

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 254

Introduced by Crawford, 45.

Read first time January 11, 2017

Committee:

1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-168.06, Revised Statutes Cumulative Supplement, 2016; to
3 change provisions relating to prohibited acts; to provide for making
4 and serving certain types of alcoholic liquor by nonlicensed persons
5 as prescribed; to harmonize provisions; and to repeal the original
6 section.

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

1 Section 1. Section 53-168.06, Revised Statutes Cumulative
2 Supplement, 2016, is amended to read:

3 53-168.06 (1) No person shall manufacture, bottle, blend, sell,
4 barter, transport, deliver, furnish, or possess any alcoholic liquor for
5 beverage purposes except as specifically provided in the Nebraska Liquor
6 Control Act. Nothing in the act shall prevent:

7 (a) ~~The (1)~~ the possession of alcoholic liquor legally obtained as
8 provided in the act for the personal use of the possessor and his or her
9 family and guests;

10 (b) ~~The (2)~~ the making, transport, and delivery of wine, cider,
11 beer, mead, perry, or other alcoholic liquor by a person from fruits,
12 vegetables, honey, or grains, or the product thereof, by simple
13 fermentation and without distillation, (i) if made solely for the use of
14 the maker and his or her family and guests if such alcoholic liquor is
15 not sold or offered for sale, (ii) if made without a permit, made for an
16 exhibition, festival, or tasting or competition, including those that are
17 for nonprofit organizations as fundraising events, legally conducted
18 under the act if such alcoholic liquor is not sold or offered for sale.
19 Alcoholic liquor served pursuant to this subdivision (ii) shall clearly
20 be identified as alcoholic liquor that was manufactured under an
21 exception to the rules and regulations of the commission by signage, and
22 the location of the manufacturer shall be available upon request. Free or
23 reduced admission to the exhibition, festival, or tasting competition
24 shall not be considered a sale of the alcoholic liquor, or (iii) if made
25 or served at a public demonstration designed to promote the hobby of
26 making alcoholic liquor if such making and serving is at a legally
27 authorized location and all other laws relating to the serving of
28 alcoholic liquor are followed;

29 (c) ~~Any (3)~~ any duly licensed practicing physician or dentist from
30 possessing or using alcoholic liquor in the strict practice of his or her
31 profession, any hospital or other institution caring for the sick and

1 diseased persons from possessing and using alcoholic liquor for the
2 treatment of bona fide patients of such hospital or other institution, or
3 any drug store employing a licensed pharmacist from possessing or using
4 alcoholic liquor in the compounding of prescriptions of licensed
5 physicians;

6 (d) The ~~(4)~~ the possession and dispensation of alcoholic liquor by
7 an authorized representative of any religion on the premises of a place
8 of worship, for the purpose of conducting any bona fide religious rite,
9 ritual, or ceremony;

10 (e) A commercial enterprise engaged primarily in selling supplies
11 and equipment to the public for use to make wine, cider, beer, mead,
12 perry, or other alcoholic liquor pursuant to subdivision (b) of this
13 subsection may manufacture and serve samples of such alcoholic liquor
14 without a license at the location of the commercial enterprise if such
15 alcoholic liquor is not sold or offered for sale;

16 (f) Persons ~~(5)~~ persons who are sixteen years old or older from
17 carrying alcoholic liquor from licensed establishments when they are
18 accompanied by a person not a minor;

19 (g) Persons ~~(6)~~ persons who are sixteen years old or older from
20 handling alcoholic liquor containers and alcoholic liquor in the course
21 of their employment;

22 (h) Persons ~~(7)~~ persons who are sixteen years old or older from
23 removing and disposing of alcoholic liquor containers for the convenience
24 of the employer and customers in the course of their employment;

25 (i) Persons ~~(8)~~ persons who are sixteen years old or older from
26 completing a transaction for the sale of alcoholic liquor in the course
27 of their employment if they are not handling or serving alcoholic liquor;
28 or

29 (j) Persons ~~(9)~~ persons who are nineteen years old or older from
30 serving or selling alcoholic liquor in the course of their employment.

31 (2) Nothing in the act shall prevent the maker of alcoholic liquor

1 pursuant to subdivision (1)(b) of this section and his or her family and
2 guests from forming a loose affiliation of family and guests such as a
3 club, brewing group, or tasting group. The club, brewing group, or
4 tasting group may meet or gather at any location where consumption of
5 alcoholic liquor is legal, including, but not limited to, private homes
6 and, with permission of the licensee, on the licensed premises of a
7 licensee under the act. Alcoholic liquor made pursuant to subdivision (1)
8 (b) of this section may be exchanged, consumed, and scored in a
9 competitive fashion by the maker of such alcoholic liquor and members of
10 the club, brewing group, or tasting group. A person who is not the maker
11 or a family member or guest of the person making such alcoholic liquor
12 shall not consume the alcoholic liquor made pursuant to such subdivision.
13 All other laws and regulations regarding the consumption of alcoholic
14 liquor shall be observed at the meeting or gathering of such club,
15 brewing group, or tasting group. If such meeting or gathering takes place
16 on the licensed premises of a licensee under the act, the licensee has
17 authority to require signage, separation, or removal of the alcoholic
18 liquor made pursuant to subdivision (1)(b) of this section at any time.

19 Sec. 2. Original section 53-168.06, Revised Statutes Cumulative
20 Supplement, 2016, is repealed.