

AMENDMENTS TO LB1235

Introduced by General Affairs.

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

3 **Section 1.** Section 53-103.47, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 53-103.47 Bottle club means an operation, whether formally organized
6 as a club having a regular membership list, dues, officers, and meetings
7 or not, keeping and maintaining premises where persons who have made
8 their own purchases of alcoholic liquor congregate to consume alcoholic
9 liquor in or upon the premises for the express purpose of consuming
10 alcoholic liquor upon the payment of a fee or other consideration.

11 **Sec. 2.** Section 53-123.17, Revised Statutes Supplement, 2025, is
12 amended to read:

13 53-123.17 (1)(a) ~~(1)~~ A local governing body may designate an
14 entertainment district in which a commons area may be used by retail,
15 craft brewery, and microdistillery licensees and holders of a
16 manufacturer's license which obtain an entertainment district license.
17 The local governing body may, at any time, revoke such designation if it
18 finds that the commons area threatens the health, safety, or welfare of
19 the public or has become a common nuisance.

20 (b) As part of such designation, a local governing body may
21 designate consumption-only areas of such district. A business within the
22 boundaries of such area may obtain a consumption-only class of
23 entertainment district license pursuant to subsection (6) of this
24 section.

25 (c) The local governing body shall file any such ~~the~~ designation or
26 ~~the revocation of the designation~~ with the commission.

27 (2) An entertainment district license allows the sale of alcoholic

1 liquor for consumption on the premises within the confines of a commons
2 area or within the premises of a consumption-only license holder as
3 provided in subsection (6) of this section. The consumption of alcoholic
4 liquor in the commons area or consumption-only area shall only occur
5 during the hours authorized for sale of alcoholic liquor for consumption
6 on the premises under section 53-179 and while food service is available
7 in the commons area or is available for sale by at least one holder of an
8 entertainment district license. Only the holder of an entertainment
9 district license or employees of such licensee may sell or dispense
10 alcoholic liquor in the commons area.

11 (3) An entertainment district licensee shall serve alcoholic liquor
12 to be consumed in the commons area or consumption-only area in containers
13 that prominently display the licensee's trade name or logo or some other
14 mark that is unique to the licensee under the licensee's retail license,
15 craft brewery license, microdistillery license, or manufacturer's
16 license. An entertainment district licensee may allow alcohol sold by
17 another entertainment district licensee to enter the licensed premises of
18 either licensee. No entertainment district licensee shall allow alcoholic
19 liquor to leave the commons area or the premises licensed under its
20 retail license, craft brewery license, microdistillery license, or
21 manufacturer's license.

22 (4) If the licensed premises of the holder of a license to sell
23 alcoholic liquor at retail issued under subsection (6) of section 53-124,
24 a craft brewery license, a microdistillery license, or a manufacturer's
25 license is adjacent to a commons area in an entertainment district
26 designated by a local governing body pursuant to this section, the holder
27 of the license may obtain an annual entertainment district license as
28 prescribed in this section. The entertainment district license shall be
29 issued for the same period and may be renewed in the same manner as the
30 retail license, craft brewery license, microdistillery license, or
31 manufacturer's license.

1 (5) In order to obtain an entertainment district license, a person
2 eligible under subsection (4) of this section shall:

3 (a) File an application with the commission upon such forms as the
4 commission prescribes; and

5 (b) Pay an additional license fee of three hundred dollars for the
6 privilege of serving alcohol in the entertainment district payable to the
7 clerk of the local governing body in the same manner as license fees
8 under subdivision (4) of section 53-134.

9 (6) A business that is located within the boundaries of an
10 entertainment district but that does not hold a retail, craft brewery,
11 microdistillery, or manufacturer's license under the Nebraska Liquor
12 Control Act may apply to the commission for a consumption-only class of
13 entertainment district license on forms prescribed by the commission.
14 Such application shall include a license fee of twenty-five dollars
15 payable to the commission. The commission shall remit the fee to the
16 State Treasurer for credit to the Nebraska Liquor Control Commission Rule
17 and Regulation Cash Fund. The commission shall grant such licenses so
18 long as the local governing body has (a) designated consumption-only
19 areas for such entertainment district and (b) approved the applicant's
20 consumption-only class of entertainment district license prior to
21 submission of the same to the commission. Such class of consumption-only
22 entertainment district license shall authorize the holder to allow
23 alcoholic beverages sold within the boundaries of an entertainment
24 district by other entertainment district licensees to be carried in and
25 out of such holder's business premises by patrons, so long as such
26 business (a) does not sell or serve such alcoholic liquor and (b)
27 otherwise complies with the Nebraska Liquor Control Act, especially those
28 provisions forbidding consumption of alcoholic liquor by minors.

