

**From Legislation to Liquor: The Rise of Whiskey Distilleries in the U.S.**

A Research Paper submitted to the Department of Engineering and Society

Presented to the Faculty of the School of Engineering and Applied Science

University of Virginia • Charlottesville, Virginia

In Partial Fulfillment of the Requirements for the Degree

Bachelor of Science, School of Engineering

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Spring 2025

On my honor as a University Student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments

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## **Introduction**

Whiskey has a unique place in the history and culture of the Western Civilization. The liquor traces its roots back centuries to Ireland and Scotland where the art of distillation first began (Irish Whiskey Museum, 2024). Originally developed to be used medically, whiskey soon became desired for its complexity, craftsmanship, and intoxicating effects. Over time, whiskey making traditions were brought to the United States by immigrants and the drink became deeply involved in the economy and society. In the late 1700s, American whiskey production began in Pennsylvania and Kentucky. Farmers would distill their surplus grain into whiskey that could be easily transported and sold (Emerson Knives, 2024). Drinking American whiskey began as a protest against the high taxes placed on rum by the British Empire and later as a necessity for hard liquor when rum was hard to find after the Revolutionary War (Bellino, 2018). During the early days of the United States, whiskey was associated with freedom and liberty among the frontiersmen against a strong federal government and taxation, especially after the Whiskey Rebellion. Throughout the 1800s, “whiskey became America’s most iconic alcoholic beverage and the spirit of frontier distillers was as strong as ever...nearly everyone in the country was drinking whiskey for either medicinal or recreational reasons” (Bellino, 2018, p. 21).

Economically, the Industrial Revolution allowed for whiskey making to become cheaper and more efficient. Furthermore, the federal government began “to protect the domestic whiskey industry and placed a steep tax on other hard liquors, especially foreign imports, in order to ensure the American staple would continue to prosper and thrive” (Bellino, 2018, p. 21).

Whiskey served as both an important commodity as well as a symbol of community with local distilleries acting as gathering places. Today, whiskey continues to create a strong bond between

those who share an appreciation for the product, its history, and the shared experiences it promotes.

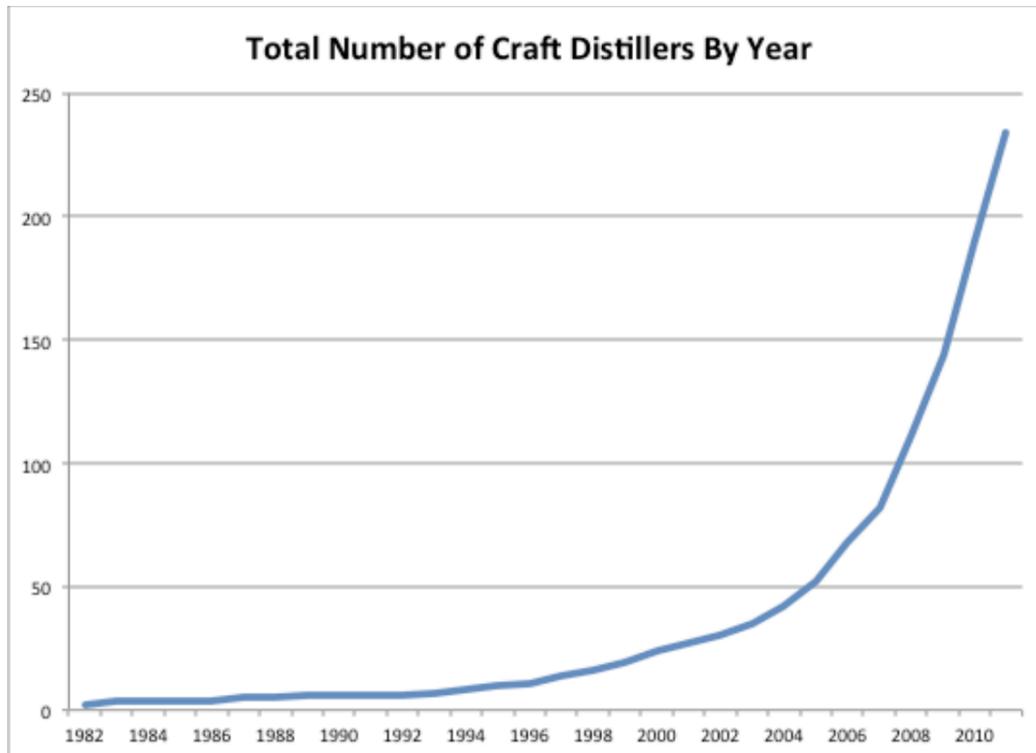
An important part of the whiskey community are the distilleries that create unique products and host tasting events. They provide a place to meet up and sample new whiskeys. Here, anyone can learn about the distillation process, talk to the experts, and attend events that build community. Visiting different distilleries not only improves the whiskey experience but also reflects a significant trend in the industry. Notably, the number of whiskey distilleries in the United States has surged over the past twenty five years. At the beginning of the 21st century, there were 49 distilleries (Madsen, 2024), while currently there are at least 1,300 (The Whiskey Aardvark, 2025).

