

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 900**

Introduced by Lowe, 37.

Read first time January 07, 2022

Committee: General Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
- 2 sections 53-123.16 and 53-129, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to microdistilleries; to allow up to
- 4 five physical locations; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-123.16, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 53-123.16 Any person who operates a microdistillery shall obtain a  
4 license pursuant to the Nebraska Liquor Control Act. A license to operate  
5 a microdistillery shall permit the licensee to produce ~~on the premises~~ a  
6 maximum of one hundred thousand gallons of liquor per year in the  
7 aggregate from all physical locations comprising the licensed premises.  
8 For purposes of this section, licensed premises may include up to five  
9 separate physical locations. A microdistillery may also sell to licensed  
10 wholesalers for sale and distribution to licensed retailers. A  
11 microdistillery license issued pursuant to this section shall be the only  
12 license required by the Nebraska Liquor Control Act for the manufacture  
13 and retail sale of microdistilled product for consumption on or off the  
14 licensed premises, except that the sale of any beer, wine, or alcoholic  
15 liquor, other than microdistilled product manufactured by the  
16 microdistillery licensee, by the drink for consumption on the  
17 microdistillery premises shall require the appropriate retail license.  
18 Any license held by the operator of a microdistillery shall be subject to  
19 the act. A holder of a microdistillery license may obtain an annual  
20 catering license pursuant to section 53-124.12, a special designated  
21 license pursuant to section 53-124.11, an entertainment district license  
22 pursuant to section 53-123.17, or a promotional farmers market special  
23 designated license pursuant to section 53-124.16. The commission may,  
24 upon the conditions it determines, grant to any microdistillery licensed  
25 under this section a special license authorizing the microdistillery to  
26 purchase and to import, from such persons as are entitled to sell the  
27 same, wines or spirits to be used solely as ingredients and for the sole  
28 purpose of blending with and flavoring microdistillery products as a part  
29 of the microdistillation process.

30 Sec. 2. Section 53-129, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           53-129 (1) Except as otherwise provided in subsection (3) of this  
2 section, retail, bottle club, craft brewery, and microdistillery licenses  
3 issued under the Nebraska Liquor Control Act apply only to that part of  
4 the premises described in the application approved by the commission and  
5 in the license issued on the application. For retail, and bottle club,  
6 ~~and microdistillery~~ licenses, only one location shall be described in  
7 each license. For craft brewery and microdistillery licenses, up to five  
8 separate physical locations may be described in each license.

9           (2) After such license has been granted for the particular premises,  
10 the commission, with the approval of the local governing body and upon  
11 proper showing, may endorse upon the license permission to add to, delete  
12 from, or abandon the premises described in such license and, if  
13 applicable, to move from the premises to other premises approved by the  
14 local governing body. In order to obtain such approval, the retail,  
15 bottle club, craft brewery, or microdistillery licensee shall file with  
16 the local governing body a request in writing and a statement under oath  
17 which shows that the premises, as added to or deleted from or to which  
18 such move is to be made, comply in all respects with the requirements of  
19 the act. No such addition, deletion, or move shall be made by any such  
20 licensee until the license has been endorsed to that effect in writing by  
21 the local governing body and by the commission and the licensee furnishes  
22 proof of payment of the renewal fee prescribed in subsection (4) of  
23 section 53-131.

24           (3)(a) A retail, bottle club, craft brewery, or microdistillery  
25 licensee may apply to the local governing body for a temporary expansion  
26 of its licensed premises to an immediately adjacent area owned or leased  
27 by the licensee or to an immediately adjacent street, parking lot, or  
28 alley, not to exceed fifty days for calendar year 2020 and, for each  
29 calendar year thereafter, not to exceed fifteen days per calendar year.  
30 The temporary area shall otherwise comply with all requirements of the  
31 Nebraska Liquor Control Act.

1 (b) The licensee shall file an application with the local governing  
2 body which shall contain (i) the name of the applicant, (ii) the premises  
3 for which a temporary expansion is requested, identified by street and  
4 number if practicable and, if not, by some other appropriate description  
5 which definitely locates the premises, (iii) the name of the owner or  
6 lessee of the premises for which the temporary expansion is requested,  
7 (iv) sufficient evidence that the licensee will carry on the activities  
8 and business authorized by the license for himself, herself, or itself  
9 and not as the agent of any other person, group, organization, or  
10 corporation, for profit or not for profit, (v) a statement of the type of  
11 activity to be carried on during the time period for which a temporary  
12 expansion is requested, and (vi) sufficient evidence that the temporary  
13 expansion will be supervised by persons or managers who are agents of and  
14 directly responsible to the licensee.

15 (c) No temporary expansion provided for by this subsection shall be  
16 granted without the approval of the local governing body. The local  
17 governing body may establish criteria for approving or denying a  
18 temporary expansion. The local governing body may designate an agent to  
19 determine whether a temporary expansion is to be approved or denied. Such  
20 agent shall follow criteria established by the local governing body in  
21 making the determination. The determination of the agent shall be  
22 considered the determination of the local governing body unless otherwise  
23 provided by the local governing body.

24 (d) For purposes of this section, the local governing body shall be  
25 that of the city or village within which the premises for which the  
26 temporary expansion is requested are located or, if such premises are not  
27 within the corporate limits of a city or village, then the local  
28 governing body shall be that of the county within which the premises for  
29 which the temporary expansion is requested are located.

30 (e) The decision of the local governing body shall be final. If the  
31 applicant does not qualify for a temporary expansion, the temporary

1 expansion shall be denied by the local governing body.

2 (f) The city, village, or county clerk shall deliver confirmation of  
3 the temporary expansion to the licensee upon receipt of any fee or tax  
4 imposed by such city, village, or county.

5 Sec. 3. Original sections 53-123.16 and 53-129, Reissue Revised  
6 Statutes of Nebraska, are repealed.