

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1104

Introduced by Watermeier, 1.

Read first time January 22, 2014

Committee: General Affairs

A BILL

1 FOR AN ACT relating to farm wineries; to amend section 53-123.11,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to licensees; and to repeal the
4 original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-123.11, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-123.11 (1) A farm winery license shall entitle the
4 holder to:

5 (a) Sell wines produced at the farm winery onsite at
6 wholesale and retail and to sell wines produced at the farm winery at
7 off-premises sites holding the appropriate retail license;

8 (b) Sell wines produced at the farm winery at retail for
9 consumption on the premises;

10 (c)(i) Permit a customer to remove one unsealed bottle of
11 wine for consumption off the premises. The licensee or his or her
12 agent shall (A) securely reseal such bottle and place the bottle in a
13 bag designed so that it is visibly apparent that the resealed bottle
14 of wine has not been opened or tampered with and (B) provide a dated
15 receipt to the customer and attach to such bag a copy of the dated
16 receipt for the resealed bottle of wine.

17 (ii) If the resealed bottle of wine is transported in a
18 motor vehicle, it must be placed in the trunk of the motor vehicle or
19 the area behind the last upright seat of such motor vehicle if the
20 area is not normally occupied by the driver or a passenger and the
21 motor vehicle is not equipped with a trunk;

22 (d) Ship wines produced at the farm winery by common
23 carrier and sold at retail to recipients in and outside the State of
24 Nebraska, if the output of such farm winery for each calendar year as
25 reported to the commission by December 31 of each year does not

1 exceed thirty thousand gallons. In the event such amount exceeds
2 thirty thousand gallons, the farm winery shall be required to use a
3 licensed wholesaler to distribute its wines for the following
4 calendar year, except that this requirement shall not apply to wines
5 produced and sold onsite at the farm winery pursuant to subdivision
6 (1)(a) of this section;

7 (e) Allow sampling of the wine at the farm winery and at
8 one branch outlet in the state in reasonable amounts;

9 (f) Sell wines produced at the farm winery to other
10 Nebraska farm winery licensees, in bulk, bottled, labeled, or
11 unlabeled, in accordance with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and
12 27 C.F.R. 24.314, as such regulations existed on January 1, 2008;

13 (g) Purchase distilled spirits from licensed
14 microdistilleries in Nebraska, in bulk or bottled, made entirely from
15 Nebraska-licensed farm winery wine to be used in the production of
16 fortified wine at the purchasing licensed farm winery; and

17 (h) Store and warehouse products produced at the farm
18 winery in a designated, secure, offsite storage facility if the
19 holder of the farm winery license notifies the commission of the
20 location of the facility and maintains, at the farm winery and at the
21 facility, a separate perpetual inventory of the product stored at the
22 facility. Consumption of alcoholic liquor at the facility is strictly
23 prohibited.

24 (2) No farm winery shall manufacture wine in excess of
25 fifty thousand gallons per year.

1 (3) A holder of a farm winery license may obtain a
2 special designated license pursuant to section 53-124.11.

3 (4) A holder of a farm winery license may obtain an
4 annual catering license pursuant to section 53-124.12.

5 (5) A holder of a farm winery license may obtain an
6 additional retail license for the sale of alcoholic liquor not
7 produced at the farm winery. The licensee shall be subject to the
8 rules and regulations applicable to the additional retail license.

9 Sec. 2. Original section 53-123.11, Reissue Revised
10 Statutes of Nebraska, is repealed.