

ONE HUNDRED NINTH LEGISLATURE - SECOND SESSION - 2026
COMMITTEE STATEMENT
LB1004

Hearing Date: Monday February 09, 2026
Committee On: General Affairs
Introducer: Clouse
One Liner: Change the regulation of nonalcoholic beer under the Nebraska Liquor Control Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Holdcroft, Andersen, Cavanaugh, J., Clouse, Quick, Rountree, Storm
Nay:		
Absent:		
Present Not Voting:	1	Senator DeKay

Testimony:

Proponents:

Senator Stan Clouse
Chris Furnari
Marcos Salazar
Brandon Yaw
Mi-Ya Mata

Representing:

Opening Presenter
Athletic Brewing Company
Adult Non-Alcoholic Beverage Association
Co-Founder at Un:Inebriated
Dry Spokes LLC

Opponents:

Anthony Gillick, Jr.
Adam Barney
Chris Wagner

Representing:

self
Associated Beverage Distributors of Nebraska
Project Extra Mile

Neutral:

Micah Chaffee

Representing:

Executive Director, Nebraska Liquor Control Committee

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 1004 amends the Nebraska Liquor Control Act to clarify the regulatory treatment of nonalcoholic beer and to revise related statutory definitions. LB 1004 establishes a minimum alcohol content threshold of 0.5% alcohol by volume for beverages classified as alcoholic liquor, limiting the definition to liquids or solids containing at least that amount of alcohol and capable of being consumed as a beverage. LB 1004 expressly excludes nonalcoholic beer from the general applicability of the act and clarifies that beer does not include nonalcoholic beer. LB 1004 replaces the term "near beer" with "nonalcoholic beer" throughout the relevant statutes while retaining the existing standard for



beverages containing less than 0.5% alcohol by volume. In addition, LB 1004 removes nonalcoholic beer from the broader regulatory framework of the act and instead provides a single, standalone prohibition against the sale or furnishing of nonalcoholic beer to minors.

Section 1 amends Neb. Stat. § 53-103.02(1) to revise the definition of “alcoholic liquor” by establishing a minimum alcohol content threshold of 0.5% alcohol by volume for beverages covered under the Nebraska Liquor Control Act, limiting the definition to liquids or solids containing at least that amount of alcohol and capable of being consumed as a beverage, rather than applying to beverages containing any amount of alcohol. Nonalcoholic beer is expressly excluded from the applicability of the Nebraska Liquor Control Act, but still subject to the provisions of section 53-160.02 governing the sale or furnishing of nonalcoholic beer to minors.

Section 2 amends Neb. Stat. § 53-103.03 to add a new Subsection (2) to clarify that beer does not include nonalcoholic beer and by removing “near beer” from the definition of beer set forth in subsection (1) of the statute.

Section 3 amends Neb. Stat. § 53-103.24 to replace the term “near beer” with “nonalcoholic beer,” while retaining the existing definition of beer containing less than 0.5% alcohol by volume.

Section 4 amends Neb. Stat. § 53-160.02 of the Nebraska Liquor Control Act by removing the prior provision that subjected near beer to the act’s regulatory framework and replacing it with a standalone prohibition stating that no person shall sell or furnish nonalcoholic beer to any minor. Nonalcoholic beer is not otherwise subject to the provisions of the Nebraska Liquor Control Act beyond this specific restriction.

Section 5 is the repealer section.

Explanation of amendments:

The Committee considered and adopted a Standing Committee Amendment (AM 2112) which is a white copy amendment to LB 1004.

