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## HOME-BREWED BEER

### House Bill 4850 as introduced First Analysis (6-17-97)

**Sponsor: Rep. David Anthony**  
**Committee: Regulatory Affairs**

#### ***THE APPARENT PROBLEM:***

Recent years have seen a growing trend in the popularity of brewing beer at home. Reportedly, Michigan has about 26 organized brew clubs around the state. Supplies to brew beer can be bought at speciality stores or ordered through catalogs. The Michigan Liquor Control Act has historically exempted homemade wine, and cider with an alcohol content, from regulation and taxation if brewed at a person's residence for his or her own personal consumption and use. However, since the act does not specifically exempt homemade beer, it is technically prohibited and subject to fines and penalties under the act. Legislation has been proposed to extend the exemption from regulation under the act to beer that is made at home for personal use and consumption.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Liquor Control Act to exempt beer that is brewed in a person's home for family use and consumption from regulation under the act.

MCL 436.4

#### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would not impose any additional costs on the Department of Consumer and Industry Services, in which the Liquor Control Commission is housed, and so would have no fiscal impact. (6-12-97)

#### ***ARGUMENTS:***

##### ***For:***

The Michigan Liquor Control Act currently exempts homemade wine and alcoholic cider from being regulated under the act as long as the wine and cider are made in a person's home and restricted for private use. Therefore, it only makes sense to include home brewed beer in the exemption. Proponents of the bill add that beer typically has a lower alcohol content than wine. Also, equipment and supplies for home brewing are currently widely available for sale. The bill would

serve to correct a technical oversight in the act, and would put into statute current practice as the Michigan Liquor Control Commission does not actively enforce the prohibition on home brewing. Further, though neither the bill nor current law places a limit on the amount of beer, wine, or cider a person may brew or make in his or her home, federal regulations restrict the amount to 100 gallons per calendar year if one adult resides in the home, and 200 gallons per calendar year if two or more adults reside in the home. Amounts in excess of the limits would be subject to taxation. In light of the growing popularity both in the state and nationally of brewing beer at home as a hobby, home brewing for private use should be legalized.

#### ***POSITIONS:***

The Michigan Beer Guide supports the bill. (6-13-97)

The Michigan Brewing Company supports the bill. (6-13-97)

The Michigan Liquor Control Commission does not oppose the bill. (6-13-97)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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