29 (7) (6) When an application for an entertainment district license is
30 filed, the commission shall notify the clerk of the local governing body.
31 The commission shall include with such notice one copy of the application

1 by mail or electronic delivery. The local governing body and the
2 commission shall process the application in the same manner as provided
3 in section 53-132.

4 ~~(8)~~ (7) The local governing body may impose an occupation tax on the
5 business of an entertainment district licensee doing business within the
6 liquor license jurisdiction of the local governing body as provided in
7 subdivision (12)(b) ~~(11)(b)~~ of this section in accordance with section
8 53-132.

9 ~~(9)~~ (8) The local governing body with respect to entertainment
10 district licensees within its liquor license jurisdiction as provided in
11 subdivision (12)(b) ~~(11)(b)~~ of this section may cancel an entertainment
12 district license for cause for the remainder of the period for which such
13 entertainment district license is issued. Any person whose entertainment
14 district license is canceled may appeal to the commission in accordance
15 with section 53-134.

16 ~~(10)~~ (9) A local governing body may regulate by ordinance, not
17 inconsistent with the Nebraska Liquor Control Act, any area it designates
18 as an entertainment district.

19 ~~(11)~~ (10) Violation of any provision of this section or any rules or
20 regulations adopted and promulgated pursuant to this section by an
21 entertainment district licensee may be cause to revoke, cancel, or
22 suspend the retail license issued under subsection (6) of section 53-124,
23 craft brewery license, microdistillery license, or manufacturer's license
24 held by such licensee.

25 ~~(12)~~ (11) For purposes of this section:

26 (a)(i) Commons area means an area:

27 (A) Within an entertainment district designated by a local governing
28 body;

29 (B) Shared by authorized licensees with entertainment district
30 licenses, including consumption-only entertainment district licensees;

31 (C) Abutting the licensed premises of such licensees;

1 (D) With reasonable safety measures in place to protect pedestrians,
2 including signage, lighting, and reduced motor vehicle speeds when motor
3 vehicles will be in close proximity to pedestrians; and

4 (E) With a prohibition on the carrying of open alcoholic liquor
5 containers and the consumption of alcoholic liquor on any open street or
6 highway except when necessary to cross the same at a designated
7 crosswalk.

8 (ii) Commons area may include any area of a public or private right-
9 of-way if the area otherwise meets the requirements of this section; and

10 (b) Local governing body means the governing body of the city or
11 village in which the entertainment district licensee is located.

12 **Sec. 3.** Section 53-132, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 53-132 (1) If no hearing is required pursuant to subdivision (1)(a)
15 or (b) of section 53-133 and the commission has no objections pursuant to
16 subdivision (1)(c) of such section, the commission may waive the forty-
17 five-day objection period and, if not otherwise prohibited by law, cause
18 a retail license, bottle club license, craft brewery license, or
19 microdistillery license to be signed by its chairperson, attested by its
20 executive director over the seal of the commission, and issued in the
21 manner provided in subsection (4) of this section as a matter of course.

22 (2) A retail license, bottle club license, craft brewery license, or
23 microdistillery license may be issued to any qualified applicant if the
24 commission finds that (a) the applicant is fit, willing, and able to
25 properly provide the service proposed within the city, village, or county
26 where the premises described in the application are located, (b) the
27 applicant can conform to all provisions and requirements of and rules and
28 regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the
29 applicant has demonstrated that the type of management and control to be
30 exercised over the premises described in the application will be
31 sufficient to insure that the licensed business can conform to all

1 provisions and requirements of and rules and regulations adopted pursuant
2 to the act, and (d) the issuance of the license is or will be required by
3 the present or future public convenience and necessity.

