

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 685**

Introduced by Karpisek, 32

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to alcoholic liquor; to amend sections  
2 53-168.06 and 53-180.02, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to the possession  
4 of alcoholic liquor by minors; to harmonize provisions;  
5 to repeal the original sections; and to declare an  
6 emergency.  
7 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,  
4 sell, barter, transport, deliver, furnish, or possess any alcoholic  
5 liquor for beverage purposes except as specifically provided in  
6 the Nebraska Liquor Control Act. Nothing in the act shall prevent  
7 (1) the possession of alcoholic liquor legally obtained as provided  
8 in the act for the personal and legal use of the possessor and  
9 his or her family and guests; (2) the making of wine, cider, or  
10 other alcoholic liquor by a person from fruits, vegetables, or  
11 grains, or the product thereof, by simple fermentation and without  
12 distillation, if made solely for the legal use of the maker and  
13 his or her family and guests; (3) any duly licensed practicing  
14 physician or dentist from possessing or using alcoholic liquor in  
15 the strict practice of his or her profession, any hospital or  
16 other institution caring for the sick and diseased persons from  
17 possessing and using alcoholic liquor for the treatment of bona  
18 fide patients of such hospital or other institution, or any drug  
19 store employing a licensed pharmacist from possessing or using  
20 alcoholic liquor in the compounding of prescriptions of licensed  
21 physicians; (4) the possession and dispensation of alcoholic liquor  
22 by an authorized representative of any religion on the premises of  
23 a place of worship, for the purpose of conducting any bona fide  
24 religious rite, ritual, or ceremony; (5) persons who are sixteen  
25 years old or older from carrying alcoholic liquor from licensed

1 establishments when they are accompanied by a person not a minor;  
2 (6) persons who are sixteen years old or older from handling  
3 alcoholic liquor containers and alcoholic liquor in the course of  
4 their employment; (7) persons who are sixteen years old or older  
5 from removing and disposing of alcoholic liquor containers for the  
6 convenience of the employer and customers in the course of their  
7 employment; or (8) persons who are nineteen years old or older  
8 from serving or selling alcoholic liquor in the course of their  
9 employment.

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

12           53-180.02 Except as provided in section 53-168.06, no  
13 minor may sell, dispense, consume, or have in his or her possession  
14 or physical control any alcoholic liquor in any tavern or in any  
15 other place, including public streets, alleys, roads, or highways,  
16 upon property owned by the State of Nebraska or any subdivision  
17 thereof, or inside any vehicle while in or on any other place,  
18 including, but not limited to, the public streets, alleys, roads,  
19 or highways, or upon property owned by the State of Nebraska or any  
20 subdivision thereof, except that a minor may consume, possess, or  
21 have physical control of alcoholic liquor in his or her permanent  
22 place of residence or on the premises of a place of religious  
23 worship on which premises alcoholic liquor is consumed as a part of  
24 a religious rite, ritual, or ceremony. Any minor who is found to  
25 have a blood alcohol concentration of two-hundredths of one gram or

1 more by weight of alcohol per one hundred milliliters of his or her  
2 blood or a concentration of two-hundredths of one gram or more by  
3 weight of alcohol per two hundred ten liters of his or her breath  
4 shall be considered in possession of alcoholic liquor in violation  
5 of this section except in his or her permanent place of residence.

6           The governing bodies of counties, cities, and villages  
7 shall have the power to, and may by applicable resolution or  
8 ordinance, regulate, suppress, and control the transportation,  
9 consumption, or knowing possession of or having under his or her  
10 control beer or other alcoholic liquor in or transported by any  
11 motor vehicle, by any person under twenty-one years of age, and may  
12 provide penalties for violations of such resolution or ordinance.

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

15           Sec. 4. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.