The growth in whiskey distilleries over this time reflects a cultural and economic change. The growth of craft production across various industries, from beer to cheese to spirits, demonstrates a shift in consumer preferences. People in the United States have increasingly looked for authenticity, quality, and unique experiences. They want small batch and local products instead of mass production. Whiskey has become a major part of this movement because of its extensive heritage and complex production process (Spirits Capital, 2023). This rise also stems from new legislation that has allowed for smaller distilleries to succeed. Changes to state and federal laws, including reduced excise taxes and less restrictions for on site sales and tasting rooms, have led to increased growth (SevenFifty Daily, 2021; American Distilling Institute). Additionally, the expansion of whiskey festivals, online communities, and specialized publications has strengthened public interest and awareness in the industry (Micallef, 2018). This thesis explores the increase in the number of whiskey distilleries in the United States over the past twenty five years, examining the factors that have driven this growth.

## **STS Theory**

Whiskey distilleries are not just about the product but are influenced by the people involved. This includes individual visitors, like whiskey enthusiasts and tourists, as well as industry professionals, including bartenders and collectors. Each visitor brings unique preferences and experiences that influence how they interact with distilleries. There is also the social aspect which involves the relationships and interactions that develop among visitors and between visitors and distillery staff. These connections are essential for developing belonging and shared identity within the whiskey community. The distillery's events, tours, and tastings strengthen visitor engagement and satisfaction. Visitors can connect with others who share similar whiskey preferences at distilleries known for their unique selections. By tasting different whiskeys together, they build social connections and provide feedback that distilleries can use to refine their offerings.

Hughes (1987) argues that large, modern technological systems are socially constructed and evolve in distinct phases: invention, development, innovation, transfer, growth, competition, and consolidation. The rise of craft distilleries in the United States reflects these stages through their entrepreneurial spirit and drive for innovation. As seen in Figure 1, the number of craft distilleries has grown significantly over the past few decades due to social, economic, and technological shifts (Kinstlick, 2012).



**Figure 1.** *Total Number of Craft Distilleries by Year*

The invention phase, as described by Hughes, involves independent actors unconstrained by institutional limitations. New distillers do this by adopting changes in distillation techniques which enables them to “differentiate themselves from traditional products and processes” (Lyons, 2014, p. 43). These independent actors create radical new approaches to whiskey production, driven by the desire to improve existing practices from larger, established distilleries. For example, they experiment with a wide range of raw materials to offer unique flavors and products that challenge traditional standards (Kellershohn & Russell, 2015).

The development phase, where experimental innovations are refined for real world application, has also been significant for craft distilleries. By focusing on small batch production, these distilleries have found their own place in the whiskey market. Their limited production scale allows for flexibility to explore unconventional techniques and respond quickly to

consumer preferences. This adaptability has created a diverse whiskey market that can meet the growing demand for authenticity and quality.

