

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1235

FINAL READING

Introduced by General Affairs Committee: Holdcroft, 36, Chairperson;
Andersen, 49; Clouse, 37; DeKay, 40; Storm, 23.

Read first time January 21, 2026

Committee: General Affairs

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 53-103.47 and 53-1,100, Reissue Revised Statutes of
3 Nebraska, section 53-132, Revised Statutes Cumulative Supplement,
4 2024, and sections 53-123.17, 71-24,106, and 71-24,109, Revised
5 Statutes Supplement, 2025; to change provisions of the Nebraska
6 Liquor Control Act relating to bottle clubs, licensure
7 determinations, and penalties for conducting certain activities
8 without a license; to redefine a term; to provide for a consumption-
9 only class of entertainment district license; to change the Nebraska
10 Medical Cannabis Regulation Act to provide salaries for members of
11 the Nebraska Medical Cannabis Commission, create a fund, provide for
12 rules and regulations relating to fees, and provide for criminal
13 history record information checks; to harmonize provisions; to
14 provide operative dates; to repeal the original sections; and to
15 declare an emergency.
16 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 53-103.47, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 53-103.47 Bottle club means an operation, whether formally organized
4 as a club having a regular membership list, dues, officers, and meetings
5 or not, keeping and maintaining premises where persons who have made
6 their own purchases of alcoholic liquor congregate to consume alcoholic
7 liquor in or upon the premises for the express purpose of consuming
8 alcoholic liquor upon the payment of a fee or other consideration.

9 **Sec. 2.** Section 53-123.17, Revised Statutes Supplement, 2025, is
10 amended to read:

11 53-123.17 (1)(a) ~~(1)~~ A local governing body may designate an
12 entertainment district in which a commons area may be used by retail,
13 craft brewery, and microdistillery licensees and holders of a
14 manufacturer's license which obtain an entertainment district license.
15 The local governing body may, at any time, revoke such designation if it
16 finds that the commons area threatens the health, safety, or welfare of
17 the public or has become a common nuisance.

18 (b) As part of such designation, a local governing body may
19 designate consumption-only areas of such district. A business within the
20 boundaries of such area may obtain a consumption-only class of
21 entertainment district license pursuant to subsection (6) of this
22 section.

23 (c) The local governing body shall file any such ~~the~~ designation or
24 ~~the revocation of the designation~~ with the commission.

25 (2) Subject to subsection (6) of this section, an ~~An~~ entertainment
26 district license allows the sale of alcoholic liquor for consumption on
27 the premises within the confines of a commons area or within the premises
28 of a consumption-only license holder. The consumption of alcoholic liquor
29 in the commons area or consumption-only area shall only occur during the
30 hours authorized for sale of alcoholic liquor for consumption on the
31 premises under section 53-179 and while food service is available in the

1 commons area or is available for sale by at least one holder of an
2 entertainment district license. Only the holder of an entertainment
3 district license or employees of such licensee may sell or dispense
4 alcoholic liquor in the commons area.

5 (3) An entertainment district licensee shall serve alcoholic liquor
6 to be consumed in the commons area or consumption-only area in containers
7 that prominently display the licensee's trade name or logo or some other
8 mark that is unique to the licensee under the licensee's retail license,
9 craft brewery license, microdistillery license, or manufacturer's
10 license. An entertainment district licensee may allow alcohol sold by
11 another entertainment district licensee to enter the licensed premises of
12 either licensee. No entertainment district licensee shall allow alcoholic
13 liquor to leave the commons area or the premises licensed under its
14 retail license, craft brewery license, microdistillery license, or
15 manufacturer's license.

16 (4) If the licensed premises of the holder of a license to sell
17 alcoholic liquor at retail issued under subsection (6) of section 53-124,
18 a craft brewery license, a microdistillery license, or a manufacturer's
19 license is adjacent to a commons area in an entertainment district
20 designated by a local governing body pursuant to this section, the holder
21 of the license may obtain an annual entertainment district license as
22 prescribed in this section. The entertainment district license shall be
23 issued for the same period and may be renewed in the same manner as the
24 retail license, craft brewery license, microdistillery license, or
25 manufacturer's license.

26 (5) In order to obtain an entertainment district license, a person
27 eligible under subsection (4) of this section shall:

28 (a) File an application with the commission upon such forms as the
29 commission prescribes; and

30 (b) Pay an additional license fee of three hundred dollars for the
31 privilege of serving alcohol in the entertainment district payable to the

1 clerk of the local governing body in the same manner as license fees
2 under subdivision (4) of section 53-134.

