

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 376

Introduced by Lowe, 37.

Read first time January 12, 2023

Committee: General Affairs

1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-103, Reissue Revised Statutes of Nebraska, and section
3 53-101, Revised Statutes Cumulative Supplement, 2022; to define a
4 term; to require a licensed manufacturer, a licensed wholesaler, or
5 a holder of a shipping license to submit a report and any applicable
6 fees to the Nebraska Liquor Control Commission prior to the sale or
7 shipment of any alcoholic liquor into the state; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
2 2022, is 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 in the United States;

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

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; or

18 (d) A licensed Nebraska craft brewery, farm winery, microdistillery,
19 or manufacturer.

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

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

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

31 (ii) The designated Nebraska licensed wholesaler for such product,

1 if applicable;

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

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

5 (v) Evidence of compliance with federal label requirements pursuant
6 to the Federal Alcohol Administration Act 27 U.S.C., chapter 8, and rules
7 and regulations adopted pursuant to such act as such act and regulations
8 existed on January 1, 2023, or a sample of the actual label if federal
9 approval is not required; and

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

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

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

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

28 Sec. 5. Original section 53-103, Reissue Revised Statutes of
29 Nebraska, and section 53-101, Revised Statutes Cumulative Supplement,
30 2022, are repealed.