

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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House Bill 4850 (Substitute S-4 as reported)
Sponsor: Representative David Anthony
House Committee: Regulatory Affairs
Senate Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 11-4-97

RATIONALE

Currently, the Michigan Liquor Control Act exempts wine or cider of any alcohol content that is made on the premises of the owner or lessee of the premises, as long as the premises are used and occupied by the owner or lessee as a dwelling and the wine or cider is made for family use and home consumption. There has been some concern that home-brewed beer is not recognized as one of the exempted liquors despite the growing number of residents who brew beer at home.

In addition, many people who make beer or wine at home give away their products to others. Under the Act, however, the definition of "sale" includes "giving away an alcoholic liquor", which means that these individuals technically should be licensed under the Act.

CONTENT

The bill would amend the Michigan Liquor Control Act to make an exception to the Act for home-brewed beer, wine, mead, or honey-based beer. The bill also provides that the Act would not apply to the gift to an individual, 21 years of age or older, for noncommercial use or consumption of up to 20 gallons of home-brewed beer, wine, or cider.

The bill is tie-barred to Senate Bill 505, which would allow the possession or receipt as a gift of up to 20 gallons of home-brewed beer or craft-brewed beer, home-made wine, or home-made cider containing alcohol.

MCL 436.4

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate

Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would legalize home-brewing of beer, mead, and honey-based beer in addition to home-made wine and cider of any alcohol content. Although the current Act is not actively enforced against home-brewers, individuals who brew beer as a hobby or ethnic communities that brew beer as a tradition could be subjected to fines and penalties under the Act. The bill also would allow a gift of home-brewed beer, wine, or cider up to 20 gallons because most brewers enjoy sharing their product with family and friends.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: M. Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.