

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 261

Introduced By: Kruse, 13; Aguilar, 35; Burling, 33; Christensen,
44; Dubas, 34; Harms, 48; Hudkins, 21

Read first time: January 10, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 sections 53-168.06 and 53-180.02, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to minors'
4 violations; to harmonize provisions; and to repeal the
5 original sections.

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

1 Section 1. Section 53-168.06, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-168.06. No person shall manufacture, bottle, blend, sell,
4 barter, transport, deliver, furnish, or possess any alcoholic liquor
5 for beverage purposes except as specifically provided in the Nebraska
6 Liquor Control Act. Nothing in the act shall prevent (1) the
7 possession of alcoholic liquor legally obtained as provided in the act
8 for the personal use of the possessor and his or her family and
9 guests; (2) the making of wine, cider, or other alcoholic liquor by a
10 person from fruits, vegetables, or grains, or the product thereof, by
11 simple fermentation and without distillation, if made solely for the
12 use of the maker and his or her family and guests; (3) any duly
13 licensed practicing physician or dentist from possessing or using
14 alcoholic liquor in the strict practice of his or her profession, any
15 hospital or other institution caring for the sick and diseased persons
16 from possessing and using alcoholic liquor for the treatment of bona
17 fide patients of such hospital or other institution, or any drug store
18 employing a licensed pharmacist from possessing or using alcoholic
19 liquor in the compounding of prescriptions of licensed physicians; (4)
20 ~~the possession and dispensation of alcoholic liquor by an authorized~~
21 ~~representative of any religion on the premises of a place of worship,~~
22 ~~for the purpose of conducting any bona fide religious rite, ritual,~~
23 ~~or ceremony;~~ (5) persons who are sixteen years old or older from
24 carrying alcoholic liquor from licensed establishments when they are
25 accompanied by a person not a minor; ~~(6)~~ (5) persons who are
26 sixteen years old or older from handling alcoholic liquor containers
27 and alcoholic liquor in the course of their employment; ~~(7)~~ (6)

1 persons who are sixteen years old or older from removing and
2 disposing of alcoholic liquor containers for the convenience of the
3 employer and customers in the course of their employment; or ~~(8)~~
4 (7) persons who are nineteen years old or older from serving or
5 selling alcoholic liquor in the course of their employment.

6 Sec. 2. Section 53-180.02, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 53-180.02. Except as provided in section 53-168.06, no minor
9 may sell, dispense, consume, or have in his or her possession or
10 physical control any alcoholic liquor in any tavern or in any other
11 place, including public streets, alleys, roads, or highways, upon
12 property owned by the State of Nebraska or any subdivision thereof, or
13 inside any vehicle while in or on any other place, including, but not
14 limited to, the public streets, alleys, roads, or highways, or upon
15 property owned by the State of Nebraska or any subdivision thereof.
16 ~~, except that a minor may consume, possess, or have physical control~~
17 ~~of alcoholic liquor in his or her permanent place of residence or on~~
18 ~~the premises of a place of religious worship on which premises~~
19 ~~alcoholic liquor is consumed as a part of a religious rite, ritual,~~
20 ~~or ceremony.~~

21 The governing bodies of counties, cities, and villages shall
22 have the power to, and may by applicable resolution or ordinance,
23 regulate, suppress, and control the transportation, consumption, or
24 knowing possession of or having under his or her control beer or other
25 alcoholic liquor in or transported by any motor vehicle, by any person
26 under twenty-one years of age, and may provide penalties for
27 violations of such resolution or ordinance.

1 Sec. 3. Original sections 53-168.06 and 53-180.02, Reissue
2 Revised Statutes of Nebraska, are repealed.