

LEGISLATIVE BILL 323

Approved by the Governor March 16, 1979

Introduced by Haberman, 44

AN ACT to amend section 53-118, Revised Statutes Supplement, 1978, relating to alcoholic liquors; to provide for the bottling and labeling of beer, wine and spirits; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 53-118, Revised Statutes Supplement, 1978, be amended to read as follows:

53-118. ~~(1)~~ The rules and regulations established by the commission shall include, among such other things as the commission may determine, the following: (a) Fixing and determining the nature, form, and capacity of all containers used for alcoholic liquors, which rules and regulations shall provide for the sale of imported beer in such capacity of containers as are provided by the producer thereof; (b) ~~except as provided in subsection (2), (3), (4), or (5) of this section,~~ determining the nature of and the representations to be shown upon the containers or the labels attached to the containers; Provided, that the commission shall require that, ~~except as provided in subsection (2), (3), (4), or (5) of this section,~~ all original packages or the labels attached to all original packages of alcoholic liquors sold or offered for sale in this state shall set forth in plain and legible print in the English language the quantity of such liquors in ~~full gallons, quarts, pints, or half-pints,~~ exclusive of the original package containing it; ~~or in fractions or in multiples thereof;~~ (c) prescribing the conditions as to the issuance of duplicate licenses in lieu of those lost or destroyed; (d) determining for what violations of the rules and regulations licenses shall be suspended or revoked; (e) establishing standards of purity, sanitation, honest advertising, and representation; and (f) including any and all the other details which are necessary or convenient to the enforcement of the intent, purpose, and requirements of this act.

~~(2) Until December 31, 1978, the quantity of wine sold or offered for sale may be expressed either as provided in subdivision (b) of subsection (1) of this section or in metric measure with all original packages or labels expressing both the metric measure and the approximate equivalent volume in fluid ounces as follows:~~

- (a) 3 liters (10.1 fluid ounces);
- (b) 4.50 liters (50.7 fluid ounces);
- (c) 4.00 liter (33.8 fluid ounces);
- (d) 750 milliliters (25.4 fluid ounces);
- (e) 375 milliliters (12.7 fluid ounces);
- (f) 107 milliliters (6.3 fluid ounces); or
- (g) 100 milliliters (3.4 fluid ounces);

(3) Commencing January 1, 1979, wine may only be sold or offered for sale in the metric measures as specified in subsection (2) of this section without the requirement that all original packages or labels express the approximate equivalent volume in fluid ounces, except that wine bottled before that date and complying with either subdivision (b) of subsection (1) of this section or subsection (2) of this section may continue to be sold or offered for sale.

(4) Until December 31, 1979, the quantity of spirits sold or offered for sale may be expressed either as provided in subdivision (b) of subsection (1) of this section or in metric measure with all original packages or labels expressing both the metric measure and the approximate equivalent volume in fluid ounces as follows:

- (a) 4.75 liters (59.2 fluid ounces);
- (b) 4.00 liter (33.8 fluid ounces);
- (c) 750 milliliters (25.4 fluid ounces);
- (d) 500 milliliters (16.9 fluid ounces);
- (e) 200 milliliters (6.8 fluid ounces); or
- (f) 50 milliliters (1.7 fluid ounces);

(5) Commencing January 1, 1980, spirits may only be sold or offered for sale in the metric measures as specified in subsection (4) of this section without the requirement that all original packages or labels express the approximate equivalent volume in fluid ounces, except that spirits bottled before that date and complying with either subdivision (b) of subsection (1) of this section or subsection (4) of this section may continue to be sold or offered for sale.

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Sec. 2. That original section 53-118, Revised Statutes Supplement, 1978, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.