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S.B. 13
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Hoagland

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SUMMARY

- Allows a person to distill homemade spirituous liquor via the use of a still without obtaining a liquor permit, which is generally required for alcoholic beverage manufacturers, if certain conditions apply, including the person does not sell the homemade spirituous liquor.
- Authorizes a person to conduct certain activities regarding homemade spirituous liquor, including:
 - Using the spirituous liquor distilled by the person for personal consumption; and
 - Serving the spirituous liquor without a liquor permit to the person's family, neighbors, co-workers, and friends on private property in Ohio.

DETAILED ANALYSIS

Home distillers

Manufacturing

The bill allows a person to distill homemade spirituous liquor¹ via the use of a still without obtaining a liquor permit if certain conditions are met. Specifically a person may distill homemade spirituous liquor if both of the following apply:

1. The person does not sell homemade spirituous liquor or offer homemade spirituous liquor for sale.
2. The person annually distills homemade spirituous liquor in either of the following amounts:

¹ Spirituous liquor is all intoxicating liquors containing more than 21% alcohol by volume.

- a. Up to 100 gallons if the person’s household has only one person who is 21 or older;
- b. Up to 200 gallons if the person’s household has two or more persons who are 21 or older.²

The bill states that notwithstanding any contrary state laws, a person may possess a still or any items used to operate a still to distill homemade spirituous liquor in accordance with the bill. Current law prohibits a person from manufacturing spirituous liquor without a liquor permit. A still is an apparatus used for, or which is capable of, distilling spirituous liquor.³

Other authorized activities

The bill allows a person who distills homemade spirituous liquor to do all of the following:

1. Use homemade spirituous liquor distilled by the person for personal consumption;
2. Serve homemade spirituous liquor without a liquor permit to the person’s family, neighbors, co-workers, and friends on private property in Ohio; and
3. Ship homemade spirituous liquor without a liquor permit to the primary residence of the person’s family, neighbors, co-workers, and friends, provided the primary residence is in Ohio.⁴

Background – federal law

Federal law prohibits individuals from producing distilled spirits at “any dwelling house, including any shed, yard, or inclosure connected with any dwelling house.” Further, distilling of spirits is only allowed at a registered distilled spirits plant.⁵ If an individual produces distilled spirits in a place other than an Alcohol and Tobacco Tax and Trade Bureau-approved plant, the individual might be violating federal law and subject to federal penalties.

HISTORY

Action	Date
Introduced	01-11-23

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² R.C. 4301.202(A)(1) to (3) and (B).

³ R.C. 4301.202(A)(4) and (D) and R.C. 4301.58(B), not in the bill.

⁴ R.C. 4301.202(C).

⁵ 26 United States Code 5171 and 5178.