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CITY OF BURLINGTON, VERMONT  
OFFICE OF  
THE CITY ATTORNEY  
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To: House Government Operations Committee Members  
From: Burlington City Attorney's Office  
Re: Firearms in drinking establishments

Currently, sixteen states have laws that ban the possession of open and/or concealed firearms in drinking establishments such as taverns and bars, or in the bar-sections of restaurants. These include; Alaska, Arkansas, Florida, Illinois, Kentucky, Louisiana, Michigan, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Washington, and Wyoming. Mississippi does not allow regular concealed carry permit holders to enter into a bar, but does allow permit holders who attend an additional 8-hour "enhanced" class to carry concealed firearms in a bar or tavern. California has no statute banning firearms in bars, but prohibits concealed carry in bars as part of its permit application process.

In most other states, the law is silent on whether firearms may be carried in establishments that predominantly serve alcohol. Other states, such as Wisconsin, only allow the carrying of firearms in a drinking establishment if a person possesses a concealed carry permit and is not consuming alcohol. Wis. Stat. § 941.237(3)(cx).

Statutes banning firearms in bars:

1. Alaska: §11.61.220.
2. Arkansas: AR Code §5-73-306(12-13)
3. Florida: §790.06(12).
4. Illinois: §430 ILCS 66/65(a)(9). (This statute also places an affirmative duty on bar owners to expel anyone they are aware is carrying a concealed firearm in their establishment.)
5. Kentucky: §237.110 (16)(e).
6. Louisiana: La. Rev. Stat. §40:1379.3(N).
7. Michigan: §28.424o, Sec. 5o(1)(d).
8. Montana: §45-8-328(1)(c). (A concealed carry permit is no defense to a violation of this law.)
9. Nebraska: §69-2441(1)(a). (Banned where more than 50% of profits come from alcohol sales.)
10. New Mexico: N.M.S.A. 1978 §30-7-3(A)(4). (Firearms allowed in liquor stores and restaurants that only serve alcohol and wine and derives no less than 60% of gross receipts

from food. A violation of this statute if there is a sign prohibiting the carrying of a firearm in the restaurant.)

11. North Dakota: §62.1-02-04(1). (Cannot be in the bar area of a restaurant.)
12. Oklahoma: 21 Okl.St. Ann. §1272.1(A).
13. South Dakota: §23-7-8.1. (Cannot carry a concealed firearm into an establishment that derives more than 50% of its income from the sale of malt or alcoholic beverages.)
14. Texas: V.T.C.A. Penal Code §46.035(b). (Cannot carry any firearm on the premises of a business that derives 51% or more of its income from the sale or service of alcoholic beverages for on-site consumption. Businesses need to place “51%” stickers on their businesses if firearms are prohibited due to the amount of alcohol sales.)
15. Washington: RCW §9.41.300(1)(d). (Firearms are not allowed in the bar-portion of restaurants.)
16. Wyoming: WY Stat §6-8-104(t)(vii). (Firearms not allowed in portion of the establishment primarily devoted to dispensing alcoholic liquor and malt beverages.)
17. California Concealed Carry Weapon Application:

“While exercising the privilege granted under the terms of this license, licensees shall not:

- Consume any alcoholic beverage.
- Be in a place having a primary purpose of dispensing alcoholic beverages for on-site consumption.”

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.