

2011 DRAFTING REQUEST

Bill

Received: 10/05/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Michael Ellis (608) 266-0718

By/Representing: Mike

May Contact:

Drafter: agary

Subject: Beverages

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Ellis@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Homemade wine and beer

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State Tax
/P1	agary 10/11/2011	wjackson 10/21/2011	rschluet 10/24/2011	_____	sbasford 10/24/2011		State Tax
/1	agary 01/04/2012	jdyer 01/05/2012	phenry 01/05/2012	_____	sbasford 01/05/2012	ggodwin 01/05/2012	

FE Sent For: *At into 1/29/2012*

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Wanted: **As time permits**

Companion to LRB:

For: **Michael Ellis (608) 266-0718**

By/Representing: **Mike**

May Contact:

Drafter: **agary**

Subject: **Beverages**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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FE Sent For:

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Wanted: **As time permits**

Companion to LRB:

For: **Michael Ellis (608) 266-0718**

By/Representing: **Mike**

May Contact:

Drafter: **agary**

Subject: **Beverages**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Ellis@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Homemade wine and beer

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**Instructions:**

See attached

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/?		1/5 jld	1/5 ph				State Tax
/P1	agary 10/11/2011	wjackson 10/21/2011	rschluet 10/24/2011		sbasford 10/24/2011		

FE Sent For:

<END>

**2011 DRAFTING REQUEST**

**Bill**

Received: 10/05/2011

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Michael Ellis (608) 266-0718**

By/Representing: **Mike**

May Contact:

Drafter: **agary**

Subject: **Beverages**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Ellis@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Homemade wine and beer


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**Instructions:**

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary	/pl wlj 10/21/11		_____	_____		

FE Sent For:

<END>



**Michael G. Ellis**  
SENATE PRESIDENT

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WISCONSIN STATE SENATE

TO: Aaron Gary

FROM: Mike Boerger for Senator Ellis

RE: Drafting Request

Date: October 5, 2011

Aaron, per our telephone conversation, please draft the following for introduction as a bill.

Thank you.

**125.06 License and permit exceptions.** No license or permit is required under this chapter for:

~~(3) **Homemade wine or fermented malt beverages.** The manufacture of wine or fermented malt beverages of any alcoholic content by any person at his or her home, farm or place of residence if the wine or fermented malt beverages is to be consumed by that person or his or her family and guests, and if the person manufacturing the wine or fermented malt beverages receives no compensation.~~

(3) **Homemade wine or fermented malt beverages.** (a) The making of homemade wine or fermented malt beverages by any person, if the total of the homemade wine or fermented malt beverages made during a calendar year does not exceed one hundred gallons in a household having one person of legal drinking age or two hundred gallons in a household having two or more persons of legal drinking age, and if the homemade wine or fermented malt beverages is not sold or offered for sale. For purposes of this Chapter, a person who makes homemade wine or fermented malt beverages is not a "brewer" or "manufacturer" as those terms are defined in s. 125.02, as long as the person making the homemade wine or fermented malt beverages receives no compensation.

(b) The possession, storage, or transportation of any such homemade wine or fermented malt beverages, or the mash or wort produced for the purpose of making such homemade wine or fermented malt beverages.

