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Appeals Court Upholds Federal Ban on Home Still Possession

The ruling preserves a long-standing restriction tied to Congress’s power to tax distilled spirits

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A federal appeals court on Wednesday upheld a long-standing federal ban on possessing stills in dwelling houses, ruling that the restriction is a valid exercise of Congress’s taxing power and its authority to pass laws needed to carry out that power.

The decision from the U.S. Court of Appeals for the Sixth Circuit came in a case brought by an individual who operates a brewery and wanted to distill whiskey at home. He argued that the federal law, which makes it a felony to possess a still in a residence,

went beyond Congress’s constitutional powers. The government countered that the ban is tied to the collection of excise taxes on distilled spirits and is therefore lawful.

The court sided with the government and said the prohibition fits within Congress’s authority under the Taxing Clause and the Necessary and Proper Clause. In doing so, the panel rejected the argument that the law was an improper expansion of federal power over home distilling.

The ruling matters because it preserves one of the key federal tools used to regulate distilled spirits and protect tax collection. Federal law has long treated unlicensed distilling as a serious offense, and the case tested whether that framework still holds when challenged as an overreach.

The dispute also reflects broader tensions around home distilling, which has drawn interest from some brewers, hobbyists and small producers looking to expand into spirits. But federal rules remain strict, and the Sixth Circuit’s decision reinforces that anyone seeking to distill alcohol at home faces significant legal barriers unless Congress changes the law or regulators revise the system.

The taxpayer had asked the court to rule in his favor on summary judgment, while the government sought dismissal, saying he lacked standing and that his constitutional challenge failed on the merits. The district court had ruled for the government before the case reached the appeals court.

The Sixth Circuit’s opinion leaves intact a federal enforcement regime that links possession of stills in homes to tax administration, even as interest in small-scale distilling continues to grow among some operators in the beverage industry.