

AMENDMENTS TO LB330

(Amendments to Standing Committee amendments, AM113)

Introduced by Larson, 40.

1 1. Insert the following new section:

2 Sec. 8. Section 53-123.11, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 53-123.11 (1) A farm winery license shall entitle the holder to:

5 (a) Sell wines produced at the farm winery onsite at wholesale and
6 retail and to sell wines produced at the farm winery at off-premises
7 sites holding the appropriate retail license;

8 (b) Sell wines produced at the farm winery at retail for consumption
9 on the premises;

10 (c)(i) Permit a customer to remove one unsealed bottle of wine for
11 consumption off the premises. The licensee or his or her agent shall (A)
12 securely reseal such bottle and place the bottle in a bag designed so
13 that it is visibly apparent that the resealed bottle of wine has not been
14 opened or tampered with and (B) provide a dated receipt to the customer
15 and attach to such bag a copy of the dated receipt for the resealed
16 bottle of wine.

17 (ii) If the resealed bottle of wine is transported in a motor
18 vehicle, it must be placed in the trunk of the motor vehicle or the area
19 behind the last upright seat of such motor vehicle if the area is not
20 normally occupied by the driver or a passenger and the motor vehicle is
21 not equipped with a trunk;

22 (d) Ship wines produced at the farm winery by common carrier and
23 sold at retail to recipients in and outside the State of Nebraska, if the
24 output of such farm winery for each calendar year as reported to the
25 commission by December 31 of each year does not exceed thirty thousand
26 gallons. In the event such amount exceeds thirty thousand gallons, the

1 farm winery shall be required to use a licensed wholesaler to distribute
2 its wines for the following calendar year, except that this requirement
3 shall not apply to wines produced and sold onsite at the farm winery
4 pursuant to subdivision (1)(a) of this section;

5 (e) Allow sampling of the wine at the farm winery and at one branch
6 outlet in the state in reasonable amounts;

7 (f) Sell wines produced at the farm winery to other Nebraska farm
8 winery licensees, in bulk, bottled, labeled, or unlabeled, in accordance
9 with 27 C.F.R. 24.308, 27 C.F.R. 24.309, and 27 C.F.R. 24.314, as such
10 regulations existed on January 1, 2008;

11 (g) Purchase distilled spirits from licensed microdistilleries in
12 Nebraska, in bulk or bottled, made entirely from Nebraska-licensed farm
13 winery wine to be used in the production of fortified wine at the
14 purchasing licensed farm winery; and

15 (h) Store and warehouse products produced at the farm winery in a
16 designated, secure, offsite storage facility if the holder of the farm
17 winery license notifies the commission of the location of the facility
18 and maintains, at the farm winery and at the facility, a separate
19 perpetual inventory of the product stored at the facility. Consumption of
20 alcoholic liquor at the facility is strictly prohibited.

21 (2) No farm winery shall manufacture wine in excess of fifty
22 thousand gallons per year.

23 (3) A farm winery may manufacture and sell hard cider on its
24 licensed premises. A farm winery shall not otherwise distribute the hard
25 cider it manufactures except by sale to a wholesaler licensed under the
26 Nebraska Liquor Control Act.

27 (4 ~~3~~) A holder of a farm winery license may obtain a special
28 designated license pursuant to section 53-124.11.

29 (5 ~~4~~) A holder of a farm winery license may obtain an annual
30 catering license pursuant to section 53-124.12.

31 2. Renumber the remaining sections and correct internal references

1 and the repealer accordingly.