

1 HB9
2 145413-1
3 By Representative McCutcheon
4 RFD: Economic Development and Tourism
5 First Read: 05-FEB-13
6 PFD: 12/07/2012

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8 SYNOPSIS: This bill would allow adult persons to
9 produce homebrewed beer, mead, cider, and wine in
10 limited amounts for personal use; would prohibit a
11 person convicted of a felony from homebrewing; and
12 would provide for a Class C misdemeanor punishment
13 for violations of this act.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.
8

9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 To permit persons 21 years of age or older to
14 produce a limited amount of home brewed beer, mead, cider, and
15 table wine for personal use; to prohibit a convicted felon
16 from home brewing such beverages; to provide penalties for
17 violations; and to amend Section 28-3-1, Code of Alabama 1975,
18 relating to definitions of alcoholic beverages, to include
19 definitions of mead and cider; and in connection therewith
20 would have as its purpose or effect the requirement of a new
21 or increased expenditure of local funds within the meaning of
22 Amendment 621 of the Constitution of Alabama of 1901, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. (a) Notwithstanding any provisions to the
27 contrary, a person who has not been convicted of a felony

1 conviction in Alabama or any other state or federal
2 jurisdiction, and who is not prohibited by Section 28-1-5,
3 Code of Alabama 1975, from purchasing, consuming, possessing,
4 or transporting alcoholic beverages due to age may produce
5 beer, mead, cider, and wine for personal and noncommercial
6 uses, in the amounts specified in this section, without
7 payment of taxes or fees and without obtaining a license. The
8 aggregate amount of the beer, mead, cider, and wine permitted
9 to be produced under this section, with respect to any
10 household, shall not exceed 15 gallons for each quarter of a
11 calendar year.

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

14 (c) Beer, mead, cider, or wine produced under this
15 section may be removed from the premises where it was produced
16 and may be transported for personal and noncommercial uses,
17 including use at organized events, such as homebrewing
18 competitions, tastings, judgments, and craft exhibitions.
19 Organized events involving beer, mead, cider, or wine produced
20 for personal use may be held on the premises of entities
21 licensed under Title 28, Code of Alabama 1975, without
22 violating the terms or conditions of licensure.

23 (d) Nothing in this section permits the production
24 of distilled liquors, such as bourbon, whiskey, rum, or vodka,
25 for personal use or otherwise.

26 (e) Nothing in this section permits a person less
27 than 21 years of age to purchase, consume, possess, or

1 transport beer, mead, cider, or wine produced for personal
2 use.

3 (f) Nothing in this section permits the production
4 of beer, mead, cider, and wine in a dry municipality, as the
5 term is defined in Chapter 3 of Title 28, Code of Alabama
6 1975, and, with the exception of wet municipalities, as the
7 term is defined in Chapter 3 of Title 28, Code of Alabama
8 1975, nothing in this section permits the production of beer,
9 mead, cider, and wine in a dry county, as defined in Chapter 3
10 of Title 28, Code of Alabama 1975.

11 (g) Any violation of this section shall be a Class C
12 misdemeanor.

13 Section 2. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 3. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.