The innovation phase is evident in how craft distilleries have transformed their physical spaces into destinations for tourism and education. As Lyons (2014) explains, there is a growing public desire for unique experiences. Many distilleries now offer tours, tastings, and opportunities for visitors to engage directly with head distillers. These experiences provide interactive and memorable experiences. This integration of production and tourism reflects Hughes' concept of technological systems as inherently social, where innovation is not only about technical advances but also the social interactions and cultural practices that emerge around the technology. Furthermore, legislative changes have played a critical role in the transfer and growth phases of craft distilleries. Laws permitting direct-to-consumer sales, reduced excise taxes for small producers, and relaxed restrictions on on site tastings have created an environment for small distilleries to expand operations. These policies demonstrate how external factors, such as political and economic systems, interact with technological innovation to shape the trajectory of an industry.

The rise of craft distilleries has followed the growth of the craft beer industry due to similar consumer trends. Just as craft beer consumers value products that are “tastier, more genuine, and natural” (Lerro, Marrota, & Nazzaro, 2020), whiskey consumers increasingly want higher quality, unique flavors, and transparency in production. This shared demand reflects what Hughes (1987) refers to as a “technological style,” where products evolve in ways that are “appropriate for time and place.” The craft distillery movement, much like craft brewing, adapts to changing market demands while reinforcing cultural values of craftsmanship and local identity.

Craft distilleries have not only embraced technological and social innovation but also contributed to shaping the culture and economy of their regions. They have become hubs of community activity that combine traditional methods with modern approaches. Knollenberg, Arroyo, Barbieri, and Boys (2021) argue that craft beverage producers foster social capital to create collaborative networks that contribute to both local economic growth and tourism development. The transformation of distilleries into cultural and economic assets highlights their societal significance as they attract visitors, create jobs, and contribute to local identity. The evolution of craft distilleries can be framed within Hughes' model of technological systems where invention, development, and innovation combine with social, political, and economic forces. These distilleries demonstrate how technological and cultural practices evolve together, shaping not only the whiskey industry but also the communities and consumers they serve.

### **Case Context**

The growth in the craft whiskey distilling industry has been driven by entrepreneurial spirit, technological advancements, and changes in government regulation. This industry represents a combination of tradition and innovation as small scale distilleries incorporate creative production techniques, develop unique visitor experiences, and contribute to economic and cultural development in their communities. Craft distilleries have the ability to differentiate themselves through their unique production processes. Many craft distillers have redefined whiskey production by experimenting with barrel sizes, wood types, and aging techniques (Lyons, 2014). They have embraced smaller barrels and alternative woods to accelerate aging and create distinct flavor profiles compared to larger producers who rely on standardized methods and large scale production. This approach is necessary because of their limited capital to

support long aging periods and is a response to consumers' growing demand for unique products. They try to stand out in a crowded market by offering something different from traditional whiskey producers.

The technological infrastructure of craft distilleries plays a significant role in enabling innovation and differentiation. Advances in small-scale distillation equipment have allowed distillers to experiment with precision and efficiency, creating unique products that stand out in a crowded market. Also, digital marketing platforms and social media have provided new ways to connect with consumers and share their stories. These tools are combined with the actual physical distillery to facilitate both production and tourism. This pairing creates destinations that attract all types of whiskey drinkers and helps people develop a deeper connection to the product because consumers have the opportunity to "see the fermentation in action, taste the mash, feel the still, and sample the new spirit" (Lyons, 2014, p. 45).

Government views on whiskey have evolved throughout the history of the United States to reflect changing economic priorities, regulatory approaches, and cultural attitudes. Historically, whiskey was seen as a critical source of revenue, leading to the 1791 Whiskey Tax, which sparked the Whiskey Rebellion (Reed, 2017). Over time, government regulations became more restrictive, resulting in Prohibition from 1920 to 1933 which banned the production and sale of whiskey. After its repeal, the government established strict control measures, including the three-tier distribution system, which still affects the industry today. The three-tier system is where the producer first has to sell their product to a wholesaler who then sells it to a retailer (National Alcohol Beverage Control Association). However, there has been a shift toward deregulation and support for whiskey producers, particularly craft distilleries. The 2017 Tax Cuts and Jobs Act reduced federal excise taxes on small distillers, lowering the financial barriers to

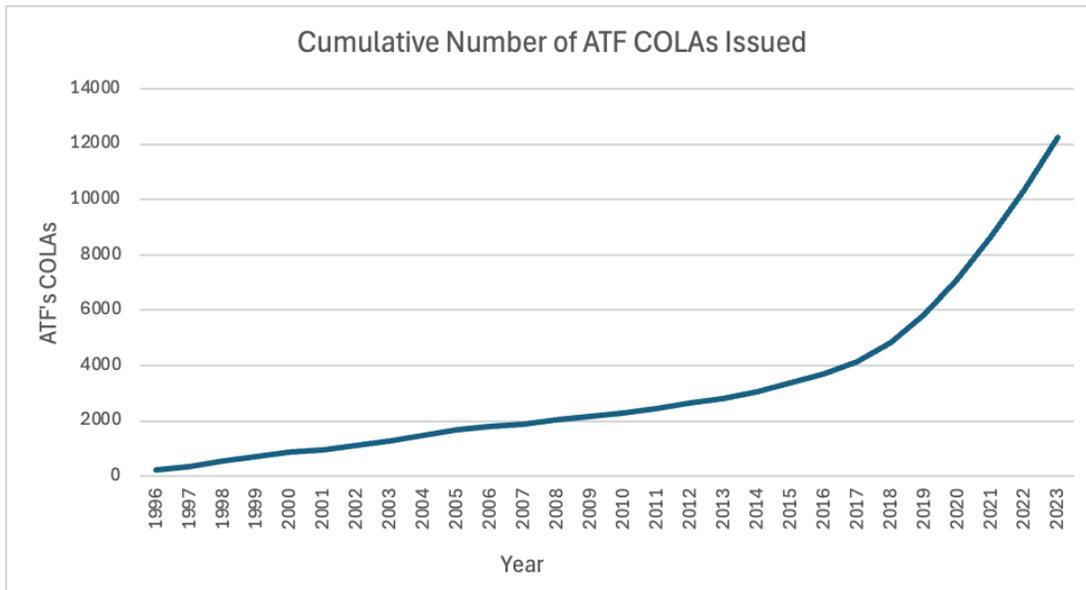
start making whiskey (Alcohol and Tobacco Tax and Trade Bureau, 2020). Additionally, many states have reformed laws to permit direct-to-consumer sales, allowing distilleries to bypass traditional distributors and sell straight to the customers (Lyons, 2014). Whiskey has also gained recognition as a cultural and economic asset. States like Kentucky have promoted the Bourbon Trail, which has generated significant revenue and job growth for the state (Kentucky Distillers' Association, 2022). Internationally, whiskey has become a key export, with governments negotiating trade agreements to reduce tariffs and expand market access (Distilled Spirits Council of the United States, 2024). This evolving governmental stance, from restrictive taxation to economic support, has enabled whiskey, especially craft distilleries, to thrive.

## **Research Question and Methods**

There has clearly been a rapid increase in the number of distilleries in the United States, leading to many opportunities for whiskey drinkers to discover different products and find their niche communities. When recommending a distillery, it is important to understand why there are so many options available and the factors which draw consumers to the various choices. Why has there been such massive growth in whiskey distilleries over the past twenty five years?

To explore this question, I analyzed the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) Certificate of Label Approval (COLA) registry, which tracks the amount of distilleries that are authorized to legally sell their products. The growth of COLAs, which "authorize the bottling of distilled spirits" (Cornell Law School), are a clear indicator of industry growth. The registry has every COLA registration from 1996 until today. These COLAs reveal when distilleries are beginning to market their whiskeys. I downloaded the data from 1996 to 2023 and only included the COLAs for straight whisky, straight bourbon whisky, straight rye

whisky, and straight corn whisky. I then graphed the cumulative number of whiskey COLAs as seen in Figure 2.



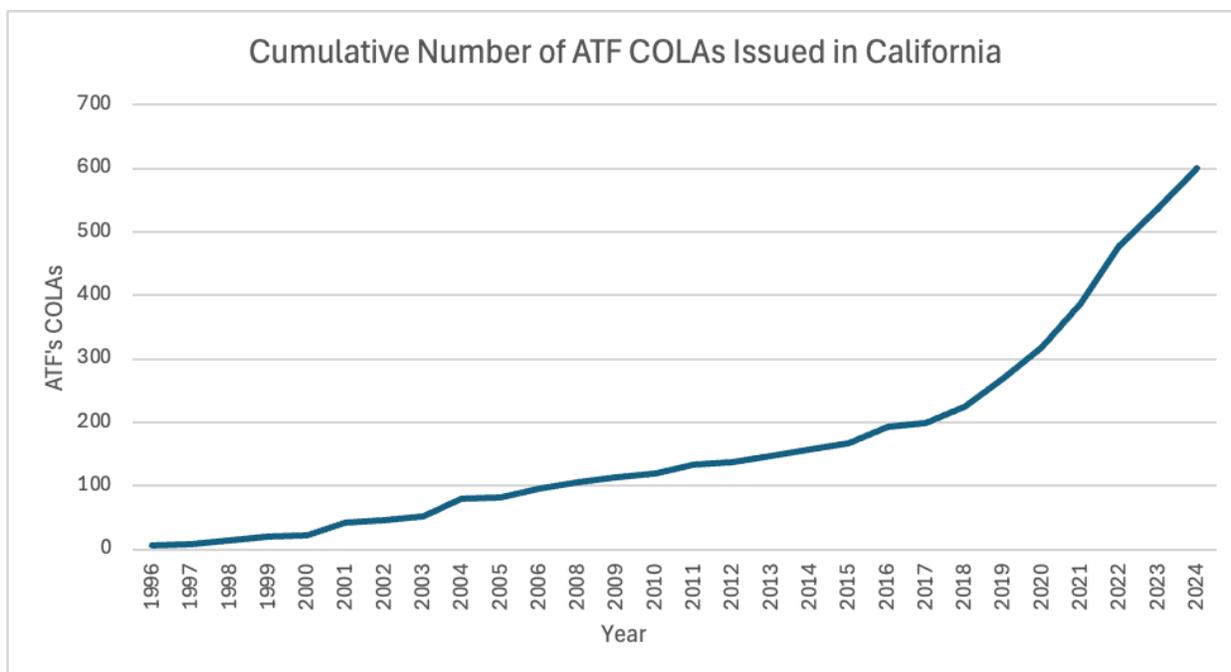
**Figure 2.** *Cumulative Number of ATF COLAs Issued*

To understand the relationship between legislative changes and growth, I specifically examined large jumps in COLA issuance and correlated these with key whiskey laws passed in California and New York. I chose these states due to their significant number of distilleries, despite not being traditionally known for whiskey production. The California Department of Alcoholic Beverage Control's resources and New York State Assembly's database were used to identify and analyze the impact of these laws on distillery expansion and the broader whiskey industry. This analysis is framed within Hughes's theory of technological momentum, considering how policy changes addressed reverse salients by removing barriers to entry, facilitating market expansion, and allowed for systems builders to reshape the industry and push for legislative reforms.

## **Results**

This study analyzes the growth of the whiskey distillery industry in California and New York and assesses the impact of key legislative changes on the issuances of COLAs. The results clearly show a significant increase in the number of COLAs issued in both states, with notable surges following the enactment of several pivotal laws. In California, for instance, COLA issuances doubled in the years after the Craft Distillers Act of 2015 was implemented. Similarly, New York saw an exponential rise in COLA issuance after the passage of the 2007 Farm Distillery Act and the 2014 Craft New York Act, with growth accelerating eight times faster in the latter period. Both of these laws provided more leniency for the brewing and distribution of spirits by smaller producers. These findings suggest that the legal frameworks established in both states played a pivotal role in fostering the growth and accessibility of the whiskey industry, contributing directly to the rise in distillery numbers and COLA issuance.

California had eight distilleries in 2000 (Kinstlick, 2012); they now have over 200 (California Distillers Association). When examining the COLAs issued in this state, there is a large increase beginning after 2016, as seen in Figure 3. Over the time period from 2016-2024, total COLAs issued grew twice as fast compared to the prior eight years.