(c) The demonstration, judging, tasting, sampling, exhibition, contest or competition of such homemade wine or fermented malt beverages. An owner, lessee, or person in charge of a public place, including a brewer, licensee, or permittee under this Chapter, may conduct, sponsor, or host a demonstration, judging, tasting, sampling, exhibition, contest, or competition of homemade wine or fermented malt beverages at the public place or the premises described in the license or permit, as long as they do not acquire any ownership interest in or sell the homemade wine or fermented malt beverages. A licensee or permittee may allow homemade wine or fermented malt beverages to be stored at the premises described in the license or permit if the homemade wine or fermented malt beverages are clearly identified and kept separate from the alcohol beverage stock of the licensee or permittee. The possession, storage, providing, or consumption of homemade wine or fermented malt beverages as part of a demonstration, judging, tasting, sampling, exhibition, contest or competition is not a violation of ss. 125.09 (1), 125.14 (5), 125.315, 125.32 (6) or 125.67, and the labeling requirements of s. 125.32 (7) do not apply to homemade wine or fermented malt beverages kept or served as part of such events or activities. Homemade wine or fermented malt beverages submitted or consumed as part of a demonstration, judging, tasting, sampling, exhibition, contest, or competition are not "sold or offered for sale", and a prize awarded at such demonstration, judging, tasting, sampling, exhibition, contest, or competition is not "compensation" for purposes of the exception set forth in s.125.06(3)(a).

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**139.04 Exclusions.** No tax is levied by ss. 139.02 and 139.03 in respect to:

~~(1) Making of wine, cider or fermented malt beverages at home solely for consumption therein and use thereof in such home by the family and guests without compensation.~~

(1) Making, possessing, storing, transporting, or consuming homemade wine or fermented malt beverages produced in accordance with s. 125.06 (3) (a), or conducting, sponsoring, or hosting a demonstration, judging, tasting, sampling, exhibition, contest or competition of homemade wine or fermented malt beverages as described in s. 125.06 (3) (c).

**Gary, Aaron**

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**From:** Gary, Aaron  
**Sent:** Friday, October 07, 2011 9:36 AM  
**To:** Boerger, Michael  
**Subject:** Homebrew/winemaking draft

Hi Mike,

I received the instructions and entered this request as LRB-3101. Much of the language tracks federal guidance. The proposed language is helpful but I will have many modifications to make it fit with Wis. stats.

There is an inconsistency in the proposed language that I need to clear up before I start drafting. The general rule is that if you make or transport beer, you have to have a brewer's permit and pay excise tax on the beer (same goes for wine). The existing statutory provisions create an exception for homebrewers and home-winemakers. This bill modifies those exceptions.

The instructions seem to say two contradictory things:

- 1) You are exempt from the permit and tax requirements if you make less than a certain amount (100 gallons/200 gallons per year) and what you make is not sold or offered for sale; and
- 2) You are exempt from the permit and tax requirements if you make homemade wine or beer and receive no compensation.

I see these as somewhat inconsistent. The questions arises: What happens if you make more than the specified amount of homemade beer or wine but don't sell it and receive no payment for your efforts? Under 1), you are not exempt and must register as a brewer (plus pay tax on what you product); but under 2), you are exempt and don't have to be registered as a brewer (or pay tax), which seems to make the quantity limit a little toothless.

Can you offer any guidance on this issue (ie the criteria that would exempt a person from registration as a brewery or winery)?

Thanks. Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

10/7 H/c w/ Mike

@ wants to keep the gallon  
limit in





State of Wisconsin  
2011 - 2012 LEGISLATURE

SOON



LRB-3101/P1

ARG:.....

in  
10/11

WLJ

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

D-note

Gen Cat

1 AN ACT ...; relating to: homemade wine and fermented malt beverages.

***Analysis by the Legislative Reference Bureau***

Under current law, a person is not required to hold a license or permit to make wine or fermented malt beverages (beer) at his or her home, farm, or place of residence if the wine or beer is to be consumed by the person or his or her family and guests and if the person receives no compensation. Also under current law, a person is not required to pay an occupational tax on wine or beer made at home solely for consumption at home by the person's family and guests, without compensation.