3 (6)(a) A business that is located within the boundaries of an
4 entertainment district but that does not hold a retail, craft brewery,
5 microdistillery, or manufacturer's license under the Nebraska Liquor
6 Control Act may apply to the commission for a consumption-only class of
7 entertainment district license on forms prescribed by the commission.
8 Such application shall include a license fee of twenty-five dollars
9 payable to the commission. The commission shall remit the fee to the
10 State Treasurer for credit to the Nebraska Liquor Control Commission Rule
11 and Regulation Cash Fund. The commission shall grant such licenses so
12 long as the local governing body has (i) designated consumption-only
13 areas for such entertainment district and (ii) approved the applicant's
14 consumption-only class of entertainment district license prior to
15 submission of the same to the commission.

16 (b) Such class of consumption-only entertainment district license
17 shall authorize the holder to allow alcoholic beverages sold within the
18 boundaries of an entertainment district by other entertainment district
19 licensees to be carried in and out of such holder's business premises by
20 patrons, so long as such business (i) does not sell or serve such
21 alcoholic liquor and (ii) otherwise complies with the Nebraska Liquor
22 Control Act, especially those provisions forbidding consumption of
23 alcoholic liquor by minors.

24 (7) ~~(6)~~ When an application for an entertainment district license is
25 filed, the commission shall notify the clerk of the local governing body.
26 The commission shall include with such notice one copy of the application
27 by mail or electronic delivery. The local governing body and the
28 commission shall process the application in the same manner as provided
29 in section 53-132.

30 (8) ~~(7)~~ The local governing body may impose an occupation tax on the
31 business of an entertainment district licensee doing business within the

1 liquor license jurisdiction of the local governing body as provided in
2 subdivision (12)(b) ~~(11)(b)~~ of this section in accordance with section
3 53-132.

4 (9) ~~(8)~~ The local governing body with respect to entertainment
5 district licensees within its liquor license jurisdiction as provided in
6 subdivision (12)(b) ~~(11)(b)~~ of this section may cancel an entertainment
7 district license for cause for the remainder of the period for which such
8 entertainment district license is issued. Any person whose entertainment
9 district license is canceled may appeal to the commission in accordance
10 with section 53-134.

11 (10) ~~(9)~~ A local governing body may regulate by ordinance, not
12 inconsistent with the Nebraska Liquor Control Act, any area it designates
13 as an entertainment district.

14 (11) ~~(10)~~ Violation of any provision of this section or any rules or
15 regulations adopted and promulgated pursuant to this section by an
16 entertainment district licensee may be cause to revoke, cancel, or
17 suspend the retail license issued under subsection (6) of section 53-124,
18 craft brewery license, microdistillery license, or manufacturer's license
19 held by such licensee.

20 (12) ~~(11)~~ For purposes of this section:

21 (a)(i) Commons area means an area:

22 (A) Within an entertainment district designated by a local governing
23 body;

24 (B) Shared by authorized licensees with entertainment district
25 licenses, including consumption-only entertainment district licensees;

26 (C) Abutting the licensed premises of such licensees;

27 (D) With reasonable safety measures in place to protect pedestrians,
28 including signage, lighting, and reduced motor vehicle speeds when motor
29 vehicles will be in close proximity to pedestrians; and

30 (E) With a prohibition on the carrying of open alcoholic liquor
31 containers and the consumption of alcoholic liquor on any open street or

1 highway except when necessary to cross the same at a designated
2 crosswalk.

3 (ii) Commons area may include any area of a public or private right-
4 of-way if the area otherwise meets the requirements of this section; and

5 (b) Local governing body means the governing body of the city or
6 village in which the entertainment district licensee is located.

7 **Sec. 3.** Section 53-132, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 53-132 (1) If no hearing is required pursuant to subdivision (1)(a)
10 or (b) of section 53-133 and the commission has no objections pursuant to
11 subdivision (1)(c) of such section, the commission may waive the forty-
12 five-day objection period and, if not otherwise prohibited by law, cause
13 a retail license, bottle club license, craft brewery license, or
14 microdistillery license to be signed by its chairperson, attested by its
15 executive director over the seal of the commission, and issued in the
16 manner provided in subsection (4) of this section as a matter of course.

