

1 HB354
2 127048-3
3 By Representatives McCutcheon, Ball, Hubbard (J), Mask,
4 McClammy, Beech, Warren, Sanderford, Williams (P),
5 Robinson (O), Rogers, Moore (M), Patterson and Williams (D)
6 RFD: Economic Development and Tourism
7 First Read: 16-FEB-12

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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.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 To permit adult persons to produce a limited
14 homebrewed beer, mead, cider, and wine for personal use; to
15 prohibit a convicted felon from homebrewing such beverages; to
16 provide penalties for violations; and in connection therewith
17 would have as its purpose or effect the requirement of a new
18 or increased expenditure of local funds within the meaning of
19 Amendment 621 of the Constitution of Alabama of 1901, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) Notwithstanding any provisions to the
24 contrary, a person who has not been convicted of a felony
25 conviction in Alabama or any other state or federal
26 jurisdiction, and who is not prohibited by Section 28-1-5,
27 Code of Alabama 1975, from purchasing, consuming, possessing,

1 or transporting alcoholic beverages due to age may produce
2 beer, mead, cider, and wine for personal and noncommercial
3 uses, in the amounts specified in this section, without
4 payment of taxes or fees and without obtaining a license. The
5 aggregate amount of the beer, mead, cider, and wine permitted
6 to be produced under this section, with respect to any
7 household, shall not exceed 15 gallons for each quarter of a
8 calendar year.

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

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

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

23 (e) Nothing in this section permits a person less
24 than 21 years of age to purchase, consume, possess, or
25 transport beer, mead, cider, or wine produced for personal
26 use.

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

9 (g) Any violation of this section shall be a Class C
10 misdemeanor.

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

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