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Definition of "Beer" in terms of ABV or ABW, by State

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The default definition for "beer" under federal law is greater than 0.5% alcohol by volume (ABV). With the recent rise in home and microbrewing, some states have implemented more specific definitions of what may be labeled and sold as "beer." The chart below lays out applicable state law dealing with the definition of beer, whether it is defined as ABV or alcohol by weight (ABW), and any additional distinctions dealing with the definition of beer. Notably, some states have begun to add distinctions between the definitions of low and high alcohol content beers. This research was limited to state Alcohol and Beverage Codes and corresponding state regulatory codes. These laws are current through 2017 legislative sessions.

STATE	Citation	ABV	ABW	Additional Information
ALABAMA	Ala. Code 28-3-1 (3)	0.5% - 13.9%		
ALASKA	Alaska Stat. Ann. § 01.21.080 (b)(1)	0.5% +		
ARIZONA	Ariz. Rev. Stat. Ann. § 4-101 (3), (33)	0.5% +		
ARKANSAS	Ark. Code Ann. § 3-1-102 (5)(B)		5%	
CALIFORNIA	Cal. Bus. & Prof. Code § 23006	0.5% +		
COLORADO	Colo. Rev. Stat. Ann. § 12-46-103	0.5% - 4%		
CONNECTICUT	Conn. Gen. Stat. Ann. § 30-1 (3), (5)	0.5% +		
DELAWARE	Del. Code Ann. tit. 4 § 101 (5)	0.5% +		
FLORIDA	Fla. Stat. Ann. § 563.01 (1)	< 6.0%		
GEORGIA	Ga. Code Ann. § 3-1-2	< 14%		
HAWAII	Haw. Rev. Stat. Ann. § 244D-1	N/A		
IDAHO	Idaho Code Ann. § 23-1002	< 6.0%		
ILLINOIS	815 Ill. Comp. Stat. Ann. 720/1.1	0.5% +		
INDIANA	Ind. Code Ann. 7.1-1-3-6	0.5% +		
IOWA	Iowa Code Ann. § 123.3 (7)	0.5% - 6.25%	< 5%	
KANSAS	Kan. Stat. Ann. § 41 - 102 ©		3.20%	grocery stores & gas stations may sell < 3.2% ABW
KENTUCKY	Ky. Rev. Stat. Ann. § 241.010	1% +		
LOUISIANA	La. Stat. Ann. 26:241	0.5% +		Differentiates b/t beverages of low alcohol content (<6% ABV) and high alcohol content (>6% ABV).

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MAINE	Me. Rev. Stat. Ann. Tit. 28-A § 2 (18)	0.5% +		
MARYLAND	Md. Code Ann., Al. Bev., § 1-101 ©	< 6.0%		
MASSACHUSETTS	Mass. Gen. Laws Ann. Ch. 138 § 1	0.5% +		Malt Beverages < 12% ABW
MICHIGAN	Mich. Comp. Laws Ann. 436.1105 (6)	0.5% +		
MINNESOTA	Minn. Stat. Ann. § 340A.101	0.5% +		Courts have said 3.2 beer must be labeled and is intoxicating.
MISSISSIPPI	Miss. Code Ann. § 67-3-3 (d)		< 8.0%	
MISSOURI	Mo. Ann. Stat. § 311.020, 490	0.5% +		"non-intoxicating beer" < 3.2%; "in the case of beer with an alcohol content of more than 6% by volume, no more than 1.5% of volume of beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol"
MONTANA	Mont. Code Ann. § 16-1-106 (5)	Malt Beverage < 8.75%; or alcoholic beverage < 14%		
NEBRASKA	Neb. Rev. St. § 53-103.02-03; .43	0.5% +; flavored malt beverage < 6%		
NEVADA	Neb. Rev. Stat. Ann. § 369.040	0.5% +		
NEW HAMPSHIRE	N.H. Rev. Stat. Ann. § 175:1	beer - N/A; specialty beer > 6% - 12%		
NEW JERSEY	N.J. Stat. Ann. § 33:1-1	0.5% +		
NEW MEXICO	N.M. Stat. Ann. § 7-17-2 (B)	0.5% +		
NEW YORK	N.Y. Alco. Bev. Cont. Law § 3 (3)	N/A	N/A	Advertising of alcoholic content of beer prohibited by § 84.5
NORTH CAROLINA	N.C. Gen. Stat. Ann. § 18B-101	0.5% - 15.0%		> 6% must be labeled with content
NORTH DAKOTA	N.C. Cent. Code Ann. § 5-01-01 (3)	0.5% +		
OHIO	Ohio. Rev. Code Ann. § 4301.01 (B)(2)	0.5% +		12% ABV is "high alcohol beer" under .03(4). NOTE - removed May 2016

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OKLAHOMA	Okla. Stat. Ann. Tit. 37 § 506(5)	N/A; See Additional Note	N/A	3.2% ABV beer declared to be intoxicating by § 163.1; NOTE - < 3.2% by weight definition was repealed by 2016 Okla. Sess. Law Serv. Ch. 366 (SB 383); > 4% may be sold, but not refrigerated.
OREGON	Or. Rev. Stat. Ann. § 471.001, § 471.448	> 0.5 %; < 6% for malt beverages		
PENNSYLVANIA	47 Pa. Stat. and Const. Stat. Ann. § 1-102	0.5% +		
RHODE ISLAND	R.I. Gen. Laws, § 31-10.3-3 (2)	0.5% +		
SOUTH CAROLINA	S.C. Code Ann. § 61-4-10(1)		> 5%	14% ABW cap on beer
SOUTH DAKOTA	S.D. Codified Laws § 35-1-9.2 (3)	0.5% - 14%		
TENNESSEE	Tenn. Code Ann. § 57-5-101(b)			> 8% ABW must be sold in liquor store
TEXAS	Tex. Alco. Bev. Code Ann. § 1.04 (15)	0.5% +	< 4%	
UTAH	Utah Code Ann. § 32B-1-102 (10)	0.5% - 4.0%	3.20%	> 4% ABV is "heavy beer" under (47)
VERMONT	Vt. Stat. Ann. tit. 7 § 2 (15)	1% - 16%		8% - 16% ABV is "specialty beer" under (36)
VIRGINIA	Va. Code Ann. § 4.1-100	0.5% +		
WASHINGTON	Wash. Rev. Code Ann. § 66.04.010 (26)	0.5% +	< 8.0%	> 8% is "strong beer" under (26)
WEST VIRGINIA	W. Va. Code Ann. § 11-16-3 (8)	0.5% - 12%	< 9.6%	
WISCONSIN	Wis. Stat. Ann. § 125.02(6)	0.5% +		
WYOMING	Wyo. Stat. Ann. § 12-1-101(a)	0.5% +		
DISTRICT OF COLUMBIA	D.C. Code Ann. 25-101 (5), (10)	0.5% +		
PUERTO RICO	P.R. Laws Ann. Tit. 13 § 32401	0.5% +		

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