

AMENDMENTS TO LB376

Introduced by General Affairs.

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

3           Section 1. Section 53-101, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5           53-101 Sections 53-101 to 53-1,122 and sections 3 to 7 of this act  
6 shall be known and may be cited as the Nebraska Liquor Control Act.

7           Sec. 7. (1) A manufacturer, a wholesaler, or any agent of a  
8 manufacturer or wholesaler may enter into a sponsorship or advertising  
9 agreement with (a) the holder of a special designated license pursuant to  
10 section 53-124.11 that is a municipal corporation, a fine arts museum  
11 incorporated as a nonprofit corporation, a religious nonprofit  
12 corporation exempted from payment of federal income taxes, a political  
13 organization exempted from payment of federal income taxes, or any other  
14 nonprofit corporation the purpose of which is fraternal, charitable, or  
15 public service and which has been exempted from payment of federal income  
16 taxes, (b) a political subdivision of the State of Nebraska, or (c) an  
17 operator of property owned by a political subdivision of the State of  
18 Nebraska, to sponsor and advertise for events held by such organization,  
19 licensee, or political subdivision.

20           (2) The commission may adopt and promulgate rules and regulations to  
21 carry out this section.

22           Sec. 11. Section 53-168, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24           53-168 (1) It shall be unlawful for any person having a retail  
25 license to sell beer to accept credit for the purchase of beer from any  
26 manufacturer or wholesaler of beer and for any person having a retail  
27 license to sell alcoholic liquor or any officer, associate, member,

1 representative, or agent of such licensee to accept, receive, or borrow  
2 money or anything else of value or to accept or to receive credit, other  
3 than merchandising credit in the ordinary course of business for a period  
4 not to exceed thirty days, directly or indirectly, from (a) any person,  
5 partnership, limited liability company, or corporation engaged in  
6 manufacturing or wholesaling such liquor, (b) any person connected with  
7 or in any way representing such manufacturer or wholesaler, (c) any  
8 member of the family of such manufacturer or wholesaler, (d) any  
9 stockholders in any corporation engaged in manufacturing or wholesaling  
10 such liquor, or (e) any officer, manager, agent, member, or  
11 representative of such manufacturer or wholesaler.

12 (2) It shall be unlawful for any manufacturer or wholesaler to give  
13 or lend money or otherwise loan or extend credit, except the  
14 merchandising credit referred to in subsection (1) of this section,  
15 directly or indirectly, to any such licensee or to the manager,  
16 representative, agent, member, officer, or director of such licensee. It  
17 shall be unlawful for any wholesaler to participate in any manner in a  
18 merchandising and coupon plan of any manufacturer involving alcoholic  
19 liquor and the redemption in cash. The redemption of any merchandising  
20 and coupon plan involving cash shall be made by the manufacturer to the  
21 consumer.

22 (3) If any holder of a license to sell alcoholic liquor at retail or  
23 wholesale violates subsection (1) or (2) of this section, such license  
24 shall be suspended or revoked by the commission in the manner provided by  
25 the Nebraska Liquor Control Act.

26 (4) It shall not be a violation of subsection (1) or (2) of this  
27 section for a manufacturer or wholesaler to sell or provide alcoholic  
28 liquor exclusively or in minimum quantities in containers bearing a  
29 private label or to sell or provide alcoholic liquor in containers  
30 bearing a generic label to a wholesaler or retailer.

31 (5) It shall not be a violation of subsection (1) or (2) of this

1 section for a wholesaler or retailer to accept or purchase from a  
2 manufacturer or wholesaler alcoholic liquor exclusively or in minimum  
3 quantities in containers bearing a private label or for a wholesaler or  
4 retailer to accept or purchase from a manufacturer or wholesaler  
5 alcoholic liquor in containers bearing a generic label.

6 (6) It shall not be a violation of subsection (1) or (2) of this  
7 section for a wholesaler or manufacturer or the agent of a wholesaler or  
8 manufacturer to enter into a sponsorship or advertising agreement with a  
9 licensee, organization, or political subdivision of the State of Nebraska  
10 pursuant to section 7 of this act.

11 Sec. 12. Section 53-169, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 53-169 (1) Except as provided in subsection (2) or (3) of this  
14 section, no manufacturer or wholesaler shall directly or indirectly: (a)  
15 Pay for any license to sell alcoholic liquor at retail or advance,  
16 furnish, lend, or give money for payment of such license; (b) purchase or  
17 become the owner of any note, mortgage, or other evidence of indebtedness  
18 of such licensee or any form of security therefor; (c) be interested in  
19 the ownership, conduct, or operation of the business of any licensee  
20 authorized to sell alcoholic liquor at retail; or (d) be interested  
21 directly or indirectly or as owner, part owner, lessee, or lessor thereof  
22 in any premises upon which alcoholic liquor is sold at retail.

23 (2) This section does not apply to the holder of a farm winery  
24 license. The holder of a craft brewery license shall have the privileges  
25 and duties listed in section 53-123.14 and the holder of a manufacturer's  
26 license shall have the privileges and duties listed in section 53-123.01  
27 with respect to the manufacture, distribution, and retail sale of beer,  
28 and except as provided in subsection (2) of section 53-123.14, the  
29 Nebraska Liquor Control Act shall not be construed to permit the holder  
30 of a craft brewery license or of a manufacturer's license issued pursuant  
31 to section 53-123.01 to engage in the wholesale distribution of beer. The

1 holder of a microdistillery license shall have the privileges and duties  
2 listed in section 53-123.16 with respect to the manufacture of alcoholic  
3 liquor, and the Nebraska Liquor Control Act shall not be construed to  
4 permit the holder of a microdistillery license to engage in the wholesale  
5 distribution of alcoholic liquor.

6 (3) It shall not be a violation of this section for a wholesaler or  
7 manufacturer or the agent of a wholesaler or manufacturer to enter into a  
8 sponsorship or advertising agreement with a licensee, organization, or  
9 political subdivision of the State of Nebraska pursuant to section 7 of  
10 this act.

11 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,  
12 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and  
13 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.