

December 2023 Legal & Legislative Update

FEDERAL / NATIONAL / INTERNATIONAL

BA Petitions TTB for Further Formula Requirement Exemptions

The Brewers Association (BA) has submitted its [latest petition](#) to the Alcohol and Tobacco Tax and Trade Bureau (TTB) seeking exemption from formula requirements for specific ingredients used in the brewing of beer. Since 2006, BA has submitted four ingredient exemption petitions to TTB bringing the list of ingredients determined to be traditional, and therefore not subject to formula requirements, to eighty-eight. The BA's [2021 petition](#) and this latest petition, both of which are pending review and action, potentially add another fifteen ingredients to that exempt list.

THE STATES

Michigan

[House Bill 5327](#) seeks to modify membership in the Michigan craft beverage council.

New Jersey

Conditionally vetoed by the Governor, [S.B. 3038](#) seeks to allow craft alcoholic beverage manufacturers (defined as a limited brewery license, cidery and meadery license, and craft distillery license holder) to hold not more than 25 off-premises special events and an unlimited number of on-premises special events and private parties. In addition, these license holders would be entitled to hold not more than 25 social affair events hosted by the holder of a social affair permit; to offer for sale or make the gratuitous offering of de minimis food items including, but not limited to, packaged crackers, chips, nuts, and similar snacks to consumers; to sell non-alcoholic beverages; to coordinate with a food vendor, including food trucks and restaurants, for the provision of food on the licensed premises and provide menus to consumers for the sale of food; to offer discounts for promotional purposes, provide targeted discounts, and establish membership programs that offer discounts; to show or display any televised program on televisions or other screening devices of any number or size on the licensed premises without the need to provide notice to or obtain a permit from the Division of Alcoholic Beverage Control prior to showing or displaying any televised event; to sell beverages for on-site consumption without having to give a tour; and to allow holders of restricted brewery licenses to manufacture 300,000 barrels/year (currently 10,000 barrels/year) and to directly sell and distribute to retailers 50 percent of the beer that is produced on premises in each year.

Signed into law, [S.B. 3782](#) allows the sale of malt alcoholic beverages in cans or bottles marked for deposit in another state.

Ohio

Referred to committee, [S.B. 170](#) provides for the Sunday sale of alcohol.

Wisconsin

Passing both chambers of the legislature, [Senate Bill 268](#) would, among a variety of provisions, create the Division of Alcohol Beverages (DAB) within the Department of Revenue (DOR) and assign to DAB the authority to regulate and enforce Wisconsin's alcohol beverages law through two bureaus dedicated to: (1) enforcement and (2) legal services, permitting, and reporting. The bill further amends the definition of "fermented malt beverage" (beer) to include any beverage recognized under federal regulations as beer, except sake or similar products, and allows a person who made homemade wine or beer in another state to transport up to 10 gallons of the wine or beer into Wisconsin for purposes of participating in a competition or exhibition that complies with state law, is held by a national organization, and has participants from more than 25 states.