This bill significantly modifies the standards for the production and use of homemade wine and beer for which a license or permit is not required and for which occupational taxes are not owed. Under the bill, "homemade" wine and beer is wine and beer made by a person's own efforts and not for a commercial purpose, and is not limited to wine or beer made in the person's home. Under the bill, no license or permit is required for the making of homemade wine or beer, and the possession, transportation, or storage of homemade wine or beer, if all of the following apply: 1) ~~The~~ person who makes the wine or beer receives no compensation; 2) ~~The~~ wine or beer is not sold or offered for sale; and 3) ~~The~~ total quantity of wine or beer made by the person and any other person living in the same household does not exceed 100 gallons or 200 gallons per calendar year, depending on how many persons of legal drinking age live in the household. If wine or beer is made in compliance with these requirements, this homemade wine or beer may also be used, without any license or permit, for purposes of exhibition, demonstration, judging, tasting, or sampling or as part of a contest or competition (collectively "home maker's event").

The bill also allows a person, including an alcohol beverage retailer or other permit holder, to conduct, sponsor, or host, at a public or private place under the

Items 1 to 3

control of the person, a home maker's event if the person does not sell, or acquire any ownership interest in, the homemade wine or beer.

Under the bill, homemade wine or beer made in compliance with the requirements identified as (1) to (3) above is exempt from the occupational tax.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 125.02 (6m) of the statutes is created to read:

2 125.02 (6m) "Homemade," with respect to the making of wine and fermented  
3 malt beverages, means wine and fermented malt beverages made by a person's own  
4 efforts and not for a commercial purpose, but does not require that the wine or  
5 fermented malt beverages be made in the person's home.

6 SECTION 2. 125.06 (3) (title) of the statutes is amended to read:

7 125.06 (3) (title) ~~HOMEMADE~~ <sup>The ← ⊕ → of</sup> MAKING/HOMEMADE WINE OR FERMENTED MALT  
8 BEVERAGES.

9 History: 1981 c. 79, 202; 1983 a. 222, 360, 538; 1985 a. 337; 1987 a. 399; 1989 a. 253; 1991 a. 269; 1993 a. 226; 1995 a. 225; 2001 a. 16; 2007 a. 9, 85, 216.

10 SECTION 3. 125.06 (3) of the statutes is renumbered 125.06 (3) (a) <sup>(intro.)</sup> and amended  
to read:

11 125.06 (3) (a) <sup>(intro.)</sup> ~~The manufacture of~~ making of homemade wine or fermented malt  
12 beverages of any alcoholic content, and the possession, transportation, or storage of  
13 homemade wine or fermented malt beverages, by any person at his or her home, farm  
14 or place of residence if the wine or fermented malt beverages is to be consumed by  
15 that person or his or her family and guests, and if the if all of the following apply:

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

3 **History:** 1981 c. 79, 202; 1983 a. 222, 360, 538; 1985 a. 337; 1987 a. 399; 1989 a. 253; 1991 a. 269; 1993 a. 226; 1995 a. 225; 2001 a. 16; 2007 a. 9, 85, 216.

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

4           125.06 (3) (a) 2. The wine or fermented malt beverages <sup>is</sup> ~~is~~ <sup>are</sup> not sold or offered for  
5 sale.

6           3. The total quantity of wine or fermented malt beverages made, in a calendar  
7 year, by the person and any other person living in the same household does not exceed  
8 100 gallons if the household has only one person of legal drinking age or 200 gallons  
9 if the household has 2 or more persons of legal drinking age.

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

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

14           <sup>(CS)</sup> ~~THE USE OF~~ <sup>THE USE OF</sup> 125.06 (3m) ~~THE USE OF~~ <sup>THE USE OF</sup> HOMEMADE WINE OR FERMENTED MALT BEVERAGES FOR  
15 COMPETITIONS OR EXHIBITIONS OR SIMILAR PURPOSES. (a) The use of homemade wine or  
16 fermented malt beverages made in compliance with the limitations specified in sub.  
17 (3) (a) for purposes of exhibition, demonstration, judging, tasting, or sampling or as  
18 part of a contest or competition. Homemade wine or fermented malt beverages used  
19 for purposes described in this paragraph, including the submission or consumption  
20 of such wine or fermented malt beverages, <sup>is</sup> ~~is~~ <sup>are</sup> not considered sold or offered for sale  
21 under sub. (3) (a) 2. and any prize awarded at a contest or competition or as a result  
22 of an exhibition, demonstration, judging, tasting, or sampling is not considered  
23 compensation under sub. (3) (a) 3. <sup>1.</sup>

