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# Federal Court Eases Home Distilling Ban

The ruling applies only in Texas, Louisiana and Mississippi, leaving most Americans under the old federal prohibition

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A federal appeals court in New Orleans has moved the United States one step closer to allowing home distilling, but the practice remains illegal in most of the country and could still face a Supreme Court challenge.

In April, the 5th U.S. Circuit Court of Appeals ruled that a 158-year-old federal ban on making spirits at home is unconstitutional, saying the law no longer serves its original purpose of preventing tax evasion. The case was brought by the Hobby Distillers Association, which argued that the government cannot ban an entire category of homemade goods simply because some of them might eventually be sold and taxed. The court agreed, but its ruling applies only within the 5th Circuit, which covers Texas, Louisiana and Mississippi.

That means residents in those three states are not subject to federal prosecution under the ban, but they still must follow state law. In Texas and Mississippi, home distilling remains illegal under state rules, even after the federal ruling. Louisiana allows hobby distillers only if they obtain a microdistillers permit. In other states, the federal ban remains in force unless it is overturned nationwide.

The federal government has until July 9 to ask the Supreme Court to review the case. If it does, the justices would decide whether the ban violates the Constitution on a national level. A Supreme Court ruling could legalize home distilling across the country or leave the current patchwork of state and federal rules in place.

For now, people interested in making spirits at home are being told to check both federal and state law before buying equipment. The Hobby Distilling Association says anyone considering it should also look into permits where required.

The legal landscape is already uneven. Alaska, Arizona, Maine and Massachusetts allow possession and production of spirits for personal use, though some impose permit requirements or other limits. Michigan, Ohio and Rhode Island allow people to own a still but not operate one, generally for educational or demonstration purposes.

The penalties for illegal home distilling can be steep. In places where it is not allowed, offenders can face up to five years in prison and a $10,000 fine.

The court decision has also renewed interest in how home distilling works. The basic setup includes a fermentation tank and a still. A fermentation tank can be a food-grade bucket or tub large enough to hold mash, the mixture of ingredients, water and yeast that begins fermentation. A still then heats that liquid so alcohol vapor can be

separated and condensed back into liquid form.

There are two main kinds of stills used by hobbyists: copper pot stills and column stills. Copper pot stills are often used for fuller-flavored spirits such as Scotch-style whiskey or mezcal because they preserve more character from the mash. Column stills, sometimes called reflux stills, are used more often for lighter spirits such as vodka and gin because they produce a cleaner result through repeated distillation inside the column.

Rick Morris, director of the Hobby Distilling Association, said beginners should consider buying a complete distillation kit rather than assembling parts separately. He said that is especially important because distilling involves heat and flammable alcohol vapor. He also advised buying equipment made in the United States so customers can more easily get help if assembly questions come up.

Morris said home distillers should think carefully about heat sources before choosing equipment. Some stills use internal heat that comes into direct contact with the liquid; others rely on external heat such as propane. Internal heat can be more efficient, he said, but it also raises the risk of scorching grains when making darker spirits like bourbon.

He added that bottling equipment is usually unnecessary for small batches because hobbyists typically produce fewer than a dozen bottles at a time and can bottle by hand.