

AMENDMENTS TO LB1235

(Amendments to Standing Committee amendments, AM2178)

Introduced by Clouse, 37.

1           1. Insert the following new sections:

2           **Section 1.** Section 53-101, Revised Statutes Supplement, 2025, is  
3 amended to read:

4           53-101 Sections 53-101 to 53-1,122 and sections 6 to 8 and 11 of  
5 this act shall be known and may be cited as the Nebraska Liquor Control  
6 Act.

7           **Sec. 2.** Section 53-103, Revised Statutes Cumulative Supplement,  
8 2024, is amended to read:

9           53-103 For purposes of the Nebraska Liquor Control Act, the  
10 definitions found in sections 53-103.01 to 53-103.52 and sections 6 to 8  
11 of this act apply.

12           **Sec. 3.** Section 53-103.02, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           53-103.02 (1) Alcoholic liquor includes alcohol, spirits, wine,  
15 beer, and any liquid or solid, patented or not, containing one-half of  
16 one percent or more alcohol by volume alcohol, spirits, wine, or beer and  
17 capable of being consumed as a beverage by a human being. Alcoholic  
18 liquor also includes confections or candy that contains more than one-  
19 half of one percent alcohol.

20           (2) The Nebraska Liquor Control Act does not apply to (a) alcohol  
21 used in the manufacture of denatured alcohol produced in accordance with  
22 acts of Congress and regulations adopted and promulgated pursuant to such  
23 acts, (b) flavoring extracts, syrups, medicinal, mechanical, scientific,  
24 culinary, or toilet preparations, or food products unfit for beverage  
25 purposes, but the act applies to alcoholic liquor used in the  
26 manufacture, preparation, or compounding of such products or confections

1 or candy that contains more than one-half of one percent alcohol, ~~or~~ (c)  
2 wine intended for use and used by any church or religious organization  
3 for sacramental purposes, or (d) nonalcoholic beer, nonalcoholic wine, or  
4 nonalcoholic spirits, except as provided in section 11 of this act and  
5 section 53-174.

6 **Sec. 4.** Section 53-103.03, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 53-103.03 (1) Beer means a beverage obtained by alcoholic  
9 fermentation of an infusion or concoction of barley or other grain, malt,  
10 and hops in water and includes, but is not limited to, beer, ale, stout,  
11 lager beer, porter, ~~near beer~~, flavored malt beverage, and hard cider.

12 (2) Beer does not include nonalcoholic beer.

13 **Sec. 5.** Section 53-103.24, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 53-103.24 Nonalcoholic beer ~~Near beer~~ means any beverage that:

16 (1) Contains alcohol obtained by alcoholic fermentation of an  
17 infusion or concoction of barley or other grain, malt, and hops in water;

18 (2) Is intended to be marketed or sold as any nonalcoholic: Beer,  
19 ale, stout, lager beer, porter, malt beverage, or cider; and

20 (3) Contains at least a trace amount of alcohol but ~~beer containing~~  
21 less than one-half of one percent of alcohol by volume.

22 **Sec. 6.** Nonalcoholic drink means any nonalcoholic beer,  
23 nonalcoholic spirits, or nonalcoholic wine.

24 **Sec. 7.** Nonalcoholic spirits means any beverage that:

25 (1) Contains alcohol obtained by distillation, mixed with water or  
26 other substance in solution;

27 (2) Is intended to be marketed or sold as any nonalcoholic spirit or  
28 liquor, including, but not limited to, brandy, rum, whiskey, or gin; and

29 (3) Contains at least a trace amount of alcohol but less than one-  
30 half of one percent of alcohol by volume.

31 **Sec. 8.** Nonalcoholic wine means any beverage that:

1           (1) Contains alcohol obtained by the fermentation of the natural  
2 contents of fruits or vegetables, containing sugar, including such  
3 beverages when fortified by the addition of alcohol or spirits;

4           (2) Is intended to be marketed or sold as any nonalcoholic wine; and

5           (3) Contains at least a trace amount of alcohol but less than one-  
6 half of one percent of alcohol by volume.

