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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 102  
134<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the Senate

**Primary Sponsor:** Sen. Roegner

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### SUMMARY

- Allows a home brewer to brew or ferment homemade beer or wine without obtaining a liquor permit if specified conditions apply.
- Allows a home brewer to serve homemade beer or wine to the home brewer's family, neighbors, and friends on private property and at certain events without a liquor permit.
- Allows a person to conduct, sponsor, or host (host) an event if the person:
  - Is a home brewer or fraternal organization that does not hold a valid liquor permit and hosts the event on private property or the premises of the fraternal organization; or
  - Is a small brewery, winery, microdistillery, or club and the person hosts the event on the permitted premises.
- Prohibits a person who is hosting the event from taking certain actions, including selling any homemade beer or wine.
- Exempts a liquor permit holder that hosts an event for home brewers from the existing restrictions on the interrelationship between alcoholic beverage manufacturers, distributors, and retailers.
- Exempts a person with an opened container of homemade beer or wine that is served on private property, at a fraternal organization, or at a craft brewery, winery, microdistillery, or club from the Open Container Law.

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## DETAILED ANALYSIS

### Home brewers

#### Manufacturing

The bill allows a home brewer to brew beer or ferment wine without obtaining a liquor permit, which is generally required for alcoholic beverage manufacturers, if all of the following apply:

1. The home brewer does not sell the homemade beer or wine for commercial purposes;
2. The home brewer does not receive compensation for participating in any demonstration or competition at which tasting samples of homemade beer or wine (2 oz. or less) are served (hereinafter an “event”), other than a prize that is cash or a cash equivalent awarded at the event or a free or discounted admission;
3. The home brewer annually brews or ferments homemade beer or wine in either of the following amounts:
  - a. Up to 100 gallons if the home brewer’s household has only one person who is 21 or older; or
  - b. Up to 200 gallons if the home brewer’s household has two or more persons who are 21 or older.<sup>1</sup>

#### Serving

The bill also allows a home brewer to serve homemade beer or wine the home brewer brews or ferments without a liquor permit as follows:

1. To the home brewer’s family, neighbors, and friends on private property; and
2. At an event, if the event is held on private property, the premises of a fraternal organization, or the premises of a small brewery, winery, microdistillery, or club. (A fraternal organization is a society, order, or association within Ohio, except a college or high school fraternity, that is a nonprofit, a chapter of a national or state organization, and exists exclusively for the common business or sodality of its members.)<sup>2</sup>

#### Hosting an event

A person may conduct, sponsor, or host (host) an event if the person:

1. Is a home brewer or fraternal organization that does not hold a valid liquor permit and hosts the event on private property or the premises of a fraternal organization; or

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<sup>1</sup> R.C. 4301.201(A)(1), (A)(3) to (6), and (B).

<sup>2</sup> R.C. 4301.201(A)(2) and (C). A small brewery, winery, microdistillery, or club is issued an A-1c, A-2, A-2f, or D-4 liquor permit (see “**Background**,” below).

2. Is a permitted small brewery, winery, microdistillery, or club and the person hosts the event on the permitted premises.

When hosting the event, the person is prohibited from doing any of the following:

1. Selling any homemade beer or wine;
2. Unless the person is the home brewer of the homemade beer or wine, acquiring an ownership interest in any homemade beer or wine served at the event;
3. Charging a fee for the consumption of the homemade beer or wine at the event. However, the person may charge a registration fee to attend an event.
4. If the person is a liquor permit holder and hosts the event on the permit holder's permitted premises, fail to store the homemade beer or wine on the premises so that it is clearly identified and kept separate from any beer or intoxicating liquor that is intended for sale by the permit holder under the authority of the holder's permit.<sup>3</sup>

## Miscellaneous

The bill exempts a liquor permit holder that hosts an event for home brewers from the existing restrictions on the interrelationship between alcoholic beverage manufacturers, distributors, and retailers. It also exempts a person with an opened container of homemade beer or wine that is served on private property, at a fraternal organization, or at a craft brewery, winery, microdistillery, or club from the Open Container Law.<sup>4</sup> Finally, a home brewer or the home brewer's designated representative may transport homemade beer or wine brewed or fermented by the home brewer without an H liquor permit (see below).<sup>5</sup>

## Background

Below is a list of permits referenced above, along with a description of the authorized activity under the permit.

Class of liquor permit <sup>6</sup>	Authorized activity
A-1c	Craft brewery may sell its beer for on- or off-premises consumption.
A-2	Winery may sell wine to personal consumers for on- or off-premises consumption and to wholesalers.

<sup>3</sup> R.C. 4301.201(E) and (F).

<sup>4</sup> R.C. 4301.24(E)(6) and 4301.62(B)(2) and (J).

<sup>5</sup> R.C. 4301.201(D).

<sup>6</sup> R.C. 4303.022, 4303.03, 4303.031, 4303.17, and 4303.22.

Class of liquor permit <sup>6</sup>	Authorized activity
A-2f	Farm winery (same authorized activity as a winery, but winery grows grapes and other agricultural products).
D-4	Club may sell beer or intoxicating liquor to members only for on-premises consumption, until 1:00 a.m.
H	For-hire motor carriers and rail carriers may transport and deliver beer and intoxicating liquor.

## HISTORY

Action	Date
Introduced	03-02-21
Reported, S. Agriculture & Natural Resources	05-26-21
Passed Senate (31-1)	05-26-21