



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB6229

by Rep. Keith Farnham

SYNOPSIS AS INTRODUCED:

235 ILCS 5/1-3.39 new
235 ILCS 5/5-5.5 new

Amends the Liquor Control Act of 1934. Defines "homemade beer" to mean a beer that was made by a person 21 years of age or older through his or her own efforts, at his or her place of residence, and not for a commercial purpose, but for consumption by that person or his or her family and guests or for use at an exhibition, demonstration, judging, tasting, sampling, contest, or competition authorized by the Act. Provides that the making of homemade beer does not require a license or permit under the Act if all of these apply: the brewer receives no compensation; the homemade beer is not sold or offered for sale; and the total quantity of homemade beer made, in a calendar year, by the person does not exceed 100 gallons if the household has only one person of legal drinking age or 200 gallons if the household has 2 or more persons of legal drinking age. Provides that homemade beer made in compliance with the Act may be used for purposes of an exhibition, demonstration, judging, tasting, sampling, contest, or competition, if the event is held at a private residence or on a licensed premises. Provides that an event held on a licensed premises by a licensee may require an admission charge, but no separate or additional fee may be charged for the consumption of homemade beer at the event. Provides that event admission charges may be partially used to provide prizes, but may not be divided in any fashion among the makers of the homemade beer who participate in the event. Provides that no admission fee and no charge for the consumption of homemade beer may be charged if the event is held at a private residence. Provides that the fact that a person is acting in a manner authorized under the Act is not, by itself, sufficient to constitute a public nuisance under the Act. Provides that if an authorized event is held on licensed premises, the licensee may allow the homemade beer to be stored on the premises if it is identified and kept separate from any other alcohol beverages. Provides that if an authorized event is held on licensed premises, other provisions of the Act, not inconsistent with the homemade beer provisions, apply. Makes other changes. Effective immediately.

LRB097 22658 AJO 71440 b

A BILL FOR

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 adding Sections 1-3.39 and 5-5.5 as follows:

6 (235 ILCS 5/1-3.39 new)

7 Sec. 1-3.39. "Homemade beer" means a beer, as defined by
8 Section 1-3.04, that is made by a person 21 years of age or
9 older, through his or her own efforts, at his or her place of
10 residence, and not for a commercial purpose, but for
11 consumption by that person or his or her family and guests or
12 for use at an exhibition, demonstration, judging, tasting, or
13 sampling or as part of a contest or competition authorized by
14 Section 5-5.5.

15 (235 ILCS 5/5-5.5 new)

16 Sec. 5-5.5. Homemade beer.

17 (a) No license or permit is required under this Act for the
18 making of homemade beer or for the possession, transportation,
19 or storage of homemade beer by any person 21 years of age or
20 older, if all of the following apply:

21 (1) the person who makes the homemade beer receives no
22 compensation;

1 (2) the homemade beer is not sold or offered for sale;

2 and

3 (3) the total quantity of homemade beer made, in a
4 calendar year, by the person does not exceed 100 gallons,
5 if the household has only one person of legal drinking age
6 or 200 gallons if the household has 2 or more persons of
7 legal drinking age.

8 (b) A person who makes, possesses, transports, or stores
9 homemade beer in compliance with the limitations specified in
10 subsection (a) is not a brewer or a manufacturer of beer for
11 purposes of this Act.

12 (c) Homemade beer made in compliance with the limitations
13 specified in subsection (a) may be consumed by the person who
14 made it and his or her family, neighbors, and friends at any
15 private residence or other private location where the
16 possession and consumption of alcohol is permissible under this
17 Act, local ordinances, and other applicable law.

18 (d) Homemade beer made in compliance with the limitations
19 specified in subsection (a) may be used for purposes of
20 exhibition, demonstration, judging, tasting, or sampling or as
21 part of a contest or competition, if the event is held at a
22 private residence or on a licensed premises. Homemade beer used
23 for purposes described in this subsection (d), including the
24 submission or consumption of such homemade beer, are not
25 considered sold or offered for sale under this Act and any
26 prize awarded at a contest or competition or as a result of an

1 exhibition, demonstration, judging, tasting, or sampling is
2 not considered compensation under this Act. An exhibition,
3 demonstration, judging, tasting, sampling, contest, or
4 competition held by a licensee on a licensed premises may
5 require an admission charge to the event, but no separate or
6 additional fee may be charged for the consumption of a person's
7 homemade beer at the exhibition, demonstration, judging,
8 tasting, sampling, contest, or competition. Event admission
9 charges that are collected may be partially used to provide
10 prizes to makers of homemade beer, but the admission charges
11 may not be divided in any fashion among the makers of the
12 homemade beer who participate in the event. No admission fee
13 and no charge for the consumption of a person's homemade beer
14 may be charged if the exhibition, demonstration, judging,
15 tasting, sampling, contest, or competition is held at a private
16 residence.

17 (e) A person who is not a licensee under this Act may at a
18 private residence, and a person who is a licensee under this
19 Act may on the licensed premises, conduct, sponsor, or host a
20 contest, competition, or other event for the exhibition,
21 demonstration, judging, tasting, or sampling of homemade beer
22 made in compliance with the limitations specified in subsection
23 (a), if the person does not sell the homemade beer and, unless
24 the person is the brewer of the homemade beer, does not acquire
25 any ownership interest in the homemade beer. The fact that a
26 person is acting in a manner authorized by this Section is not,

1 by itself, sufficient to constitute a public nuisance under
2 Section 10-7 of this Act. If the contest, competition, or other
3 event is held on licensed premises, the licensee may allow the
4 homemade beer to be stored on the premises if the homemade beer
5 is clearly identified and kept separate from any alcohol
6 beverages owned by the licensee. If the contest, competition,
7 or other event is held on licensed premises, other provisions
8 of this Act not inconsistent with this Section apply.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.