

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 259

Introduced by Lowe, 37.

Read first time January 10, 2023

Committee: General Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
- 2 section 53-123.11, Reissue Revised Statutes of Nebraska; to allow
- 3 farm wineries to obtain additional retail licenses under the
- 4 Nebraska Liquor Control Act; and to repeal the 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 Nebraska,
2 is amended to read:

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

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

7 (b) Sell wines produced at the farm winery at retail for consumption
8 on the premises as designated pursuant to section 53-123.12;

9 (c) Permit a customer to remove one unsealed bottle of wine for
10 consumption off the premises. The licensee or his or her agent shall (i)
11 securely reseal such bottle and place the bottle in a bag designed so
12 that it is visibly apparent that the resealed bottle of wine has not been
13 opened or tampered with and (ii) provide a dated receipt to the customer
14 and attach to such bag a copy of the dated receipt for the resealed
15 bottle of wine. If the resealed bottle of wine is transported in a motor
16 vehicle, it must be placed in the trunk of the motor vehicle or the area
17 behind the last upright seat of such motor vehicle if the area is not
18 normally occupied by the driver or a passenger and the motor vehicle is
19 not equipped with a trunk;

20 (d) Ship wines produced at the farm winery by common carrier and
21 sold at retail to recipients in and outside the State of Nebraska, if the
22 output of such farm winery for each calendar year as reported to the
23 commission by December 31 of each year does not exceed thirty thousand
24 gallons. In the event such amount exceeds thirty thousand gallons, the
25 farm winery shall be required to use a licensed wholesaler to distribute
26 its wines for the following calendar year, except that this requirement
27 shall not apply to wines produced and sold onsite at the farm winery
28 pursuant to subdivision (1)(a) of this section;

29 (e) Allow sampling and sale of the wine at the farm winery and at
30 four branch outlets in the state in reasonable amounts;

31 (f) Sell wines produced at the farm winery to other Nebraska farm

1 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance
2 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such
3 regulations existed on January 1, 2008;

4 (g) Purchase distilled spirits from licensed microdistilleries in
5 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm
6 winery wine to be used in the production of fortified wine at the
7 purchasing licensed farm winery;

8 (h) Store and warehouse products produced at the farm winery in a
9 designated, secure, offsite storage facility if the holder of the farm
10 winery license notifies the commission of the location of the facility
11 and maintains, at the farm winery and at the facility, a separate
12 perpetual inventory of the product stored at the facility. Consumption of
13 alcoholic liquor at the facility is strictly prohibited; and

14 (i) Sell alcoholic liquor authorized under a farm winery license not
15 in its original package, such as sangria or wine slushies, to a person
16 twenty-one years of age or older for consumption off the premises if (i)
17 the alcoholic liquor is (A) not partially consumed and (B) in a labeled
18 and sealed container with a tamper-evident lid, cap, or seal, as approved
19 by the commission, and (ii) for alcoholic liquor transported in a motor
20 vehicle, the alcoholic liquor is placed in the trunk of the motor vehicle
21 or the area behind the last upright seat of such motor vehicle if the
22 area is not normally occupied by the driver or a passenger and the motor
23 vehicle is not equipped with a trunk. A farm winery which sells alcoholic
24 liquor authorized under a farm winery license not in its original package
25 for consumption off the premises shall provide notice to the commission
26 during a farm winery licensee's initial licensure or at the time of the
27 annual renewal of such license regarding such sales.

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

30 (3) A farm winery may manufacture and sell hard cider on its
31 licensed premises. A farm winery shall not otherwise distribute the hard

1 cider it manufactures except by sale to a wholesaler licensed under the
2 Nebraska Liquor Control Act.

3 (4) A holder of a farm winery license may sell beer or other
4 alcoholic liquor not produced by the farm winery at retail for
5 consumption on the premises if the holder is also issued the appropriate
6 retail license for such sales at such location.

7 (5) (4) A holder of a farm winery license may obtain a special
8 designated license pursuant to section 53-124.11.

9 (6) (5) A holder of a farm winery license may obtain an annual
10 catering license pursuant to section 53-124.12.

11 (7) (6) A holder of a farm winery license may obtain a promotional
12 farmers market special designated license pursuant to section 53-124.16.

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