

SENATE FILE NO. SF0062

Homemade beverages.

Sponsored by: Senator(s) Kinskey, Burns and Wasserburger
and Representative(s) Blackburn, Hunt,
Lindholm, Madden and Miller

A BILL

for

1 AN ACT relating to alcoholic beverages; authorizing events
2 related to consumption of homemade beer, mead, wine and
3 fermented fruit juices as provided; providing exemptions to
4 penalties related to the manufacture and sale of homemade
5 beer, mead, wine and fermented fruit juices; providing
6 definitions; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 12-10-102 is created to read:

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12 **12-10-102. Homemade beverage tastings.**

13

14 (a) In addition to any other privilege granted to a
15 licensee under this title, a licensee may conduct an

1 organized judging, tasting, exhibition, contest or
2 competition of homemade beers, meads, wines or fermented
3 fruit juices, or related events, at the premises or
4 location where the licensee may legally serve alcoholic
5 beverages. Nothing in this subsection shall be deemed to
6 authorize any homemade beer, mead, wine or fermented fruit
7 juice to be packaged or otherwise provided for consumption
8 outside of the premises where the judging, tasting,
9 exhibition, contest, competition or related event is
10 occurring. The local licensing authority may restrict the
11 portion of the premises that may be used for the judging,
12 tasting, exhibition, contest, competition or related event.
13 Homemade beers, meads, wines or fermented fruit juices
14 provided at an event under this subsection shall not be
15 provided for financial consideration.

16

17 (b) A licensee shall not acquire any ownership
18 interest in homemade beers, meads, wines or fermented fruit
19 juices stored for any period to be provided at an event
20 under this section. The homemade beers, meads, wines and
21 fermented fruit juices stored for the event shall be
22 clearly identified and shall be kept separate from the
23 alcoholic and malt beverage stock of the licensee. Nothing

1 in this subsection shall prohibit a licensee from using
2 homemade beers, meads, wines and fermented juices in
3 conducting an organized event under subsection (a) of this
4 section.

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6 (c) As used in this section:

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8 (i) "Financial consideration" means value that
9 is given or received directly or indirectly through sales,
10 fees, charges, dues, contributions or donations. "Financial
11 consideration" shall not include:

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13 (A) A tax deduction or credit for donating
14 beer, mead, wine or fermented fruit juice to a nonprofit
15 organization;

16

17 (B) An event admission charge, cover charge
18 or club or organization dues, if the amount of the charge
19 or dues is independent of the amount of beer, mead, wine or
20 fermented fruit juice to be provided or consumed at the
21 event or through club or organization activities;

22

1 (C) A prize awarded at a state or county
2 fair or other organized judging, tasting, exhibition,
3 contest or competition event at which consumption of a
4 submitted beer, mead, wine or fermented fruit juice is
5 offered without charge and only by the entrants, judges,
6 exhibitors, contestants or competitors;

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8 (D) The receipt of homemade beer, mead,
9 wine or fermented fruit juice manufactured by another
10 person;

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12 (E) The receipt of beer, mead, wine or
13 fermented fruit juice ingredients;

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15 (F) Wages and salaries paid by an
16 educational organization for teaching brewing, winemaking,
17 fermentation science or fermentation processes.

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19 (ii) "Homemade" means made for noncommercial
20 purposes;

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1 (iii) "Noncommercial" means not sold, offered
2 for sale or otherwise conditioned upon the provision or
3 receipt of financial consideration.

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5 **Section 2.** W.S. 12-1-101(a)(xxiv), 12-3-102, 12-8-102
6 and 35-7-124 by creating a new subsection (j) are amended
7 to read:

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9 **12-1-101. Definitions.**

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11 (a) As used in this title:

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13 (xxiv) "This title" means W.S. 12-1-101 through
14 ~~12-10-101~~ 12-10-102;

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16 **12-3-102. Confiscation authorized; disposition; when**
17 **seizure permitted.**

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19 (a) When an authorized inspector discovers alcoholic
20 liquors or malt beverages upon which excise taxes have not
21 been paid in the possession of a licensee, he shall take
22 possession of and hold the alcoholic liquors or malt
23 beverages as evidence against the offender. If the offender

1 is convicted of a violation of W.S. 12-3-101, the court
2 shall order that the untaxed liquor or beverage be
3 delivered to the commission, if merchantable, where it will
4 be added to its stock and sold in the usual course of
5 business. If the liquors or beverages are determined to be
6 nonmerchantable, the court shall order their destruction.
7 This subsection shall not apply to homemade beverages that
8 are provided in accordance with an event under W.S.
9 12-10-102, provided that the beverages shall be removed
10 from the premises within twenty-four (24) hours following
11 the end of the event.

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13 (b) Whenever an inspector, agent or employee of the
14 commission or any peace officer of the state lawfully
15 discovers alcoholic liquors or malt beverages which have
16 been unlawfully imported or transported, he may seize the
17 alcoholic liquor or malt beverage and packages in which
18 they are contained for use as evidence and shall not be
19 removed from state control upon writ of replevin or other
20 like process. Nothing in this section shall apply to the
21 transportation of homemade beverages to or from an event
22 held pursuant to W.S. 12-10-102.

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1 **12-8-102. Manufacturing, rectifying or sale without**
2 **license or permit; penalties.**

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4 (a) Any person who manufactures or rectifies any
5 alcoholic beverage without holding a manufacturer's license
6 or who possesses a still without holding a manufacturer's
7 license is guilty of a misdemeanor punishable by a fine of
8 not more than one thousand dollars (\$1,000.00),
9 imprisonment for not more than one (1) year, or both. Any
10 equipment possessed and used in an illegal manner shall be
11 confiscated by the state and disposed of as directed by the
12 court. Nothing in this subsection shall ~~prohibit any person~~
13 ~~from manufacturing fermented or malt beverages in limited~~
14 ~~quantities for his sole personal consumption.~~ apply to the
15 manufacture of homemade beer, mead, wine and fermented
16 fruit juice if the total of beer, mead, wine and fermented
17 fruit juice produced during a calendar year does not
18 exceed:

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20 (i) One hundred (100) gallons in a household
21 having one (1) person who is twenty-one (21) years of age
22 or older; or

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