

HOUSE BILL 859

By Beck

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 7 and Title 57, Chapter 5, relative
to beer.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 5, Part 1, is amended by
adding the following new section:

(a) For purposes of this section:

(1) "Beer" has the same meaning as the term is defined in § 57-5-101(b);

and

(2) "Homemade," with respect to the making of beer, means beer made
by a person's own efforts and not for a commercial purpose, but does not require
that the beer be made in the person's home.

(b)

(1) No license or permit shall be required under this title for the making of
homemade beer, and the possession, transportation, or storage of homemade
beer, by any person if all of the following apply:

(A) The person who makes the beer receives no compensation;

(B) The beer is not sold or offered for sale; and

(C) The total quantity of beer made, in a calendar year, by the
person and any other person living in the same household does not
exceed one hundred gallons (100 gal.) if the household has only one (1)
person of legal drinking age or two hundred gallons (200 gal.) if the
household has two (2) or more persons of legal drinking age.

(2) A person who makes, possesses, transports, or stores beer in compliance with the limitations specified in subdivision (b)(1) is not a manufacturer of beer for purposes of this chapter.

(3) Any homemade beer in compliance with subdivision (b)(1) that is being transported shall be clearly identified as homemade beer.

(4) Homemade beer made in compliance with the limitations in subdivision (b)(1) may be consumed by the person who made it and the person's family, neighbors, and friends at any private residence or other private location where the possession and consumption of beer is permissible under this chapter, local ordinances, or other applicable law. This subdivision (b)(4) does not apply to licensed premises under this chapter.

(c) The use of homemade beer made in compliance with the limitations specified in subdivision (b)(1) is allowed for purposes of exhibition, demonstration, judging, tasting, or sampling or as part of a contest or competition, if the exhibition, demonstration, judging, tasting, sampling, contest, or competition is held at a private residence or on a licensed premises. Homemade beer used for purposes described in this subsection (c), including the submission or consumption of such beer, shall not be considered sold or offered for sale, and any prize awarded at a contest or competition or as a result of an exhibition, demonstration, judging, tasting, or sampling shall not be considered compensation. No fee may be charged for consumption of the homemade beer at the exhibition, demonstration, judging, tasting, sampling, contest, or competition; provided, however, an entrance fee may be charged to persons attending an exhibition, contest, or competition.

(d) Notwithstanding any law to the contrary, a person who is not a permit holder under this chapter may, at a private residence, and a person who is a permit holder under this chapter may, on the permitted premises, conduct, sponsor, or host a contest, competition, or other event for the exhibition, demonstration, judging, tasting, or

sampling of homemade beer made in compliance with the limitations specified in subdivision (b)(1) if the person does not sell the beer and, unless the person is the maker of the beer, does not acquire any ownership interest in the beer. No fee may be charged for consumption of homemade beer at the contest, competition, or other event; provided, however, an entrance fee may be charged to persons attending a contest, competition, or other event. If the contest, competition, or other event is held on a permitted premises, the permit holder may allow the homemade beer to be stored on the premises if the homemade beer is clearly identified and kept separate from any alcoholic beverages or beer owned by the permit holder. Any homemade beer stored on the premises shall be removed within twenty-four (24) hours after the contest, competition, or other event has ended.

(e) Any city or county may regulate contests, competitions, or other events for the exhibition, demonstration, judging, tasting, or sampling of homemade beer as described in subsection (d), including requiring a permit for the contests, competitions, or other events.

(f) No taxes levied or collected pursuant to this title shall be applicable to any homemade beer made in compliance with subdivision (b)(1).

SECTION 2. Tennessee Code Annotated, Section 39-17-708(a), is amended by adding the following language before the period (.) at the end of the subsection:

except as provided in Section 1 of this act

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.