

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5531. Manufacturer: Authorized Manufacturing.

(a) Subject to the Commonwealth public health regulations and the provisions of this chapter, a person holding a manufacturer's license may manufacture alcoholic beverages for sale to any appropriately licensed wholesaler.

(b) **Small Batch Non-Commercial Manufacture.** A person 21 years of age or older, may manufacture within the Commonwealth tuba, beer, wine, and other non-distilled alcoholic beverages in batch quantities of no more than 10 gallons or 1,280 fluid ounces per year for private use, and not for resale, without a license. This subsection shall exempt a person from the requirement set forth under 4 CMC § 5521.

(c) Prohibitions and limitations on small batch non-commercial manufacture authorized in subsection (b) of this section. A person who manufactures tuba, beer, wine and other non-distilled alcoholic beverages for private use is subject to the following:

- (1) No public display of drunkenness;
- (2) No selling to general public;
- (3) No serving to persons under 21 years old;
- (4) No free public tasting;
- (5) No personal or public advertisement;
- (6) No commercial exportation; and
- (7) Consumption shall be made in a responsible and dignified manner for the purpose of enjoying the pleasant aspect of alcohol.

(d) Any quantity of alcoholic beverage manufactured for personal use in excess of the amount authorized by subsection (b) of this section or consumed or sold in violation of subsection (c) of this section shall be confiscated by the Department of Commerce.

(e) If a person intends to sell for profit any alcoholic beverage manufactured pursuant to subsection (b) of this section, the person is required to obtain a license pursuant to 4 CMC § 5521.

Source: MIDC § 11.08.100; amended by PL 21-19, § 3 (Apr. 3, 2020).

Commission Comment: See the comment to [4 CMC § 5511](#).

In addition to severability and savings clause provisions, PL 21-19 included the following Findings section:

Section 1. Findings. The Legislature finds that the Commonwealth's current alcoholic beverage control laws restrict manufacture of alcoholic beverages within the Commonwealth to persons who obtain a license at significant expense, and further, that the statutory licensing scheme is intended to regulate commercial import, production and sale of alcoholic beverages. The Legislature finds further that indigenous culture includes the manufacture of alcoholic beverages for personal consumption, including without limitation traditional wines such as tuba. Moreover, the Legislature finds that many hobbyists throughout the country enjoy brewing

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their own beer for personal consumption. These activities are permitted under federal law, and the laws of the 50 states without license.

The purpose of this Act is to restructure the exemptions to licensure found in Title 4, Division 5, Chapter 5 of the Commonwealth Code to authorize the non-commercial manufacture of small batches of alcoholic beverage for household consumption without a license.