

HOME BREWING OF ALCOHOL

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Steve Barth

AN ACT RELATING TO ALCOHOLIC BEVERAGES; PERMITTING THE MANUFACTURE AND STORAGE OF HOME BREWED ALCOHOLIC BEVERAGES WITHOUT A LICENSE UNDER CERTAIN CIRCUMSTANCE; PERMITTING TRANSPORTATION UNDER CERTAIN CIRCUMSTANCES; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

32A-8-101, as last amended by Chapters 77 and 88, Laws of Utah 1994

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **32A-8-101** is amended to read:

32A-8-101. Commission's power to grant licenses -- Certificates of limitations.

(1) The commission may issue alcoholic beverage manufacturing licenses to manufacturers whose businesses are located in this state for the manufacture, storage, and sale of alcoholic beverages for each type of license provided by this chapter.

(2) The type of manufacturing licenses issued under this chapter are known as:

(a) winery licenses[;];

(b) distillery licenses[;]; and

(c) brewery licenses.

(3) [A] Except as provided by Subsection (6), a person may not manufacture any alcoholic beverage unless an alcoholic beverage manufacturing license has been issued by the commission. A separate license is required for each place of manufacture, storage, and sale of alcoholic beverages. Violation of this subsection is a class B misdemeanor.

(4) (a) [Brewers] A brewer located outside the state [are] is not required to be licensed under this chapter. [However, they must]

1 (b) A brewer located outside the state shall obtain a certificate of approval from the
2 department before selling or delivering beer to:

3 (i) licensed beer wholesalers in this state~~[-]~~; or

4 (ii) if a small brewer, to licensed beer wholesalers or retailers in this state.

5 ~~[(a)]~~ (c) A brewer seeking a certificate of approval shall file a written application with the
6 department, in a form prescribed by the department. ~~[It]~~ The application shall be accompanied by:

7 (i) a nonrefundable \$100 application fee;

8 (ii) an initial certificate of approval fee of \$50 that is refundable if a certificate is not
9 granted;

10 (iii) evidence of authority from the United States Bureau of Alcohol, Tobacco, and
11 Firearms to brew beer and heavy beer products; and

12 (iv) any other information or documents the department may require.

13 ~~[(b)]~~ (d) Each application shall be signed and verified by oath or affirmation by a partner
14 if a partnership, or by an executive officer, manager, or person specifically authorized by a
15 corporation or limited liability company to sign the application ~~[to which shall be attached]~~. The
16 application shall be accompanied by written evidence of ~~[this]~~ the authority to sign.

17 ~~[(c)]~~ (e) ~~[All certificates]~~ A certificate of approval ~~[expire]~~ issued under this section
18 expires on December 31 of each year. ~~[Brewers]~~

19 (f) A brewer desiring to renew ~~[their certificates]~~ its certificate shall submit a renewal fee
20 of \$50, and a completed renewal application to the department no later than November 30 of the
21 year the certificate expires. Failure to meet the renewal requirements shall result in an automatic
22 forfeiture of the certificate effective on the date the existing certificate expires. Renewal
23 applications shall be in a form prescribed by the department.

24 (5) The commission may prescribe by policy, directive, or rule, consistent with this title,
25 the general operational requirements of alcoholic beverage manufacturing licensees relating to:

26 (a) physical facilities;

27 (b) conditions of sale, storage, or manufacture of alcoholic beverages;

28 (c) storage and sales quantity limitations; and

29 (d) other matters considered appropriate by the commission.

30 (6) (a) An individual may without being licensed under this chapter manufacture and store
31 in the individual's personal residence an alcoholic beverage that is manufactured by that individual

1 by fermentation if:

2 (i) the individual is 21 years of age or older;

3 (ii) the individual manufactures no more than 100 gallons of the alcoholic beverage in a
4 calender year for each member of that individual's household that is 21 years of age or older;

5 (iii) the alcoholic beverage is manufactured and used for personal consumption or for an
6 organized event where the manufactured alcoholic beverages are judged as to taste and quality;

7 and

8 (iv) the alcoholic beverage is not offered for sale.

9 (b) An individual exempt from licensure under Subsection (6)(a) may transport the
10 alcoholic beverage manufactured by the individual by fermentation if:

11 (i) the alcoholic beverage is being transported to and from an organized event where the
12 manufactured alcoholic beverage is to be judged as to taste and quality; and

13 (ii) the individual transports the alcoholic beverage in compliance with Section
14 41-6-44.20.

Legislative Review Note

as of 1-20-98 9:01 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel