

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1163

Introduced by Wayne, 13.

Read first time January 23, 2020

Committee:

1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-101, Revised Statutes Cumulative Supplement, 2018; to
3 provide for transportation and temporary off-site storage of
4 alcoholic liquor by retail licensees for customer pickup as
5 prescribed; to define terms; to harmonize provisions; and to repeal
6 the original section.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 53-101 Sections 53-101 to 53-1,122 and section 2 of this act shall
4 be known and may be cited as the Nebraska Liquor Control Act.

5 Sec. 2. (1) A retail licensee may transport alcoholic liquor from
6 the licensed premises of the licensee to the licensed premises of a
7 second retail licensee under common ownership with the first retail
8 licensee for temporary storage and pickup by the customer if:

9 (a) The alcoholic liquor is for a customer-prepaid, online order of
10 alcoholic liquor from the first retail licensee; and

11 (b) Such transportation and storage is for the sole purpose of
12 customer pickup.

13 (2) Customer pickup under this section shall only be allowed between
14 the hours of 7:00 a.m. and 9:00 p.m.

15 (3) Alcoholic liquor transported under this section shall not be
16 stored at a pickup location for more than twenty-four hours after
17 delivery to the pickup location. If the prepaid customer refuses, fails,
18 or is ineligible to take possession of the alcoholic liquor within such
19 twenty-four-hour period, such alcoholic liquor shall be returned to the
20 first retail licensee.

21 (4) Alcoholic liquor transported and stored under this section shall
22 not be commingled with other alcoholic liquor at the pickup location.

23 (5) When engaged in activities authorized under this section, the
24 second retail licensee and employees of such licensee at the pickup
25 location shall be deemed agents of the first licensee for purposes of the
26 Nebraska Liquor Control Act.

27 (6) A retail licensee shall not use the authority provided in this
28 section to engage in wholesaling or distribution of liquor or otherwise
29 evade the requirements or prohibitions of the Nebraska Liquor Control
30 Act.

31 (7) For purposes of this section:

1 (a) Common ownership means the same person or persons own eighty
2 percent or more of each retail licensee; and

3 (b) Pickup location means the licensed premises of the second retail
4 licensee.

5 (8) The commission may adopt and promulgate rules and regulations as
6 necessary to carry out this section.

7 Sec. 3. Original section 53-101, Revised Statutes Cumulative
8 Supplement, 2018, is repealed.