



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 200**  
[2011 Senate Bill 395]

**Homemade Wine and Beer**

2011 Wisconsin Act 200 revises the regulation of homemade wine and beer (referred to collectively in this Memo as “home brewing”), allows competitions and exhibitions of homemade wine and beer under specified conditions, and authorizes municipal regulation of such competitions and exhibitions.

### **Regulation of Home Brewing**

*Prior law* provides that no alcohol beverages license or permit is required if a person manufactures wine or beer at his or her home, farm, or place of residence if the wine or beer is to be consumed by that person or his or her family and guests, and if the person receives no compensation. Also, 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 or guests, without compensation.

*Act 200* does all of the following:

- Expands these exemptions to apply to the possession, transportation, and storage of homemade wine or beer, in addition to its manufacture.
- Limits the exemptions to apply only to the making of not more than 100 gallons of wine or beer in a year for a household of one person of legal drinking age, or not more than 200 gallons per year for a household of two or more persons of legal drinking age.
- Specifies that beer or wine made under the exemptions may not be sold, but may be consumed by the home brewer and his or her family, neighbors, and friends at any private location where the consumption of alcohol beverages is allowed. It specifically does *not* apply to licensed premises.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

- Specifies that a person who is eligible for these exemptions is not a brewer or manufacturer of wine, meaning that, in addition to being exempt from license and permit requirements, a home brewer is exempt from all other regulations applicable to brewers and manufacturers of wine.

### **Competitions and Exhibitions**

Under the Act, neither the license and permit requirements nor the payment of an occupational tax is required for the following:

- A home brewers competition or exhibition held in a private residence or on a licensed premises. The Act specifies that wine or beer served at such an event is not considered to be sold or offered for sale, and that prizes awarded are not considered to be compensation to the home brewer.
- A person who is not licensed, at a private residence, or a person who is licensed, on a licensed premises, who conducts or hosts a home brewers competition or exhibition. All of the following apply to this exception:
  - The homemade wine or beer may not be sold, nor may any payment be required for consuming it.
  - The person conducting or hosting the event may not acquire any ownership interest in the homemade wine or beer, unless that person made the wine or beer.
  - If the event is held on licensed premises, the homemade wine or beer may be stored on the premises, as long as it is identified and kept separate from any alcoholic beverages owned by the licensee. In addition, specified labeling requirements applicable to licensed premises do not apply to the homemade wine or beer, although all other regulations applicable to alcoholic beverages not expressly waived by the Act do apply to the homemade wine or beer.

### **Local Regulation**

A municipality may enact regulations incorporating the state regulations of alcoholic beverages, and may enact additional regulations not in conflict with the state regulations. *The Act* provides that, in addition, a municipality may, by ordinance, regulate home brewers competitions and exhibitions.

***Effective date:*** July 1, 2012

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