LB 1004, as amended, strikes the original sections of LB 1004 and updates the Nebraska Liquor Control Act by revising definitions, exemptions, and retail display requirements. LB 1004 clarifies that certain statutory sections and additional provisions of the act may be cited as the Nebraska Liquor Control Act and specifies the definitions that apply for purposes of the act. The definition of “alcoholic liquor” is revised to apply only to beverages containing 0.5% or more alcohol by volume and expands the list of exemptions to include nonalcoholic beer, nonalcoholic wine, and nonalcoholic spirits. The definition of beer is clarified to exclude nonalcoholic beer, and the term “near beer” is replaced with “nonalcoholic beer,” defined by production method, marketing, and alcohol content under 0.5%. Nonalcoholic drinks are defined to include nonalcoholic beer, nonalcoholic spirits, and nonalcoholic wine, with each category defined by production, marketing, and trace alcohol content below 0.5%. The definitions of spirits and wine are revised to expressly exclude nonalcoholic spirits and nonalcoholic wine, respectively. LB 1004 prohibits the sale or distribution of nonalcoholic drinks to minors, with violations classified as a Class IV misdemeanor. Retail display restrictions and inspection authority are expanded to include nonalcoholic drinks alongside co-branded alcoholic beverages, requiring signage on certain displays in smaller retail spaces to indicate the potential presence of alcohol. LB 1004 also contains repealer section, including the outright repeal of Neb. Stat. § 53-160.02.

Section 1 amends Neb. Stat. § 53-101 to provide that sections 53-101 to 53-1,122 and sections 6 to 8 and 11 of this act shall be known and may be cited as the Nebraska Liquor Control Act.

Section 2 amends Neb. Stat. § 53-103 to specify that, for purposes of the Nebraska Liquor Control Act, the definitions set forth in sections 53-103.01 to 53-103.52 and sections 6 to 8 of this act apply.



Section 3 amends Neb. Stat. § 53-103.02 to revise the definition of “alcoholic liquor” to apply only to beverages containing 0.5% or more alcohol by volume that are capable of being consumed as a beverage, replacing the prior standard which applied to beverages containing any amount of alcohol. It also expands the list of items exempt from the Nebraska Liquor Control Act to include nonalcoholic beer, nonalcoholic wine, and nonalcoholic spirits, with this exemption made subject to section 11 of this act and Neb. Stat. § 53-174.

Section 4 amends Neb. Stat. § 53-103.03 to add a new Subsection (2) to clarify that beer does not include nonalcoholic beer and by removing “near beer” from the definition of beer set forth in subsection (1).

Section 5 amends Neb. Stat. § 53-103.24 to replace the term “near beer” with “nonalcoholic beer” and defines nonalcoholic beer as a beverage produced by the alcoholic fermentation of barley or other grain, malt, and hops in water, intended to be marketed or sold as a nonalcoholic beer, ale, stout, lager beer, porter, malt beverage, or cider, and containing at least a trace amount of alcohol but less than 0.5% alcohol by volume.

Section 6 defines “nonalcoholic drink” as any nonalcoholic beer, nonalcoholic spirits, or nonalcoholic wine.

Section 7 defines “nonalcoholic spirits” as a beverage that contains alcohol obtained by distillation and mixed with water or another substance in solution, is intended to be marketed or sold as a nonalcoholic spirit or liquor, including brandy, rum, whiskey, or gin, and contains at least a trace amount of alcohol but less than 0.5% alcohol by volume.

Section 8 defines “nonalcoholic wine” as a beverage that contains alcohol obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits, is intended to be marketed or sold as nonalcoholic wine, and contains at least a trace amount of alcohol but less than 0.5% alcohol by volume.

Section 9 amends Neb. Stat. § 53-103.38 to expand the exclusion from the definition of spirits by providing that spirits does not include nonalcoholic spirits, in addition to flavored malt beverages.

Section 10 amends 53-103.42 to modify the definition of wine by expressly excluding nonalcoholic wine.

Section 11 prohibits any person from selling, furnishing, giving away, exchanging, or delivering, or allowing the sale or distribution of, any nonalcoholic drink to a minor. A violation of this provision that is committed knowingly and willfully is classified as a Class IV misdemeanor.

Section 12 amends Neb. Stat. § 53-174 to expands the scope of display restrictions and inspection authority by including nonalcoholic drinks alongside co-branded alcoholic beverages. For retail sales floors of 2,500 square feet or smaller, the amendment requires that either co-branded alcoholic beverages or nonalcoholic drinks placed immediately adjacent to soft drinks, fruit juice, bottled water, candy, or snack foods with youth-oriented imagery must be accompanied by signage clearly indicating that the product is an alcoholic beverage or may contain alcohol, with language updated to reflect the possibility of alcohol in nonalcoholic drinks.

Section 13 is the repealer section.

Section 14 outright repeals Neb. Stat. § 53-160.02.

Rick Holdcroft, Chairperson

