

AMENDMENTS TO LB592

Introduced by General Affairs.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 53-103.13, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5           53-103.13 Farm winery means any enterprise which produces and sells  
6 wines produced from grapes, other fruit, or other suitable agricultural  
7 products of which at least sixty ~~seventy-five~~ percent of the finished  
8 product is grown in this state or which meets the requirements of section  
9 53-123.13.

10          Sec. 2. Section 53-123.11, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:

12          53-123.11 (1) A farm winery license shall entitle the holder to:

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

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

18           (c) ~~(c)(i)~~ Permit a customer to remove one unsealed bottle of wine  
19 for consumption off the premises. The licensee or his or her agent shall  
20 (i) ~~(A)~~ securely reseal such bottle and place the bottle in a bag  
21 designed so that it is visibly apparent that the resealed bottle of wine  
22 has not been opened or tampered with and (ii) ~~(B)~~ provide a dated receipt  
23 to the customer and attach to such bag a copy of the dated receipt for  
24 the resealed bottle of wine. ~~(ii)~~ If the resealed bottle of wine is  
25 transported in a motor vehicle, it must be placed in the trunk of the  
26 motor vehicle or the area behind the last upright seat of such motor  
27 vehicle if the area is not normally occupied by the driver or a passenger

1 and the motor vehicle is not equipped with a trunk;

2 (d) Ship wines produced at the farm winery by common carrier and  
3 sold at retail to recipients in and outside the State of Nebraska, if the  
4 output of such farm winery for each calendar year as reported to the  
5 commission by December 31 of each year does not exceed thirty thousand  
6 gallons. In the event such amount exceeds thirty thousand gallons, the  
7 farm winery shall be required to use a licensed wholesaler to distribute  
8 its wines for the following calendar year, except that this requirement  
9 shall not apply to wines produced and sold onsite at the farm winery  
10 pursuant to subdivision (1)(a) of this section;

11 (e) Allow sampling and sale of the wine at the farm winery and at  
12 four ~~one~~ branch outlets ~~outlet~~ in the state in reasonable amounts;

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

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

21 (h) Store and warehouse products produced at the farm winery in a  
22 designated, secure, offsite storage facility if the holder of the farm  
23 winery license notifies the commission of the location of the facility  
24 and maintains, at the farm winery and at the facility, a separate  
25 perpetual inventory of the product stored at the facility. Consumption of  
26 alcoholic liquor at the facility is strictly prohibited.

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

29 (3) A farm winery may manufacture and sell hard cider on its  
30 licensed premises. A farm winery shall not otherwise distribute the hard  
31 cider it manufactures except by sale to a wholesaler licensed under the

1 Nebraska Liquor Control Act.

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

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

6 Sec. 3. Section 53-123.13, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 53-123.13 (1) If the operator of a farm winery is unable to produce  
9 or purchase sixty ~~seventy-five~~ percent of the grapes, fruit, or other  
10 suitable agricultural products used in the farm winery from within the  
11 state due to natural disaster which causes substantial loss to the  
12 Nebraska-grown crop, such operator may petition the commission to waive  
13 the sixty-percent ~~seventy-five-percent~~ requirement prescribed in section  
14 53-103.13 for one year.

15 (2) It shall be within the discretion of the commission to waive the  
16 sixty-percent ~~seventy-five-percent~~ requirement taking into consideration  
17 the availability of products used in farm wineries in this area and the  
18 ability of such operator to produce wine from products that are abundant  
19 within the state.

20 (3) If the operator of a farm winery is granted a waiver, any  
21 product purchased as concentrated juice from grapes or other fruits from  
22 outside of Nebraska, when reconstituted from concentrate, may not exceed  
23 in total volume along with other products purchased the total percentage  
24 allowed by the waiver.

25 (4) Any product purchased under the waiver or as part of the forty  
26 ~~twenty-five~~ percent of allowable product purchased that is not Nebraska-  
27 grown for the production of wine shall not exceed the forty ~~twenty-five~~  
28 percent volume allowed under state law if made from concentrated grapes  
29 or other fruit, when reconstituted. The concentrate shall not be reduced  
30 to less than twenty-two degrees Brix in accordance with 27 C.F.R. 24.180.

31 Sec. 4. Original sections 53-103.13 and 53-123.13, Reissue Revised

- 1 Statutes of Nebraska, and section 53-123.11, Revised Statutes Cumulative
- 2 Supplement, 2018, are repealed.