

**Subchapter B—Qualification Requirements for Distilled Spirits Plants**

- Sec.
- 5171. Establishment.
- 5172. Application.
- 5173. Bonds.
- [5174. Repealed.]
- 5175. Export bonds.
- 5176. New or renewed bonds.
- 5177. Other provisions relating to bonds.
- 5178. Premises of distilled spirits plants.
- 5179. Registration of stills.
- 5180. Signs.
- 5181. Distilled spirits for fuel use.
- 5182. Cross references.

**PRIOR PROVISIONS**

A prior subchapter B, Distilleries, consisted of part I, Establishment, part II, Operation, and part III, General Provisions Relating to Distilleries and Distilled Spirits, and consisted of sections 5171 to 5180, 5191 to 5197, and 5211 to 5217, respectively, prior to the general revision of this chapter by Pub. L. 85-859, title II, §201, Sept. 2, 1958, 72 Stat. 1313.

**AMENDMENTS**

2018—Pub. L. 115-141, div. U, title IV, §401(a)(242), Mar. 23, 2018, 132 Stat. 1195, substituted “Premises of distilled spirits plants” for “Distilled spirits plants” in item 5178.

1980—Pub. L. 96-223, title II, §232(e)(2)(F), Apr. 2, 1980, 94 Stat. 280, added item 5181 and redesignated former item 5181 as 5182.

1979—Pub. L. 96-39, title VIII, §807(b)(4), July 26, 1979, 93 Stat. 290, substituted “Bonds” for “Qualification bonds” in item 5173, struck out item 5174 “Withdrawal bonds”, and substituted “Distilled spirits plants” for “Premises of distilled spirits plants” in item 5178.

**§ 5171. Establishment**

**(a) Certain operations may be conducted only on bonded premises**

Except as otherwise provided by law, operations as a distiller, warehouseman, or processor may be conducted only on the bonded premises of a distilled spirits plant by a person who is qualified under this subchapter.

**(b) Establishment of distilled spirits plant**

A distilled spirits plant may be established only by a person who intends to conduct at such plant operations as a distiller, as a warehouseman, or as both.

**(c) Registration**

**(1) In general**

Each person shall, before commencing operations at a distilled spirits plant (and at such other times as the Secretary may by regulations prescribe), make application to the Secretary for, and receive notice of, the registration of such plant.

**(2) Application required where new operations are added**

No operation in addition to those set forth in the application made pursuant to paragraph (1) may be conducted at a distilled spirits plant until the person has made application to the Secretary for, and received notice of, the registration of such additional operation.

**(3) Secretary may establish minimum capacity and level of activity requirements**

The Secretary may by regulations prescribe for each type of operation minimum capacity

and level of activity requirements for qualifying premises as a distilled spirits plant.

**(4) Applicant must comply with law and regulations**

No plant (or additional operation) shall be registered under this section until the applicant has complied with the requirements of law and regulations in relation to the qualification of such plant (or additional operation).

**(d) Permits**

**(1) Requirements**

Each person required to file an application for registration under subsection (c) whose distilled spirits operations (or any part thereof) are not required to be covered by a basic permit under the Federal Alcohol Administration Act (27 U.S.C. secs. 203 and 204) shall, before commencing the operations (or part thereof) not so covered, apply for and obtain a permit under this subsection from the Secretary to engage in such operations (or part thereof). Subsections (b), (c), (d), (e), (f), (g), and (h) of section 5271 are hereby made applicable to persons filing applications and permits required by or issued under this subsection.

**(2) Exceptions for agencies of a State or political subdivisions**

Paragraph (1) shall not apply to any agency of a State or political subdivision thereof or to any officer or employee of any such agency, and no such agency, officer, or employee shall be required to obtain a permit thereunder.

**(e) Cross references**

**(1) For penalty for failure of a distiller or processor to file application for registration as required by this section, see section 5601(a)(2).**

**(2) For penalty for the filing of a false application by a distiller, warehouseman, or processor of distilled spirits, see section 5601(a)(3).**

(Added Pub. L. 85-859, title II, §201, Sept. 2, 1958, 72 Stat. 1349; amended Pub. L. 94-455, title XIX, §§1905(a)(13), 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1820, 1834; Pub. L. 96-39, title VIII, §805(a), July 26, 1979, 93 Stat. 274.)

**REFERENCES IN TEXT**

The Federal Alcohol Administration Act, referred to in subsec. (d)(1), is act Aug. 29, 1935, ch. 814, 49 Stat. 977, as amended, which is classified generally to subchapter I (§201 et seq.) of chapter 8 of Title 27, Intoxicating Liquors. The basic permit is covered by sections 203 and 204 of Title 27. For complete classification of this Act to the Code, see section 201 of Title 27 and Tables.

**PRIOR PROVISIONS**

A prior section 5171, act Aug. 16, 1954, ch. 736, 68A Stat. 627, related to “premises prohibited for distilling”, prior to the general revision of this chapter by Pub. L. 85-859. See sections 5178(a)(1)(B), (b), (c)(2), and 5505(b) of this title.

Provisions similar to those comprising subsecs. (a), (b)(1) and (c) of this section were contained in prior sections of act Aug. 16, 1954, prior to the general revision of this chapter by Pub. L. 85-859, as follows:

<i>Present subsecs.:</i>	<i>Prior sections</i>
(a) .....	5172, 5175(a), 5177(a), 5178, 5231, 5243(a), 5271(a), 5301-5303, 5305, 5331(a)(1).