17 (2) A retail license, bottle club license, craft brewery license, or
18 microdistillery license may be issued to any qualified applicant if the
19 commission finds that (a) the applicant is fit, willing, and able to
20 properly provide the service proposed within the city, village, or county
21 where the premises described in the application are located, (b) the
22 applicant can conform to all provisions and requirements of and rules and
23 regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the
24 applicant has demonstrated that the type of management and control to be
25 exercised over the premises described in the application will be
26 sufficient to insure that the licensed business can conform to all
27 provisions and requirements of and rules and regulations adopted pursuant
28 to the act, and (d) the issuance of the license is or will be required by
29 the present or future public convenience and necessity.

30 (3) In making its determination pursuant to subsection (2) of this
31 section the commission shall consider:

1 (a) The recommendation of the local governing body;

2 (b) The existence of a citizens' protest made in accordance with
3 section 53-133;

4 (c) The existing population of the city, village, or county and its
5 projected growth;

6 (d) The nature of the neighborhood or community of the location of
7 the proposed licensed premises;

8 (e) The existence or absence of other retail licenses, bottle club
9 licenses, craft brewery licenses, or microdistillery licenses with
10 similar privileges within the neighborhood or community of the location
11 of the proposed licensed premises and whether, as evidenced by
12 substantive, corroborative documentation, the issuance of such license
13 would result in or add to an undue concentration of licenses with similar
14 privileges and, as a result, require the use of additional law
15 enforcement resources;

16 (f) The existing motor vehicle and pedestrian traffic flow in the
17 vicinity of the proposed licensed premises;

18 (g) The adequacy of existing law enforcement;

19 (h) Zoning restrictions;

20 (i) The sanitation or sanitary conditions on or about the proposed
21 licensed premises; ~~and~~

22 (j) Whether the type of business or activity proposed to be operated
23 in conjunction with the proposed license is and will be consistent with
24 the public interest; and -

25 (k) Whether the applicant or any affiliated entity of the applicant
26 is delinquent on any federal, state, or local taxes. For purposes of this
27 subdivision, affiliated entity means any other corporation, partnership,
28 or limited liability company (i) in which the applicant holds an
29 ownership interest and (ii) that holds a liquor license under the
30 Nebraska Liquor Control Act.

31 (4) Retail licenses, bottle club licenses, craft brewery licenses,

1 or microdistillery licenses issued or renewed by the commission shall be
2 mailed or delivered electronically to:

3 (a) The clerk of the city, village, or county who shall deliver the
4 same to the licensee upon receipt from the licensee of proof of payment
5 of (i) the license fee if by the terms of subsection (6) of section
6 53-124 the fee is payable to the treasurer of such city, village, or
7 county, (ii) any fee for publication of notice of hearing before the
8 local governing body upon the application for the license, (iii) the fee
9 for publication of notice of renewal as provided in section 53-135.01,
10 and (iv) occupation taxes, if any, imposed by such city, village, or
11 county except as otherwise provided in subsection (7) of this section; or

12 (b) The licensee, upon confirmation from the clerk of the city,
13 village, or county that the necessary fees and taxes described in
14 subdivision (4)(a) of this section have been received by the clerk of
15 such city, village, or county.

16 (5) Notwithstanding any ordinance or charter power to the contrary,
17 no city, village, or county shall impose an occupation tax on the
18 business of any person, firm, or corporation licensed under the act and
19 doing business within the corporate limits of such city or village or
20 within the boundaries of such county in any sum which exceeds two times
21 the amount of the license fee required to be paid under the act to obtain
22 such license.

23 (6) Each license shall designate the name of the licensee, the place
24 of business licensed, and the type of license issued.

25 (7) Class J retail licensees shall not be subject to occupation
26 taxes under subsection (4) of this section.

27 **Sec. 4.** Section 53-1,100, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 53-1,100 (1) Any person (a) who imports alcoholic liquor for
30 distribution as a wholesaler or distributes or sells alcoholic liquor,
31 other than sale at retail, at any place within the state without having

1 first obtained a valid license to do so under the Nebraska Liquor Control
2 Act, (b) who manufactures alcoholic liquor other than spirits within the
3 state without having first obtained a valid license to do so under the
4 act, (c) who makes any false statement or otherwise violates any of the
5 provisions of the act in obtaining any license under the act, (d) who,
6 having obtained a license under the act, violates any of the provisions
7 of the act with respect to the manufacture, possession, distribution, or
8 sale of alcoholic liquor or with respect to the maintenance of the
9 licensed premises, or (e) who violates any other provision of the act for
10 which a penalty is not otherwise provided, shall for a first offense be
11 guilty of a Class IV misdemeanor and for a second or subsequent offense
12 shall be guilty of a Class II misdemeanor.