4 (3) In making its determination pursuant to subsection (2) of this
5 section the commission shall consider:

6 (a) The recommendation of the local governing body;

7 (b) The existence of a citizens' protest made in accordance with
8 section 53-133;

9 (c) The existing population of the city, village, or county and its
10 projected growth;

11 (d) The nature of the neighborhood or community of the location of
12 the proposed licensed premises;

13 (e) The existence or absence of other retail licenses, bottle club
14 licenses, craft brewery licenses, or microdistillery licenses with
15 similar privileges within the neighborhood or community of the location
16 of the proposed licensed premises and whether, as evidenced by
17 substantive, corroborative documentation, the issuance of such license
18 would result in or add to an undue concentration of licenses with similar
19 privileges and, as a result, require the use of additional law
20 enforcement resources;

21 (f) The existing motor vehicle and pedestrian traffic flow in the
22 vicinity of the proposed licensed premises;

23 (g) The adequacy of existing law enforcement;

24 (h) Zoning restrictions;

25 (i) The sanitation or sanitary conditions on or about the proposed
26 licensed premises; ~~and~~

27 (j) Whether the type of business or activity proposed to be operated
28 in conjunction with the proposed license is and will be consistent with
29 the public interest; and -

30 (k) Whether the applicant or any affiliated entities of the
31 applicant are delinquent on any federal, state, or local taxes. For

1 purposes of this subdivision, affiliated entities means any other
2 corporation, partnership, or limited liability company that holds a
3 liquor license under the Nebraska Liquor Control Act of which such
4 applicant has an ownership interest in.

5 (4) Retail licenses, bottle club licenses, craft brewery licenses,
6 or microdistillery licenses issued or renewed by the commission shall be
7 mailed or delivered electronically to:

8 (a) The clerk of the city, village, or county who shall deliver the
9 same to the licensee upon receipt from the licensee of proof of payment
10 of (i) the license fee if by the terms of subsection (6) of section
11 53-124 the fee is payable to the treasurer of such city, village, or
12 county, (ii) any fee for publication of notice of hearing before the
13 local governing body upon the application for the license, (iii) the fee
14 for publication of notice of renewal as provided in section 53-135.01,
15 and (iv) occupation taxes, if any, imposed by such city, village, or
16 county except as otherwise provided in subsection (7) of this section; or

17 (b) The licensee, upon confirmation from the clerk of the city,
18 village, or county that the necessary fees and taxes described in
19 subdivision (4)(a) of this section have been received by the clerk of
20 such city, village, or county.

21 (5) Notwithstanding any ordinance or charter power to the contrary,
22 no city, village, or county shall impose an occupation tax on the
23 business of any person, firm, or corporation licensed under the act and
24 doing business within the corporate limits of such city or village or
25 within the boundaries of such county in any sum which exceeds two times
26 the amount of the license fee required to be paid under the act to obtain
27 such license.

28 (6) Each license shall designate the name of the licensee, the place
29 of business licensed, and the type of license issued.

30 (7) Class J retail licensees shall not be subject to occupation
31 taxes under subsection (4) of this section.

1 **Sec. 4.** Section 53-1,100, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 53-1,100 (1) Any person (a) who imports alcoholic liquor for
4 distribution as a wholesaler or distributes or sells alcoholic liquor,
5 other than sale at retail, at any place within the state without having
6 first obtained a valid license to do so under the Nebraska Liquor Control
7 Act, (b) who manufactures alcoholic liquor other than spirits within the
8 state without having first obtained a valid license to do so under the
9 act, (c) who makes any false statement or otherwise violates any of the
10 provisions of the act in obtaining any license under the act, (d) who,
11 having obtained a license under the act, violates any of the provisions
12 of the act with respect to the manufacture, possession, distribution, or
13 sale of alcoholic liquor or with respect to the maintenance of the
14 licensed premises, or (e) who violates any other provision of the act for
15 which a penalty is not otherwise provided, shall for a first offense be
16 guilty of a Class IV misdemeanor and for a second or subsequent offense
17 shall be guilty of a Class II misdemeanor.

