

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3101/P1dn
ARG:wlj:rs

October 24, 2011

ATTN: Mike Boerger

Please review the attached draft carefully to ensure that it is consistent with your intent.

The existing statute, s. 125.06 (3), uses the term “homemade” in the title and the instructions also use the term. However, the term, which is not presently defined by statute, is ambiguous, as there are at least two significantly different definitions in the dictionary: “1 a: made or prepared in the home or on the premises b: constructed, produced, or acquired by one’s own efforts.” *Webster’s Third New International Dictionary* (1986). I have therefore created a definition of the term in this draft to avoid a construction that requires the wine or beer to be made in the maker’s own home.

The Alcohol and Tobacco Tax and Trade Bureau (TTB) in the U.S. Department of Treasury is the federal regulator for alcohol beverages. The provisions of this draft overlap with regulations established by the TTB in 27 CFR 24.75, 25.205, and 25.206, but the draft is not identical to the federal requirements. While the concepts in this draft are similar, the draft does not use the language under federal law that the homemade wine and beer be “for personal or family use.” Although this term seems to be interpreted broadly under federal law, the similar limitation under state law is removed in this draft, in accordance with the drafting instructions.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

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