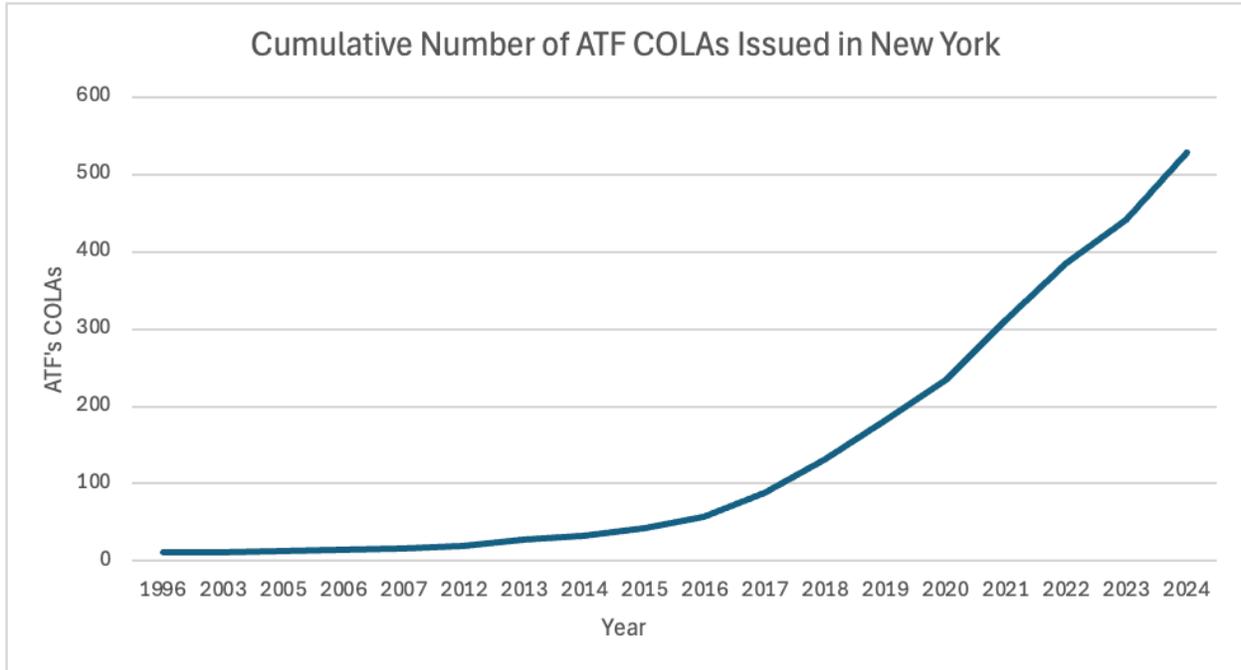
**Figure 3.** *Cumulative Number of ATF COLAs Issued in California*

A major whiskey law that was passed around this time was the Craft Distillers Act of 2015. This law took effect on January 1, 2016 and was crucial for the whiskey industry. According to California’s Department of Alcoholic Beverage Control, this law introduced the Type 74 Craft Distiller's License which allowed small-scale distillers to produce up to 100,000 gallons of distilled spirits annually. Before this law, small whiskey producers faced a significant reverse salient of regulatory and logistical barriers that hindered their ability to compete with larger distilleries. According to Hughes (1987), reverse salients are “components in the system that have fallen behind, or out of phase with, the others” and limit growth of the system. The previous system required distilleries to rely on wholesalers for distribution which made it difficult for smaller operations to establish their brand and access customers directly. The 2015 law removed this obstacle to allow craft distillers to sell up to 2.25 liters of spirits per person, per day, directly from the distillery as well as provide on-site tastings. The act also permitted craft

distillers to operate a restaurant or bar on the same property as the distillery and authorized the sale of cocktails and mixed drinks made with spirits produced on-site. Finally, it enabled craft distillers to self-distribute up to 5,000 gallons per year directly to retailers and restaurants without going through a wholesaler.

