



## 2011 SENATE BILL 395

1     **AN ACT** *to renumber and amend* 125.06 (3); *to amend* 125.06 (3) (title) and  
2           125.10 (1); *to repeal and recreate* 139.04 (1); and *to create* 125.02 (6m),  
3           125.06 (3) (a) 2. and 3., (b) and (c) and 125.06 (3m) of the statutes; **relating to:**  
4           homemade wine and fermented malt beverages.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5           **SECTION 1.** 125.02 (6m) of the statutes is created to read:  
6           125.02 **(6m)** "Homemade," with respect to the making of wine and fermented  
7           malt beverages, means wine and fermented malt beverages made by a person's own  
8           efforts and not for a commercial purpose, but does not require that the wine or  
9           fermented malt beverages be made in the person's home.  
10          **SECTION 2.** 125.06 (3) (title) of the statutes is amended to read:

**SENATE BILL 395****SECTION 2**

1           125.06 (3) (title) ~~HOMEMADE~~ THE MAKING OF HOMEMADE WINE OR FERMENTED MALT  
2 BEVERAGES.

3           **SECTION 3.** 125.06 (3) of the statutes is renumbered 125.06 (3) (a) (intro.) and  
4 amended to read:

5           125.06 (3) (a) (intro.) The ~~manufacture of~~ making of homemade wine or  
6 fermented malt beverages ~~of any alcoholic content, and the possession,~~  
7 transportation, or storage of homemade wine or fermented malt beverages, by any  
8 person at his or her home, farm or place of residence if the wine or fermented malt  
9 beverages is to be consumed by that person or his or her family and guests, and if the  
10 if all of the following apply:

11           1. The person manufacturing who makes the wine or fermented malt beverages  
12 receives no compensation.

13           **SECTION 4.** 125.06 (3) (a) 2. and 3., (b) and (c) of the statutes are created to read:

14           125.06 (3) (a) 2. The wine or fermented malt beverages are not sold or offered  
15 for sale.

16           3. The total quantity of wine or fermented malt beverages made, in a calendar  
17 year, by the person and any other person living in the same household does not exceed  
18 100 gallons if the household has only one person of legal drinking age or 200 gallons  
19 if the household has 2 or more persons of legal drinking age.

20           (b) A person who makes, possesses, transports, or stores homemade wine or  
21 fermented malt beverages in compliance with the limitations specified in par. (a) is  
22 not a brewer or a manufacturer of wine for purposes of this chapter.

23           (c) Homemade wine or fermented malt beverages made in compliance with the  
24 limitations specified in par. (a) may be consumed by the person who made it and his  
25 or her family, neighbors, and friends at any private residence or other private

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1 location where the possession and consumption of alcohol is permissible under this  
2 chapter, local ordinances, and other applicable law. This paragraph does not apply  
3 to licensed premises.

4 **SECTION 5.** 125.06 (3m) of the statutes is created to read:

5 **125.06 (3m)** THE USE OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES FOR  
6 COMPETITIONS OR EXHIBITIONS OR SIMILAR PURPOSES. (a) The use of homemade wine or  
7 fermented malt beverages made in compliance with the limitations specified in sub.  
8 (3) (a) for purposes of exhibition, demonstration, judging, tasting, or sampling or as  
9 part of a contest or competition, if the exhibition, demonstration, judging, tasting,  
10 sampling, contest, or competition is held at a private residence or on a licensed  
11 premises. Homemade wine or fermented malt beverages used for purposes described  
12 in this paragraph, including the submission or consumption of such wine or  
13 fermented malt beverages, are not considered sold or offered for sale under sub. (3)  
14 (a) 2. and any prize awarded at a contest or competition or as a result of an exhibition,  
15 demonstration, judging, tasting, or sampling is not considered compensation under  
16 sub. (3) (a) 1., but no fee may be charged for consumption of the homemade wine or  
17 fermented malt beverages at the exhibition, demonstration, judging, tasting,  
18 sampling, contest, or competition.

19 (b) Notwithstanding ss. 125.14 (5), 125.315, 125.32 (6) (a), 125.34 (2) and (5),  
20 and 125.67, a person who is not a licensee under this chapter may at a private  
21 residence, and a person who is a licensee under this chapter may on the licensed  
22 premises, conduct, sponsor, or host a contest, competition, or other event for the  
23 exhibition, demonstration, judging, tasting, or sampling of homemade wine or  
24 fermented malt beverages made in compliance with the limitations specified in sub.  
25 (3) (a) if the person does not sell the wine or fermented malt beverages and, unless

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1 the person is the maker of the wine or fermented malt beverages, does not acquire  
2 any ownership interest in the wine or fermented malt beverages. No fee may be  
3 charged for consumption of homemade wine or fermented malt beverages at the  
4 contest, competition, or other event. If the contest, competition, or other event is held  
5 on licensed premises, the licensee may allow the homemade wine or fermented malt  
6 beverages to be stored on the premises if the homemade wine or fermented malt  
7 beverages are clearly identified and kept separate from any alcohol beverages owned  
8 by the licensee. If the contest, competition, or other event is held on licensed  
9 premises, the provisions of ss. 125.32 (7) and 125.68 (9) (e) do not apply with respect  
10 to the homemade wine or fermented malt beverages. If the contest, competition, or  
11 other event is held on licensed premises, the licensee shall comply with all provisions  
12 of this chapter and local ordinances that would apply if the fermented malt beverages  
13 or wine were not homemade, except those provisions made specifically inapplicable  
14 under this paragraph.

15 **SECTION 5m.** 125.10 (1) of the statutes is amended to read:

16 125.10 (1) AUTHORIZATION. Any municipality may enact regulations  
17 incorporating any part of this chapter and may prescribe additional regulations for  
18 the sale of alcohol beverages, not in conflict with this chapter. The municipality may  
19 prescribe forfeitures or license suspension or revocation for violations of any such  
20 regulations. Regulations providing forfeitures or license suspension or revocation  
21 must be adopted by ordinance. Any municipality may, by ordinance, regulate  
22 contests, competitions, or other events for the exhibition, demonstration, judging,  
23 tasting, or sampling of homemade wine or fermented malt beverages.

24 **SECTION 6.** 139.04 (1) of the statutes, as affected by 2011 Wisconsin Act ....  
25 (Assembly Bill 290), is repealed and recreated to read:

