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Sponsor Testimony

Senate Bill 102

Ohio Senate Agriculture and Natural Resources Committee

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Chair Schaffer, Vice-Chair Huffman, Ranking Member Fedor, and Members of the Senate Agriculture and Natural Resources Committee, thank you for the opportunity to provide sponsor testimony on S.B. 102, which will allow for an Ohioan to enter their own homebrewed product in a tasting competition against other homemade alcohols.

“Homebrewing” covers everything from brewing beer with yeast to fermenting wine from juice to making mead from honey to crushing fruit for cider. While homebrewing has taken place on this continent since before the first European settlers arrived¹, we of course had an act of Congress to make things official. The 1978 enactment of Public Law 95-458 (H.R. 1337) legalized the practice of home brewing in the United States, provided one individual produces less than 100 gallons yearly or a household with two adults less than 200 gallons per year. The law also allows for homebrews made for personal or family use to be removed from the premises where made, for exhibitions, tastings, and homemakers contests².

The home production of alcohol has flourished since 1978, and learning the art continues to grow in popularity. Homebrewing is actually more popular now than ever³. New brewers and experienced vintners alike have a desire to gather with others in order to share their knowledge and notes. This social gathering of people and ideas often takes the form of full-blown industry conferences and conventions, such as “BrewCon,” the American Homebrewers Association’s annual event. “BrewCon” attracts nearly 5,000 patrons every year, drawing interest from its nearly 50,000 home brewers across the country.

¹https://www.archaeologicalconservancy.org/?wpfb_dl=58

²<https://www.congress.gov/bill/95th-congress/house-bill/1337>

³<https://www.timesfreepress.com/news/national/entertainment/story/2020/apr/23/amid-covid-19-pandemic-homebrewing-surges-popularity/521305/>

The economic impact of such gatherings is substantial. “BrewCon” for example generates \$5 million dollars in local economic activity, with another \$200,000 in tax revenue going to the state and \$100,000 going to local governments being typical.⁴ Ohio was considered for the 2020 BrewCon, but organizers inevitably chose to convene elsewhere because, despite over 40 years of safe and satisfying homebrewing nationwide, the transportation of homebrewed product is not allowed under current Ohio Division of Liquor Control guidelines. Hosting an event in Cleveland was not worth the permitting headache that would come as a result of Ohio’s unclear and antiquated law, which views the transport of homebrewed beverages as an open-container violation. Twenty-nine states have recognized that federal law allows homebrewed beverages to be transported to competitions and judging, but Ohio has not.⁵

Every House and Senate district in the state contain home-brewing constituents, who all should be allowed to compete, meet, and come together to discuss their hobby without the need to obtain a permit or pay a fee to the Ohio Department of Commerce’s Division of Liquor Control. The need for this legislation was brought to my attention by one of those homebrewing-constituents within my district who has a passion for homebrewed beer, and was on top of this issue even before the state was passed over for the 2020 “BrewCon”. In our discussions, we realized there was one perception of this legislation that is important to address: the idea that the passage of this bill will create a “Wild West” type scenario, where we are seeing a convention or competition happening every other day on every other corner.

This concern is easily alleviated by the fact that legislation similar to that before you today is on the books in almost 30 other states, all of which regularly host successful conventions. Take the aforementioned “BrewCon” for example – all attendees acting as judges are pre-registered, dues-paying AHA members who are limited to 5 homebrew samples smaller than a glass of wine. Senate Bill 102 goes a step further by limiting sample sizes to two ounces. Additionally, “competitions” are defined in federal law as being closed to the general public with only certified judges being permitted in the areas where beer is tasted and judged.

In addition to allowing for the homebrewer’s family, neighbors, and friends to come together on private property, Senate Bill 102 does include provisions to allow certain liquor permit holders to conduct their own homebrew event. Included

⁴ <https://www.minneapolis.org/media/news-releases/minneapolis-welcomes-beer-enthusiasts-from-around-the-country-for-homebrew/>

⁵ <https://www.ncsl.org/research/financial-services-and-commerce/home-manufacture-of-alcohol-state-statutes.aspx>

are premises where an A-1c, A-2, A-2f, A-3a, or D4 permit is issued. While Ohio has over 60 different liquor permits, these 5 permits were carefully selected to include those which may be beneficial to the craft and spur economic development.

- Permit A-1c is Ohio's craft beer brewing license, and applies to brewers who produce less than 31 million gallons per year. The inclusion of this permit would allow Combustion Brewery and Taproom, a small business in Chair Schaffer's district, to allow their neighbors in Pickerington to gather at their taproom and share ideas and industry insight.
- Permit A-2 is Ohio's license for the manufacture of wine, including mead. The inclusion of this permit would allow me to take mead produced from my bees' honey to Ranking Member Fedor's district, where we could both attend an event at the Four Fires Meadery located in Maumee.
- Permit A-2f permits Ohio's farms to make wine and cider from fruits grown on their property. If a constituent of mine decided to take up cider making, the inclusion of this permit would allow them to head to Bent Ladder Cider and Wine in Doylestown where they could share their cider and get input on their efforts from the experts there.
- Permit A-3a is Ohio's license for small-scale distillers, those who produce less than 100,000 gallons annually. The inclusion of this permit would allow for Buckeye Distillery located in downtown Tipp City, to host an event for Vice-Chair Huffman's constituents where they could learn about the barrel aging of beers.
- Permit D4 is the permit that covers Ohio's fraternal organizations. The inclusion of this permit would allow for our veterans who are also veteran homebrewers, to host events at their local Amvets or American Legion Post.

Planning for the 2023 BrewCon is now taking place. Northern-Ohio brewers are trying their hardest to keep Cleveland in the running. Each passing day also brings lost revenue for those small businesses which could attract individuals to their business by hosting a convention or competition. With this in mind, and considering Indiana⁶ and Illinois⁷ have recently passed legislation similar to SB102, the time is now to ensure Ohio doesn't fall further behind. This bill is about conformity with federal law and capitalizing on economic opportunity.

I thank you for the opportunity to testify today and would be happy to answer any questions at this time.

⁶ <https://www.homebrewersassociation.org/homebrewing-rights/statutes/Indiana/>

⁷ <https://www.homebrewersassociation.org/homebrewing-rights/statutes/Illinois/>