18 (2) Any person who (a) manufactures spirits at any place within the
19 state or (b) sells alcoholic liquor at retail without having first
20 obtained a valid license to do so under the act shall be guilty of a
21 Class I misdemeanor for a first offense and a Class IV felony for a
22 second or subsequent offense.

23 (3) Each day any person engages in business as a manufacturer,
24 wholesaler, retailer, or bottle club in violation of the act shall
25 constitute a separate offense.

26 (4) In any prosecution in which a person is charged with an offense
27 arising out of the failure to obtain a valid license as provided in
28 subdivision (1)(a) or (b) or subsection (2) of this section, evidence of
29 the failure of the accused to produce such license upon demand shall
30 constitute prima facie proof that a license has not been issued by the
31 commission to such person.

1 **Sec. 5.** Section 71-24,106, Revised Statutes Supplement, 2025, is
2 amended to read:

3 71-24,106 Sections 71-24,106 to 71-24,111 and sections 7 to 9 of
4 this act shall be known and may be cited as the Nebraska Medical Cannabis
5 Regulation Act.

6 **Sec. 6.** Section 71-24,109, Revised Statutes Supplement, 2025, is
7 amended to read:

8 71-24,109 (1) For purposes of providing the necessary registration
9 and regulation of persons that possess, manufacture, distribute, deliver,
10 and dispense cannabis for medical purposes pursuant to the Nebraska
11 Medical Cannabis Regulation Act, the Nebraska Medical Cannabis Commission
12 is created.

13 (2) The commission shall consist of no fewer than three and no more
14 than five members.

15 (3) The three members of the Nebraska Liquor Control Commission
16 shall be ex officio members of the commission, serving terms and
17 receiving appointment in the same manner as provided in section 53-105.

18 (4) The Governor may appoint two additional members, subject to
19 confirmation by a majority of the members elected to the Legislature, to
20 serve with the members of the Nebraska Liquor Control Commission as
21 members of the Nebraska Medical Cannabis Commission. The members
22 appointed pursuant to this subsection shall serve six-year terms.

23 (5) The Governor may reappoint members of the commission, subject to
24 approval by a majority of the members elected to the Legislature.

25 (6) Each member of the Nebraska Medical Cannabis Commission shall
26 receive an annual salary of twelve thousand five hundred dollars. Such
27 salary shall be paid in equal installments.

28 **Sec. 7.** (1) The Nebraska Medical Cannabis Commission Cash Fund is
29 created. The fund shall consist of transfers from the Legislature and all
30 fees, gifts, grants, and other money, excluding civil penalties, received
31 or collected by the commission under the Nebraska Medical Cannabis

1 Regulation Act.

2 (2) The commission shall use the fund for the administration and
3 enforcement of the Nebraska Medical Cannabis Regulation Act.

4 (3) Any money in the Nebraska Medical Cannabis Commission Cash Fund
5 available for investment shall be invested by the state investment
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
7 State Funds Investment Act.

8 **Sec. 8.** The commission may by rule and regulation provide for a
9 schedule of fees related to the administration of applications,
10 registrations, and renewals of registrations. No fee shall exceed fifty
11 thousand dollars.

12 **Sec. 9.** The commission shall require an applicant for initial
13 issuance of a registration to submit two legible sets of fingerprints to
14 be furnished to the Federal Bureau of Investigation through the Nebraska
15 State Patrol for a national criminal history information record check and
16 the fee for such record check payable to the patrol. The applicant shall
17 authorize release of the national criminal history record check to the
18 commission.

19 **Sec. 10.** Sections 1, 2, 3, 4, and 11 of this act become operative
20 three calendar months after the adjournment of this legislative session.
21 The other sections of this act become operative on their effective date.

22 **Sec. 11.** Original sections 53-103.47 and 53-1,100, Reissue Revised
23 Statutes of Nebraska, section 53-132, Revised Statutes Cumulative
24 Supplement, 2024, and section 53-123.17, Revised Statutes Supplement,
25 2025, are repealed.

26 **Sec. 12.** Original sections 71-24,106 and 71-24,109, Revised
27 Statutes Supplement, 2025, are repealed.

28 **Sec. 13.** Since an emergency exists, this act takes effect when
29 passed and approved according to law.