SECTION 5

(b) Notwithstanding ss. 125.09 (1), 125.14 (5), 125.315, 125.32 (6) (a), 125.34 (2) and (5), and 125.67, a person, including a licensee or permittee under this chapter, may conduct, sponsor, or host, at a public or private place under the control of the person, a contest, competition, or other event for the exhibition, demonstration, judging, tasting, or sampling of homemade wine or fermented malt beverages made in compliance with the limitations specified in sub. (3) (a) if the person does not sell the wine or fermented malt beverages and, unless the person is the maker of the wine or fermented malt beverages, does not acquire any ownership interest in the wine or fermented malt beverages. If the contest, competition, or other event is held on premises for which a license or permit has been issued under this chapter, the licensee or permittee may allow the homemade wine or fermented malt beverages to be stored on the premises if the homemade wine or fermented malt beverages <sup>is</sup> ~~are~~ clearly identified and kept separate from any alcohol beverages owned by the licensee or permittee. If the contest, competition, or other event is held on premises for which a license or permit has been issued under this chapter, the provisions of ss. 125.32 (7) and 125.68 (9) (e) do not apply with respect to the homemade wine or fermented malt beverages.

SECTION 6. 139.04 (1) of the statutes is repealed and recreated to read:

139.04 (1) Wine, as defined in s. 125.02 (22), or fermented malt beverages made in compliance with the limitations specified in s. 125.06 (3) (a).

SECTION 7. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.

(END)

*D-note*

*Wine defined in 125.02 (22)*

*3*

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3101/P1dn

ARG: /:...

WLJ

Date

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 C.F.R. 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.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

**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.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin  
2011 - 2012 LEGISLATURE

TODAY  
in  
1/5



LRB-3101/1  
ARG:wlj:rs

1/4 - per Mike Berger, wants 1/1

EMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

No changes

4

Reger

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

***Analysis by the Legislative Reference Bureau***

Under current law, a person is not required to hold a license or permit to make wine or fermented malt beverages (beer) at his or her home, farm, or place of residence if the wine or beer is to be consumed by the person or his or her family and guests and if the person receives no compensation. Also under current law, a person is not required to pay an occupational tax on wine or beer made at home solely for consumption at home by the person's family and guests, without compensation.

This bill significantly modifies the standards for the production and use of homemade wine and beer for which a license or permit is not required and for which occupational taxes are not owed. Under the bill, "homemade" wine and beer is wine and beer made by a person's own efforts and not for a commercial purpose, and is not limited to wine or beer made in the person's home. Under the bill, no license or permit is required for the making of homemade wine or beer, and the possession, transportation, or storage of homemade wine or beer, if all of the following apply: 1) the person who makes the wine or beer receives no compensation; 2) the wine or beer is not sold or offered for sale; and 3) the total quantity of wine or beer made by the person and any other person living in the same household does not exceed 100 gallons or 200 gallons per calendar year, depending on how many persons of legal drinking

age live in the household. If wine or beer is made in compliance with these requirements, this homemade wine or beer may also be used, without any license or permit, for purposes of exhibition, demonstration, judging, tasting, or sampling or as part of a contest or competition (collectively "home maker's event").

The bill also allows a person, including an alcohol beverage retailer or other permit holder, to conduct, sponsor, or host, at a public or private place under the control of the person, a home maker's event if the person does not sell, or acquire any ownership interest in, the homemade wine or beer.

