

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1231

Introduced by Briese, 41.

Read first time January 20, 2022

Committee: General Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
- 2 sections 53-101 and 53-103, Reissue Revised Statutes of Nebraska; to
- 3 define a term; to require a licensed manufacturer, a licensed
- 4 wholesaler, or a holder of a shipping license to submit a report and
- 5 any applicable fees to the Nebraska Liquor Control Commission prior
- 6 to the sale or shipment of any alcoholic liquor into the state; and
- 7 to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 53-101 Sections 53-101 to 53-1,122 and sections 3 and 4 of this act
4 shall be known and may be cited as the Nebraska Liquor Control Act.

5 Sec. 2. Section 53-103, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 53-103 For purposes of the Nebraska Liquor Control Act, the
8 definitions found in sections 53-103.01 to 53-103.49 and section 3 of
9 this act apply.

10 Sec. 3. (1) Primary source of supply in the United States means
11 the:

12 (a) Manufacturer, producer, or owner of any alcoholic liquor at the
13 time it becomes a marketable product;

14 (b) Bottler of any alcoholic liquor in the United States; or

15 (c) Exclusive agent within the United States or any of the states of
16 any manufacturer, producer, owner, or bottler of any alcoholic liquor
17 outside the United States.

18 (2) To be the primary source of supply in the United States, the
19 licensee causing such alcoholic liquor to be imported into Nebraska must
20 be the first source, such as the manufacturer or the source closest to
21 the manufacturer, in the channel of commerce from which the product can
22 be secured by Nebraska licensed wholesalers.

23 Sec. 4. (1)(a) Prior to the sale or shipment of any alcoholic
24 liquor into the State of Nebraska, each licensed manufacturer, licensed
25 wholesaler, or the holder of a shipping license, shall submit to the
26 commission, along with any applicable fees, a report on forms prescribed
27 and furnished by the commission, which shall include:

28 (i) The licensee's name and license number;

29 (ii) The designated Nebraska licensed wholesaler for such product,
30 if applicable;

31 (iii) The name of the primary source of supply in the United States;

1 (iv) The products to be imported, including the brand name, class or
2 type of product, and fanciful name if applicable;

3 (v) Evidence of compliance with federal label requirements pursuant
4 to the Federal Alcohol Administration Act 27 U.S.C., chapter 8, and rules
5 and regulations adopted pursuant to such act as such act and regulations
6 existed on January 1, 2022; and

7 (vi) Any other information the commission may require related to
8 such sale or shipment.

9 (b) If the licensed manufacturer, licensed wholesaler, or the holder
10 of a shipping license is not the product manufacturer, such licensee
11 shall also include with such form a separate letter from the product
12 manufacturer in the United States designating such licensee as the
13 primary source of supply in the United States or the sole source of
14 supply in Nebraska. A separate letter is required for each primary
15 source.

16 (2) If the primary source of supply in the United States for such
17 alcoholic liquor changes, the new licensed manufacturer, licensed
18 wholesaler, or holder of a shipping license importing such alcoholic
19 liquor shall submit the information required pursuant to subsection (1)
20 of this section at least thirty days prior to the shipment of such
21 alcoholic liquor into this state. The licensed manufacturer, licensed
22 wholesaler, or holder of a shipping license shall also remit any
23 applicable fees to the commission.

24 (3) The commission may adopt and promulgate rules and regulations to
25 carry out this section.

26 Sec. 5. Original sections 53-101 and 53-103, Reissue Revised
27 Statutes of Nebraska, are repealed.