

33:1-75

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 33:1-75 (Beer--home manufacture)
LAWS OF: 1991 **CHAPTER:** 302
Bill No: A114
Sponsor(s): Albohn
Date Introduced: Pre-filed
Committee: Assembly: Drug & Alcohol
Senate: Law, Public Safety & Defense
Amended during passage: Yes Amendments during passage denoted by asterisks
Date of Passage: Assembly: January 31, 1991
Senate: July 25, 1991
Date of Approval: November 7, 1991
Following statements are attached if available:
Sponsor statement: Yes
Committee Statement: Assembly: Yes
Senate: Yes
Fiscal Note: No
Veto Message: No
Message on signing: No
Following were printed:
Reports: No
Hearings: No

KBG/dgw

[SECOND REPRINT]

ASSEMBLY, No. 114

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman ALBOHN

1 AN ACT concerning home manufacture of certain alcoholic
2 beverages and amending R.S.33:1-75.

3
4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. R.S.33:-1-75 is amended to read as follows:

7 33:1-75. [The director may, subject to rules and regulations,
8 issue special permits authorizing the manufacture within homes,
9 or other premises used in connection therewith, of wines in
10 quantities of not more than 200 gallons for personal consumption
11 only. The fee for such special permits shall be \$3.00.

12 The special permits provided for herein may be issued without
13 investigation, inspection, hearing or advertisement and the fee
14 shall not be prorated.]

15 ²[a. A person age 21 or over shall be permitted, without
16 license or permit, to manufacture, not for sale, wines or malt
17 alcoholic beverages within a home or other noncommercial
18 premises, in quantities of up to 100 gallons per household per
19 calendar year, for his personal and his household's use or
20 consumption.

21 b. ¹The director may, subject to rules and regulations, issue
22 special permits authorizing the manufacture by a person age 21
23 or over, within a home or other noncommercial premises, of
24 wines or malt alcoholic beverages in quantities greater than 100
25 gallons but not exceeding 200 gallons per household per calendar
26 year for his personal and his household's use or consumption. The
27 fee for special permits shall be established by the division.

28 c. ¹The director may, subject to rules and regulations, issue
29 special permits authorizing the manufacture by a person who is
30 21 years of age or older, within a home or other noncommercial
31 premises, of wines or malt alcoholic beverages in quantities not
32 exceeding 200 gallons per calendar year for the person's personal
33 or household use or consumption. The director shall, by
34 regulation, establish a reasonable fee to cover the costs incurred
35 in issuing the special permits required by this section.²

36 A person manufacturing wines or malt alcoholic beverages
37 pursuant to this section shall not be liable for any tax imposed
38 under the "Alcoholic beverage tax law," R.S.54:41-1 et seq.
39 (cf: P.L.1954, c.26, s.7)

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ADA committee amendments adopted January 10, 1991.

² Senate SLP committee amendments adopted May 13, 1991.

1 2. This act shall take effect immediately.

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PUBLIC SAFETY

5

6 Authorizes issuance of permits for manufacture of beer at home

7 by persons of legal drinking age.

ASSEMBLY, No. 114

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman ALBOHN

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13 investigation, inspection, hearing or advertisement and the fee
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15 a. A person age 21 or over shall be permitted, without license
16 or permit, to manufacture, not for sale, wines or malt alcoholic
17 beverages within a home or other noncommercial premises, in
18 quantities of up to 100 gallons per household per calendar year,
19 for his personal and his household's use or consumption.

20 b. A person manufacturing wines or malt alcoholic beverages
21 pursuant to this section shall not be liable for any tax imposed
22 under the "Alcoholic beverage tax law," R.S.54:41-1 et seq.

23 2. This act shall take effect immediately.

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STATEMENT

27

28 Since there are already a fair number of people who produce
29 their own beer or wine largely as a hobby, this bill would legalize
30 the home production of these beverages for noncommercial
31 purposes. It would also eliminate the involvement of the State in
32 the paperwork now required for permits for home wine
33 production. No excise tax or fees would be applicable in either
34 case. Further, a reasonable limit is placed on the maximum
35 quantity of these beverages that may be manufactured in this
36 manner per calendar year.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

ASSEMBLY DRUG & ALCOHOL ABUSE POLICY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 114

with committee amendments

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STATE OF NEW JERSEY

DATED: JANUARY 10, 1991

The Assembly Drug and Alcohol Abuse Policy Committee favorably reports Assembly Bill No. 114 with committee amendments.

This bill amends a law which currently allows for the issuance by the Director of the Division of Alcoholic Beverage Control of a special permit for the home production of up to 200 gallons of wine for personal consumption. The bill would allow persons age 21 or older, without a license or permit, to produce, at a noncommercial location, up to 100 gallons of wine or beer a year for personal and household use. The bill continues the exclusion of such production from payment of the alcoholic beverage tax.

The committee amended the bill to allow for the home production of these beverages in quantities up to 200 gallons. However, production of wine or malt beverage in quantities greater than 100 gallons would require a special permit from the Division of Alcoholic Beverage Control. That agency would determine the cost of the permit.

Since there are already a fair number of people who produce their own beer or wine largely as a hobby, this bill would authorize the home production of these beverages for noncommercial purposes. It would also eliminate the involvement of the State in the paperwork now required for permits for home wine production in quantities up to 100 gallons.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 114

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 1991

The Senate Law, Public Safety and Defense Committee favorably reports Assembly Bill No. 114 (1R) with amendments.

As amended, this bill authorizes the Director of the Division of Alcoholic Beverage Control to issue to persons 21 years of age or older special permits for the production of up to 200 gallons of beer per year for personal or household consumption.

Currently, the director issues special permits only for the home production of wine. The wine or beer produced in a home or other noncommercial establishment by special permit would be exempt from alcoholic beverage taxes.

The committee amended the bill to restore the requirement for a special permit for the personal manufacture of any quantity of wine or beer.