Under the bill, homemade wine or beer made in compliance with the requirements identified as items 1 to 3 above is exempt from the occupational tax.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

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

1           **SECTION 1.** 125.02 (6m) of the statutes is created to read:

2           125.02 **(6m)** "Homemade," with respect to the making of wine and fermented  
3 malt beverages, means wine and fermented malt beverages made by a person's own  
4 efforts and not for a commercial purpose, but does not require that the wine or  
5 fermented malt beverages be made in the person's home.

6           **SECTION 2.** 125.06 (3) (title) of the statutes is amended to read:

7           125.06 **(3)** (title) ~~HOMEMADE~~ THE MAKING OF HOMEMADE WINE OR FERMENTED MALT  
8 BEVERAGES.

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

11           125.06 **(3)** (a) (intro.) ~~The manufacture of~~ making of homemade wine or  
12 fermented malt beverages ~~of any alcoholic content, and the possession,~~  
13 transportation, or storage of homemade wine or fermented malt beverages, by any  
14 person ~~at his or her home, farm or place of residence if the wine or fermented malt~~



1 ~~beverages is to be consumed by that person or his or her family and guests, and if the~~  
2 if all of the following apply:

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

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

6 125.06 (3) (a) 2. The wine or fermented malt beverages are not sold or offered  
7 for sale.

8 3. The total quantity of wine or fermented malt beverages made, in a calendar  
9 year, by the person and any other person living in the same household does not exceed  
10 100 gallons if the household has only one person of legal drinking age or 200 gallons  
11 if the household has 2 or more persons of legal drinking age.

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

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

16 125.06 (3m) THE USE OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES FOR  
17 COMPETITIONS OR EXHIBITIONS OR SIMILAR PURPOSES. (a) The use of homemade wine or  
18 fermented malt beverages made in compliance with the limitations specified in sub.  
19 (3) (a) for purposes of exhibition, demonstration, judging, tasting, or sampling or as  
20 part of a contest or competition. Homemade wine or fermented malt beverages used  
21 for purposes described in this paragraph, including the submission or consumption  
22 of such wine or fermented malt beverages, are not considered sold or offered for sale  
23 under sub. (3) (a) 2. and any prize awarded at a contest or competition or as a result  
24 of an exhibition, demonstration, judging, tasting, or sampling is not considered  
25 compensation under sub. (3) (a) 1.

1 (b) Notwithstanding ss. 125.09 (1), 125.14 (5), 125.315, 125.32 (6) (a), 125.34  
2 (2) and (5), and 125.67, a person, including a licensee or permittee under this chapter,  
3 may conduct, sponsor, or host, at a public or private place under the control of the  
4 person, a contest, competition, or other event for the exhibition, demonstration,  
5 judging, tasting, or sampling of homemade wine or fermented malt beverages made  
6 in compliance with the limitations specified in sub. (3) (a) if the person does not sell  
7 the wine or fermented malt beverages and, unless the person is the maker of the wine  
8 or fermented malt beverages, does not acquire any ownership interest in the wine  
9 or fermented malt beverages. If the contest, competition, or other event is held on  
10 premises for which a license or permit has been issued under this chapter, the  
11 licensee or permittee may allow the homemade wine or fermented malt beverages to  
12 be stored on the premises if the homemade wine or fermented malt beverages are  
13 clearly identified and kept separate from any alcohol beverages owned by the  
14 licensee or permittee. If the contest, competition, or other event is held on premises  
15 for which a license or permit has been issued under this chapter, the provisions of ss.  
16 125.32 (7) and 125.68 (9) (e) do not apply with respect to the homemade wine or  
17 fermented malt beverages.

18 **SECTION 6.** 139.04 (1) of the statutes is repealed and recreated to read:

19 139.04 (1) Wine, as defined in s. 125.02 (22), or fermented malt beverages made  
20 in compliance with the limitations specified in s. 125.06 (3) (a).

21 **SECTION 7. Effective date.**

22 (1) This act takes effect on the first day of the 3rd month beginning after  
23 publication.