7           **Sec. 9.** Section 53-103.38, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9           53-103.38 Spirits means any beverage which contains alcohol obtained  
10 by distillation, mixed with water or other substance in solution. Spirits  
11 includes brandy, rum, whiskey, gin, or other spirituous liquors and such  
12 liquors when rectified, blended, or otherwise mixed with alcohol or other  
13 substances. Spirits does not include flavored malt beverages or  
14 nonalcoholic spirits.

15           **Sec. 10.** Section 53-103.42, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           53-103.42 Wine means any alcoholic beverage obtained by the  
18 fermentation of the natural contents of fruits or vegetables, containing  
19 sugar, including such beverages when fortified by the addition of alcohol  
20 or spirits. Wine does not include nonalcoholic wine.

21           **Sec. 11.** No person shall sell, furnish, give away, exchange, or  
22 deliver, or permit the sale, gift, or procuring of, any nonalcoholic  
23 drink to any minor. A person who knowingly and willfully violates this  
24 section is guilty of a Class IV misdemeanor.

25           **Sec. 15.** Section 53-174, Revised Statutes Cumulative Supplement,  
26 2024, is amended to read:

27           53-174 (1) For purposes of this section:

28           (a) Co-branded alcoholic beverage means an alcoholic liquor beverage  
29 containing the same or similar brand name, logo, or packaging as a  
30 nonalcoholic beverage containing no alcohol;

31           (b) Immediately adjacent means directly touching or immediately

1 bordering one another from above, below, or the side. Immediately  
2 adjacent does not include a separate aisle; and

3 (c) Nonalcoholic drink has the same meaning as in section 6 of this  
4 act; and

5 (d) (e) Retail sales floor means the part of a retailer's premises  
6 that contains goods on display that are freely accessible to the  
7 consumer.

8 (2) Except as provided in subsection (4) of this section, the holder  
9 of a retail license to sell alcoholic liquor, beer, or wine at retail for  
10 consumption off the licensed premises with a retail sales floor that is  
11 larger than two thousand five hundred square feet shall not display any  
12 co-branded alcoholic beverage or nonalcoholic drink immediately adjacent  
13 to any soft drink, fruit juice, bottled water, candy, or snack food  
14 portraying cartoons or youth-oriented images.

15 (3) Except as provided in subsection (4) of this section, the holder  
16 of a retail license to sell alcoholic liquor, beer, or wine at retail for  
17 consumption off the licensed premises with a retail sales floor that is  
18 two thousand five hundred square feet or smaller shall either:

19 (a) Not place any co-branded alcoholic beverage or nonalcoholic  
20 drink immediately adjacent to any soft drink, fruit juice, bottled water,  
21 candy, or snack food portraying cartoons or youth-oriented images; or

22 (b) Equip any such display containing any co-branded alcoholic  
23 beverage or nonalcoholic drink immediately adjacent to any soft drink,  
24 fruit juice, bottled water, candy, or snack food portraying cartoons or  
25 youth-oriented images with signage that indicates the product is an  
26 alcoholic beverage or may contain alcohol. Such signage shall be clearly  
27 visible to consumers, shall be not less than eight and one-half by eleven  
28 inches in size, and shall contain language substantially similar to:  
29 "This product is an alcoholic beverage or may contain alcohol and is  
30 available only to persons who are twenty-one years of age or older."

31 (4) This section does not apply to a shelf, aisle, display, or

1 display area in which the primary items for sale contain alcoholic liquor  
2 or in an area in which persons younger than twenty-one years of age are  
3 prohibited from entering without a parent or legal guardian.

4 (5) The commission may cause inspection to be made on the premises  
5 of all retail licensees relating to co-branded alcoholic beverage and  
6 nonalcoholic drink displays, and if it is found that any such licensee is  
7 violating this section or any rules and regulations adopted and  
8 promulgated by the commission pursuant to this section, the license may  
9 be suspended, canceled, or revoked after the licensee is given an  
10 opportunity to be heard in the licensee's defense.

11 **Sec. 25.** The following section is outright repealed: Section  
12 53-160.02, Reissue Revised Statutes of Nebraska.

13 2. Renumber the remaining sections and correct internal references  
14 accordingly.

15 3. Correct the operative date and repealer sections so that the  
16 sections added by this amendment become operative three calendar months  
17 after the adjournment of this legislative session.