

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 311

Introduced by Vargas, 7.

Read first time January 12, 2021

Committee: General Affairs

1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-103.22, Reissue Revised Statutes of Nebraska, and section
3 53-123.16, Revised Statutes Cumulative Supplement, 2020; to redefine
4 a term; to change provisions relating to a microdistillery license;
5 to repeal the original sections; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-103.22, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 53-103.22 Microdistillery means a distillery located in Nebraska
4 that is licensed to distill liquor on the premises of the distillery
5 licensee and produces one hundred ~~ten~~ thousand or fewer gallons of liquor
6 annually.

7 Sec. 2. Section 53-123.16, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 53-123.16 Any person who operates a microdistillery shall obtain a
10 license pursuant to the Nebraska Liquor Control Act. A license to operate
11 a microdistillery shall permit the licensee to produce on the premises a
12 maximum of one hundred ~~ten~~ thousand gallons of liquor per year. A
13 microdistillery may also sell to licensed wholesalers for sale and
14 distribution to licensed retailers. A microdistillery shall not sell its
15 microdistilled product directly to another Nebraska retail license. A
16 microdistillery license issued pursuant to this section shall be the only
17 license required by the Nebraska Liquor Control Act for the manufacture
18 and retail sale of microdistilled product for consumption on or off the
19 licensed premises, except that the sale of any beer, wine, or alcoholic
20 liquor, other than microdistilled product manufactured by the
21 microdistillery licensee, by the drink for consumption on the
22 microdistillery premises shall require the appropriate retail license.
23 Any license held by the operator of a microdistillery shall be subject to
24 the act. A holder of a microdistillery license may obtain an annual
25 catering license pursuant to section 53-124.12, a special designated
26 license pursuant to section 53-124.11, or an entertainment district
27 license pursuant to section 53-123.17. The commission may, upon the
28 conditions it determines, grant to any microdistillery licensed under
29 this section a special license authorizing the microdistillery to
30 purchase and to import, from such persons as are entitled to sell the
31 same, wines or spirits to be used solely as ingredients and for the sole

1 purpose of blending with and flavoring microdistillery products as a part
2 of the microdistillation process.

3 Sec. 3. Original section 53-103.22, Reissue Revised Statutes of
4 Nebraska, and section 53-123.16, Revised Statutes Cumulative Supplement,
5 2020, are repealed.

6 Sec. 4. Since an emergency exists, this act takes effect when
7 passed and approved according to law.