

## HOME MANUFACTURE OF ALCOHOLIC BEVERAGES STATE STATUTES



Updated July 9, 2013

In 1978, Congress enacted Public Law 95-458 (H.R. 1337), amending the Internal Revenue Code to allow any adult to produce beer, without the payment of tax, for personal or family use. The beer produced per household may not exceed: (1) 200 gallons per calendar year if there are two or

more adults residing in the household, or (2) 100 gallons per calendar year if there is only one adult residing in the household. Under the 27 C.F.R. §25.206, homemade beer for personal or family use may be removed from the premises where made for organized affairs, exhibitions or competitions such as homemaker's contests, tastings or judging. Under 27 C.F.R. 24.75, adults may produce wine for personal or family use in the same amount as allowed for beer.

In the 2013 legislative session, the remaining two states—Alabama and Mississippi—enacted legislation allowing home-brewed beer.

The chart below summarizes the state statutory provisions that allow for the home manufacture of alcoholic beverages, including beer, cider, mead and wine. Twenty-three states—Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Hampshire, Oklahoma, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington and Wisconsin—allow home-made alcoholic beverages to be transported to tasting competitions and judgments.

**NOTE: Please note the summaries should be used for general informational purposes and are not intended as a legal reference. NCSL is unable to provide assistance, give advice or answer questions regarding individual cases. If you have questions regarding home-made alcoholic beverages, please contact an attorney in your state or your state attorney general.**

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### STATES

Alabama

### STATUTORY PROVISION

Ala. Code §28-4-3

The laws against possession, transportation or delivery of prohibited liquors shall not apply to the possession of wine or cordial made from grapes or other fruit when the grapes or other fruit are grown by the person making the same for his own domestic use upon his own premises in this state and when such person keeps such wine or cordial for his own domestic use on his own premises in any quantity not exceeding five gallons for one family in 12 months.

2013 Act 204

(a) Notwithstanding any provisions to the contrary, a person who has not been convicted of a felony in Alabama or any other state or federal jurisdiction, and who is not prohibited by §28-1-5, Code of Alabama 1975, from purchasing, consuming, possessing, or transporting alcoholic beverages due to age may produce at his or her legal residence beer, mead, cider, and table wine, as those terms are defined in §28-3-1, Code of Alabama 1975, for personal use, in the amounts specified in this act, without payment of taxes or fees and without obtaining a license. The aggregate amount of the beer, mead, cider, and table wine permitted to be produced under this act, with respect to any legal residence, shall not exceed 15 gallons for each quarter of a calendar year. Further, there shall not be in any legal residence at any one time more than an aggregate amount of 15 gallons of beer, mead, cider, and table wine which has been produced under the authority of this act.

(b) Beer, mead, cider, or table wine produced under this act may not be sold or offered for sale.

(c) Beer, mead, cider, or table wine produced under this act may not be removed from the legal residence where it was produced, except in quantities no larger than 10 gallons, aggregate, for any one event, and to be transported for personal use at organized events of homebrew competitions and judgments licensed by the Alcoholic Beverage Control Board as a special events retail license under §28-3A-20, Code of Alabama 1975, provided that the license will not allow the purchase or sale of any alcoholic beverages

provided that the license will not allow the purchase or sale of any alcoholic beverages when that license is used for this purpose. Organized events involving beer, mead, cider, or table wine produced for personal use may not be held on the premises of entities otherwise licensed under Title 28, Code of Alabama 1975.

(d) Nothing in this act permits the production of distilled liquors, for personal use or otherwise, or the use of distilled liquors or products in the production of beer, mead, cider, or table wine provided in this section.

(e) It shall be unlawful for any person less than 21 years of age to attempt to purchase, consume, possess, or transport beer, mead, cider, or table wine produced for personal use.

(f) It shall be unlawful for any person less than 21 years of age to attempt to purchase, possess, or transport any apparatus or equipment used to produce beer, mead, cider, or table wine. It shall be unlawful for any person, partnership, corporation, or other legal entity to sell, furnish, give away, or provide to any person less than 21 years of age any apparatus or equipment used to produce beer, mead, cider, or table wine.

(g) Nothing in this section permits the production of beer, mead, cider, or table wine in a dry municipality, as defined in Chapter 3 of Title 28, Code of Alabama 1975. Further, with the exception of wet municipalities, as defined in Chapter 3 of Title 28, Code of Alabama 1975, nothing in this section permits the production of beer, mead, cider, or table wine in a dry county as defined in Chapter 3 of Title 28, Code of Alabama 1975.

(h) The definitions contained in §28-3-1 of the Code of Alabama 1975, shall apply to this act.

(i) Any violation of this section shall be a Class B misdemeanor.

Alaska

Alaska Stat. §04.21.015

(a) Except as provided in (b) of this section, the provisions of this title do not apply to the private manufacture of alcoholic beverages.

(b) This section does not apply to AS 04.16.050 , 04.16.051, 04.16.080; AS 04.21.010 , 04.21.020; alcoholic beverages manufactured in a quantity that exceeds the limit imposed on private manufacture under federal law; or an area that has adopted a local option law under AS 04.11.491.

Arizona

Ariz. Rev. Stat. Ann. §4-226

The provisions of this title do not apply to:

3. Ethyl alcohol intended for use or used for the following purposes:

(b) Use by those authorized to procure spirituous liquor or ethyl alcohol tax-free, as provided by the acts of Congress and regulations promulgated thereunder.

Arkansas

Ark. Stat. Ann. §3-5-205

(f) (1) However, any person in this state may manufacture home-brewed beer or home-manufactured wine:

(A) Upon his or her own premises free from the license fees and taxes provided in this subchapter;

(B) For consumption by the manufacturer and his or her family and guests, but not for sale; and

(C) In quantities per calendar year not to exceed: (i) 200 gallons if there are two or more adults in the household; or (ii) 100 gallons if there is only one adult in the household.

(2) While the manufacture of beer or wine is declared to be a privilege, the home manufacture of beer or wine in quantities not to exceed 200 gallons per calendar year shall be exempted from §§3-4-101, 3-4-602, 3-5-205(a)-(e), 3-5-206, and 3-5-211.

Ark. Stat. Ann. §3-5-207

(b) No permit shall be required for the home manufacture of beer or wine in quantities not to exceed 200 gallons per calendar year under §§3-4-101, 3-4-602, 3-5-206, or 3-5-211 as may otherwise be required of other manufacturers.

California

Cal. Business and Professions Code §23356.2

(a) No license or permit shall be required for the manufacture of beer for personal or family use, and not for sale, by a person over 21 years of age. The aggregate amount of beer with respect to any household shall not exceed (1) 200 gallons per calendar year if there are two or more adults in the household or (2) 100 gallons per calendar year if there is only one adult in the household.

(b) No license or permit shall be required for the manufacture of wine for personal or family use, and not for sale, by a person over 21 years of age. The aggregate amount of wine with respect to any household shall not exceed (1) 200 gallons per calendar year if there are two or more adults in the household or (2) 100 gallons per calendar year if there is only one adult in the household.

(c) Any beer manufactured pursuant to this section may be removed from the premises where manufactured for use in competition at organized affairs, exhibitions, or competitions, including homemakers' contests, tastings, or judgments.

(d) Any wine made pursuant to this section may be removed from the premises where made for personal or family use, including use at organized affairs, exhibitions, or competitions, such as homemakers' contests, tastings, or judgments. Wine used under this section shall not be sold or offered for sale.

(e) Except as provided herein, nothing in this section authorizes any activity in violation of