullification of Prohibition Law,” *New York Tribune*, 1/26/1920, 4.)

For collections of various state cases suggesting ambiguity in that definition see, Howard Clifford Joyce, *The Law Relating to Intoxicating Liquors: A Treatise Covering the Construction and Application of All Constitutional and Statutory Provisions Relating to the Traffic in Intoxicating Liquors and Prosecutions for Violations of the Liquor Laws* (New York: Bender and Company, 1910).

For examples of subsequent state level objections:

“Dry States Differ on Intoxicants,” *New York Times*, 2/23/1919, 21; “When is Beer Intoxicating?” *New York Tribune*, 3/21/1919, 12; “Wets Train Guns on State House,” *BG* 2/10/1920, 1; “Dry Leader Replies to Wets’ Arguments: Wayne Wheeler Before Legislative Committee,” *Boston Globe*, 2/12/1920, 16; “The Illinois Prohibition Referendum,” *Chicago Tribune*, 10/26/1930, 14; “Asks Michigan to Legalize Beer and Wine,” *Chicago Tribune*, 1/14/1931, 10.

The Anti-Saloon League compiled slightly different definitions of intoxicating—though all of which included beer. “Legal Definitions of Intoxicants,” *Christian Science Monitor*, 6/5/1919, 13,

For the first set of congressional debates on “intoxicating” in 1919 see “Prohibiting Intoxicating Beverages,” United States Senate Judiciary Committee, 66th Congress, First Session, 6/14/1919; and “Ask House to Kill Wartime Dry Law,” *New York Times*, 7/8/1919, 15; “Dry Enforcing Bill Assailed at Three Points,” *NYTR*, 7/8/1919, 6.

Elihu Root, William Guthrie, and Emory Buckner had already tried to argue that “intoxicating liquors” as used in federal law required a factual test. For the text of Elihu Root’s memo to brewers arguing 2.75% ABV beer fell outside the definition of intoxicating based on tests he had administered, see “Volstead Dry Bill Unconstitutional in Root’s Opinion,” *New York Times*, 8/5/1919, 1 and for the brewers manufacturing 2.75% ABV beer to force the test case, see “Brewers Plan to Defy Court after Jan. 16,” *Baltimore Sun*, 1/7/1920, 1. Judge Augustus Hand in a district court case agreed that 2.75% beer was not covered under wartime prohibition. “Brewers Win First Skirmish in Legal Fight,” *New York Tribune* 5/18/1919, 1.