The Craft Distillers Act addressed a market expansion problem by creating new opportunities for small producers to grow in a competitive industry previously controlled by large corporations. The policy change reflected a shift in the whiskey business driven by systems builders, individuals who “strive to increase the size of the system under their control and reduce the size of the environment which is not” (Hughes, 1987). In this case, it was a combination of craft distillers, policymakers, and consumer advocates who reshaped the regulatory environment to help increase small-scale production. Organizations such as the California Distillers Association played an important role in supporting these reforms and marketing the idea that craft whiskey represented a revival of tradition and local industry. The significant increase in COLAs issued in California after the Craft Distillers Act of 2015 aligns with Hughes's theory of technological momentum, where policy changes lead to a cycle of industry expansion and technological adoption.

Similarly, New York had only two distilleries in 2000 (Kinstlick, 2012); they now have the highest concentration of distilleries of any state east of the Mississippi (New York State Distillers Guild). The New York State Distillers Guild claims the 2007 Farm Distillery Act helped expand the whiskey industry. During the eight year time period following this bill, total COLAs issued grew 153%. However, in the following eight years from 2015-2023, COLA issuance grew eight times faster as seen in Figure 4.



**Figure 4.** *Cumulative Number of ATF COLAs Issued in New York*

According to the New York State Assembly, the Farm Distillery Act created a new license with lower fees compared to traditional distillery licenses that allowed farm distilleries to produce up to 35,000 gallons of spirits annually. It also permitted sales at farmers' markets and agricultural fairs as well as limited on-site tastings. Before this law, small distillers struggled with excessive licensing costs and restrictions on direct sales which acted as a reverse salient that slowed industry development. By removing these policy obstacles, the Act enabled smaller producers to enter the market and accelerated whiskey production in the state. Farm distilleries "produce spirits from grain, potatoes, fruit or sugarcane grown on their farm or brought from local farms" (Distillery Trail, 2015). The creation of these licenses established an important framework that positioned New York as a leader in the craft spirits movement and led to exponential growth in the number of distilleries (Handsuh, 2017).

In 2014, the Craft New York Act was passed and resulted in explosive growth for whiskey distilleries. According to the New York State Assembly, this bill raised the production cap to 75,000 gallons per year. Like California's act, it allowed craft distilleries to sell their products directly to bars, restaurants, and retailers without the need for wholesalers. It also expanded tastings so they could serve by the bottle and by the glass while reducing the required amount of food to be served alongside. Furthermore, it increased the number of retail outlets where they could sell and offer samples of their products as well as permitting more production without higher fees. The systems builders in this case were industry associations, distillery owners, and policymakers who promoted the idea that deregulations would drive growth. Distilleries and advocates recommended these regulatory changes as a way to bring craft whiskey into mainstream retail spaces while maintaining its artisanal appeal. The increase in COLA issuances following the passing of this act reflects the idea of technological momentum, where early legal shifts caused greater industry participation and use of more efficient production techniques. This momentum enabled distilleries to scale operations more quickly which contributed to the rapid growth represented in the figures above.

The Craft Distillers Act as well as the Farm Distillery Act and Craft New York Act significantly lowered financial and logistical barriers for new distillers. Before these bills, the process to legally produce and sell whiskey was complex and expensive. The expanded production cap helped distillers grow without having to invest in costly infrastructure. These distilleries were also able to flourish because of the increased accessibility to direct sales, tasting rooms, and events. This promoted the local aspect of the distillery that appealed to consumers who sought out unique products. Distilleries began to develop customer bases without having to rely on wholesalers or distributors. By creating these direct relationships with consumers,

distilleries could quickly test products and gain immediate feedback, allowing them to adjust and improve their spirits in a shorter period of time. It became easier for these establishments to expand in the whiskey market without spending tons of money on marketing. Furthermore, distilleries could better access funding to upgrade their operations. These examples demonstrate that less regulation provides more certainty and results in greater investments in the whiskey industry (Coomes & Kornstein, 2023). Understanding how legislation changes consumer behavior helps explain why the whiskey industry has seen such a dramatic transformation over the past twenty five years.

