



The Freedom to Home Distill Act

Restoring an American Tradition, Modernizing an Outdated Federal Ban

BACKGROUND

Home distillation of spirits is deeply rooted in American history, reflecting the independence and ingenuity that helped shape our nation. From the colonial era through the early Republic, small-scale distilling was a common household practice. Even George Washington operated a distillery at Mount Vernon after his presidency.

Today, however, federal law still prohibits home distillation under an outdated restriction dating back to 1868 — more than half a century before Prohibition began. In 1978, Congress updated the Internal Revenue Code to allow adults to produce beer and wine at home (up to 200 gallons annually) tax-free for personal use. Distilled spirits were excluded without a clear or compelling policy rationale.

WHAT THE BILL DOES

The ***Freedom to Home Distill Act*** amends federal law to allow adults age 21 and older to engage in limited, non-commercial home distillation of spirits for personal and family use — modeled on existing home brewing law. For purposes of this bill, “home distillation” refers to small-scale production of distilled spirits in a private residence, strictly for personal use and not for sale.

Specifically, the bill:

- **Creates a Tax Exemption:** Eliminates federal excise tax on distilled spirits produced at a qualifying home distillery (located in a private residence and used solely for personal or family consumption).
- **Establishes Production Limits (mirroring current homebrewing limits):**
 - Up to **10 proof gallons/year** for single adult-households
 - Up to **20 proof gallons/year** for households with 2+ adults age 21+
- **Prohibits Commercial Sale:** Any sale or offer for sale voids the tax exemption, ensuring this remains strictly **personal-use only**
- **Preserves State Authority:** Applies only to federal law; states retain full authority to regulate or prohibit home distillation.

Several developed democracies, including New Zealand and Austria, permit limited, non-commercial home distillation for personal use under clear safeguards, demonstrating that this traditional activity can be responsibly allowed without heavy-handed federal restriction. The United States remains an outlier, maintaining a blanket prohibition even as it allows home production of beer and wine.

The ***Freedom to Home Distill Act*** is a commonsense, limited reform that restores individual liberty, reins in an outdated federal overreach, and returns authority where it belongs — while maintaining clear safeguards against commercial misuse.

To join as a cosponsor, or for more information, please contact liam.schmidt@mail.house.gov in Rep. Harshbarger's office.