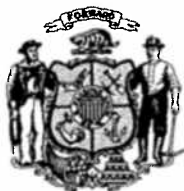
24 (END)

**Godwin, Gigi**

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**From:** Boerger, Michael  
**Sent:** Thursday, January 05, 2012 11:56 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3101/1 Topic: Homemade wine and beer

Please Jacket LRB 11-3101/1 for the SENATE.



Before  
Changes

## 2011 SENATE BILL 395

January 20, 2012 – Introduced by Senators ELLIS, LAZICH, HARSDORF, WANGGAARD and KEDZIE, cosponsored by Representatives KAUFERT, KOOYENGA, BROOKS, PASCH, KESTELL, WYNN, THIESFELDT, POCAN, PRIDEMORE, SPANBAUER, C. TAYLOR, VAN ROY, HONADEL and BERNARD SCHABER. Referred to Committee on Energy, Biotechnology, and Consumer Protection.

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

### ***Analysis by the Legislative Reference Bureau***

Under current law, a person is not required to hold a license or permit to make wine or fermented malt beverages (beer) at his or her home, farm, or place of residence if the wine or beer is to be consumed by the person or his or her family and guests and if the person receives no compensation. Also under current law, a person is not required to pay an occupational tax on wine or beer made at home solely for consumption at home by the person's family and guests, without compensation.

This bill significantly modifies the standards for the production and use of homemade wine and beer for which a license or permit is not required and for which occupational taxes are not owed. Under the bill, "homemade" wine and beer is wine and beer made by a person's own efforts and not for a commercial purpose, and is not limited to wine or beer made in the person's home. Under the bill, no license or permit is required for the making of homemade wine or beer, and the possession, transportation, or storage of homemade wine or beer, if all of the following apply: 1) the person who makes the wine or beer receives no compensation; 2) the wine or beer is not sold or offered for sale; and 3) the total quantity of wine or beer made by the person and any other person living in the same household does not exceed 100 gallons or 200 gallons per calendar year, depending on how many persons of legal drinking

SENATE

INTRODUCTION AND REFERRAL OF PROPOSALS

(January 20, 2012)

Added

**SENATE BILL 395 (LRB -3101)**

Relating to: homemade wine and fermented malt beverages.

By Senators Ellis, Lazich, Harsdorf, Wanggaard, Kedzie and Grothman; cosponsored by Representatives Kaufert, Kooyenga, Brooks, Pasch, Kestell, Wynn, Thiesfeldt, Pocan, Pridemore, Spanbauer, C. Taylor, Van Roy, Honadel and Bernard Schaber.

Referred to Committee on ENERGY, BIOTECHNOLOGY, AND CONSUMER PROTECTION.

Sponsor  
change

01-24-2012  
"corrected copy"  
requested by Liz  
in SCC office

## Barman, Mike

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**From:** Jones-Queensland, Elizabeth  
**Sent:** Tuesday, January 24, 2012 3:05 PM  
**To:** Barman, Mike  
**Subject:** RE: SB 395

Thanks, Mike. I just routed the updated version. The only thing different is that Grothman is now listed as the last senate author.

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**From:** Barman, Mike  
**Sent:** Tuesday, January 24, 2012 3:01 PM  
**To:** Jones-Queensland, Elizabeth  
**Subject:** SB 395

All set ...



01-24-2012

## 2011 SENATE BILL 395

After changes

January 20, 2012 – Introduced by Senators ELLIS, LAZICH, HARSDORF, WANGGAARD, KEDZIE and GROTHMAN, cosponsored by Representatives KAUFERT, KOOYENGA, BROOKS, PASCH, KESTELL, WYNN, THIESFELDT, POCAN, PRIDEMORE, SPANBAUER, C. TAYLOR, VAN ROY, HONADEL and BERNARD SCHABER. Referred to Committee on Energy, Biotechnology, and Consumer Protection.

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