## **Discussion**

While Hughes's theory of technological momentum provides a strong framework for understanding how legislative changes caused whiskey distillery growth, it does not fully capture the broader cultural shifts. The results show that new policies, such as the Craft Distillers Act and the Farm Distillery Act, removed significant obstacles that previously slowed industry expansion. These legislative changes reduced the reverse salients that provided regulatory burdens. Technological momentum also addresses the role of systems builders who reshaped the legal environment for whiskey distillers. However, the theory also does not fully account for market expansion driven by changing consumer preferences. The results show that once policy changes reduced barriers then consumer demand accelerated further industry growth. Furthermore, technological momentum does not consider how competition among new distilleries influenced the structure of the industry. The rapid increase in COLA issuances suggests that as more distilleries emerged, they had to differentiate themselves. These factors are not addressed in Hughes's framework. Actor-Network Theory could provide a useful addition to

this analysis by understanding how distilleries, consumers, and regulatory agencies interacted as a system.

While the results show a connection between legislative changes and distillery growth, there are several limitations. First, the analysis focuses only on California and New York. This limits the ability to generalize findings to the rest of the United States. States with different regulatory environments may have different experiences for distilleries. Additionally, the research relies on COLA data to represent distillery growth which may not account for all of the expansion or activity within the whiskey industry. Finally, there could be gaps between when a bill is passed and when distilleries begin making their products under the new legislation. Opening a distillery requires time to raise capital, obtain licenses, and develop and age whiskey. This means that some of the growth due to new legislation may not be immediately reflected in COLA data.

In the future, I would expand the scope of this research to include more states. It would be interesting to look at those with unique regulatory frameworks to determine how different legislation affects whiskey distillery growth. It would also be valuable to combine the analysis of the COLA data with interviews of distillery owners to understand how the legislation has specifically influenced them. Furthermore, looking into consumer demand and its relationship with legislative changes would help highlight the role of the consumers in driving distillery growth.

I will use this research to advance my engineering practice by involving it in the development of my whiskey recommender system. My analysis has provided important insight into how the whiskey industry has expanded and what factors influence consumer choices. The growth of distilleries has led to a diverse market with so many options. Understanding the impact

of regulations on whiskey operations can help me understand what makes distilleries successful and can be incorporated in the recommendation algorithm. I can use factors like production capacity, direct-to-consumer sales, and tasting room accessibility to improve the algorithm. This will help it better assess not just whiskey flavor profiles but also the unique characteristics of distilleries that appeal to consumers. Furthermore, recognizing how legislation changes consumer behavior will help the recommender suggest distilleries that better align with users' preferences for local versus widely distributed brands. This research will help to make sure that the recommender system is informed by real world trends and can make it a valuable tool for whiskey enthusiasts.

## **Conclusion**

The large increase in the number of whiskey distilleries in the United States over the past twenty five years is not just due to consumer interest but is also the result of significant legislative changes that have reduced barriers to entry for small producers. The analysis has shown the important role that laws played in stimulating industry growth by simplifying regulations and increasing consumer access to the new whiskeys. The connection between these legislative changes and the increase in the issuance of COLAs highlights the importance of regulatory environments in shaping industry trends.

The broader significance of this research is how favorable policy frameworks can encourage entrepreneurship and economic growth in industries previously constrained by regulatory hurdles. Just as favorable conditions in the craft beer and wine industries resulted in growth, similar policies in the whiskey industry have allowed small distilleries to thrive. This has produced a more diverse and innovative market for consumers thereby expanding public interest

in distilleries. Furthermore, understanding the connection between regulation and industry growth is crucial for future policymakers and business owners in both the whiskey industry and other areas.

For future research, there are several important next steps. Expanding the scope of this study to include other states, especially those with unique regulations, would provide a better understanding of how different policies impact distillery growth. Combining the COLA issuance data with insights from distillery owners would provide a more meaningful perspective on the legislative influence. Also, investigating consumer demand and preferences could deepen the understanding of what drives growth in whiskey distilleries. Understanding the regulatory landscape is important for anyone entering the whiskey industry, whether as a distillery owner, investor, or consumer. By recognizing how legislative changes can lower costs and increase market access, entrepreneurs can better manage the complex and expensive process of starting a distillery. For whiskey enthusiasts, this research provides insight into the growing diversity of products available influenced not only by taste but also by political factors. Being aware of the relationship between legislation and the whiskey market both encourages innovation and supports the growth of a more accessible and sustainable marketplace for both producers and consumers.

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