13 (2) Any person who (a) manufactures spirits at any place within the
14 state without having first obtained a valid license to do so under the
15 act or (b) sells alcoholic liquor at retail without having first obtained
16 a valid license to do so under the act shall be guilty of a Class I
17 misdemeanor for a first offense and a Class IV felony for a second or
18 subsequent offense.

19 (3) Each day any person engages in business as a manufacturer,
20 wholesaler, retailer, or bottle club in violation of the act shall
21 constitute a separate offense.

22 (4) In any prosecution in which a person is charged with an offense
23 arising out of the failure to obtain a valid license as provided in
24 subdivision (1)(a) or (b) or subsection (2) of this section, evidence of
25 the failure of the accused to produce such license upon demand shall
26 constitute prima facie proof that a license has not been issued by the
27 commission to such person.

28 **Sec. 5.** Section 71-24,106, Revised Statutes Supplement, 2025, is
29 amended to read:

30 71-24,106 Sections 71-24,106 to 71-24,111 and sections 7 to 9 of
31 this act shall be known and may be cited as the Nebraska Medical Cannabis

1 Regulation Act.

2 **Sec. 6.** Section 71-24,109, Revised Statutes Supplement, 2025, is
3 amended to read:

4 71-24,109 (1) For purposes of providing the necessary registration
5 and regulation of persons that possess, manufacture, distribute, deliver,
6 and dispense cannabis for medical purposes pursuant to the Nebraska
7 Medical Cannabis Regulation Act, the Nebraska Medical Cannabis Commission
8 is created.

9 (2) The commission shall consist of no fewer than three and no more
10 than five members.

11 (3) The three members of the Nebraska Liquor Control Commission
12 shall be ex officio members of the commission, serving terms and
13 receiving appointment in the same manner as provided in section 53-105.

14 (4) The Governor may appoint two additional members, subject to
15 confirmation by a majority of the members elected to the Legislature, to
16 serve with the members of the Nebraska Liquor Control Commission as
17 members of the Nebraska Medical Cannabis Commission. The members
18 appointed pursuant to this subsection shall serve six-year terms.

19 (5) The Governor may reappoint members of the commission, subject to
20 approval by a majority of the members elected to the Legislature.

21 (6) Each member of the Nebraska Medical Cannabis Commission shall
22 receive an annual salary of twelve thousand five hundred dollars. Such
23 salary shall be paid in equal installments.

24 **Sec. 7.** (1) The Nebraska Medical Cannabis Commission Cash Fund is
25 created. The fund shall consist of transfers from the Legislature and all
26 fees, gifts, grants, and other money, excluding civil penalties, received
27 or collected by the commission under the Nebraska Medical Cannabis
28 Regulation Act.

29 (2) The commission shall use the fund for the administration and
30 enforcement of the Nebraska Medical Cannabis Regulation Act.

31 (3) Any money in the Nebraska Medical Cannabis Commission Cash Fund

1 available for investment shall be invested by the state investment
2 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
3 State Funds Investment Act.

4 **Sec. 8.** The commission may by rule and regulation provide for a
5 schedule of fees related to the administration of applications,
6 registrations, and renewals of registrations. No fee shall exceed fifty
7 thousand dollars.

8 **Sec. 9.** The commission shall require an applicant for initial
9 issuance of a registration to submit two legible sets of fingerprints to
10 be furnished to the Federal Bureau of Investigation through the Nebraska
11 State Patrol for a national criminal history information record check and
12 the fee for such record check payable to the patrol. The applicant shall
13 authorize release of the national criminal history record check to the
14 commission.

15 **Sec. 10.** Sections 1, 2, 3, 4, and 11 of this act become operative
16 three calendar months after the adjournment of this legislative session.
17 The other sections of this act become operative on their effective date.

18 **Sec. 11.** Original sections 53-103.47 and 53-1,100, Reissue Revised
19 Statutes of Nebraska, section 53-132, Revised Statutes Cumulative
20 Supplement, 2024, and section 53-123.17, Revised Statutes Supplement,
21 2025, are repealed.

22 **Sec. 12.** Original sections 71-24,106 and 71-24,109, Revised
23 Statutes Supplement, 2025, are repealed.

24 **Sec. 13.** Since an emergency exists, this act takes effect when
25 passed and approved according to law.